



Planning and Regulatory Services Committee

Tuesday, 15 September 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **remote locations via video-conference**, on **Tuesday, 15 September 2020** at **09:30**.

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| | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |

Summary of Planning and Regulatory Services

Committee functions:

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

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

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

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

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

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

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

THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

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Councillor David Bremner (Chair)

Councillor Frank Brown (Member)
Councillor John Cowe (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Claire Feaver (Member)
Councillor Marc Macrae (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Sonya Warren (Member)

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MORAY COUNCIL

**MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES
COMMITTEE**

TUESDAY 25 FEBRUARY 2020

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Bremner (Chair), Taylor (Depute Chair), Alexander, Cowe, Cowie, Coy, Feaver, Laing, Macrae, A McLean and R McLean.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors Divers and Edwards.

ALSO PRESENT

Councillor Powell

IN ATTENDANCE

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

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Laing advised that, in relation to Item 9d) 19/00156/S36 Rothies III Windfarm, Moray, she is the Secretary for the Rothies Community Council where community benefit is sometimes discussed however confirmed that she was not involved in any decision with regard to who benefits from the funds.

In response, the Legal Adviser advised that her view was that consideration of the community benefit fund is completely separate from consideration of the planning application and if Councillor Laing is content that she would not be compromised in any way then it is for her to decide whether to take part in the determination of the planning application.

On considering the advice from the Legal Adviser, Councillor Laing advised that she would remain in the meeting and take part in the debate.

There were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any other declarations of Member's interests in respect of any item on the agenda.

2. EXEMPT INFORMATION

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
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23	6 and 9
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3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 10 DECEMBER 2019

The minute of the meeting of the Planning and Regulatory Services Committee dated 10 December 2019 was submitted and approved.

4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

5. PLANNING APPLICATION 19/01192/APP

WARD 2: KEITH & CULLEN

3 bedroom bungalow with attached garage and off street parking on Plot 49, Strathisla Park, Keith for Morlich Homes Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a 3 bedroom bungalow with attached garage and off street parking on Plot 49, Strathisla Park, Keith for Morlich Homes Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01192/APP subject to payment of Developer Obligations towards healthcare provision and the following conditions and reasons:

1. The width of the vehicular access shall be minimum 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the prospective public cycleway shall be to Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to the Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access.

2. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

3. New boundary walls/fences shall be set back to the rear of the existing (prospective) public cycleway.

Reason: To ensure acceptable development in the interests of road safety.

4. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height (measured from the level of the road) and fronting onto the public road shall be within 3.4m from the edge of public carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

5. Prior to development commencing, details of measures to re-use water on site, which is stored within the rainwater harvesting tank and details of agreement with Scottish Water to accept surface water flows from the site into their infrastructure in Edindiach Road, shall be submitted to and agreed in writing with the Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure surface water from the site is disposed of in a sustainable manner, which does not increase flood risk.

6. PLANNING APPLICATION 19/01401/APP

WARD 2: KEITH & CULLEN

19/01401/APP - Section 42 application to vary Condition 1, 7, 8 and 11 of planning permission 15/00271/APP to allow for the permanent retention of the contractors compound associated with the building of HVDC convertor station at Little Gibston, Blackhillock, Keith, Moray for SSE

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a section 42 application to vary Condition 1, 7, 8 and 11 of planning permission 15/00271/APP to allow for the permanent retention of the contractors compound associated with the building of HVDC convertor station at Little Gibston, Blackhillock, Keith, Moray for SSE.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a major development as defined under the Hierarchy Regulations 2008 for industrial development where the site exceeds 2 hectares. The

report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01401/APP subject to the following conditions and reasons:

1. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, no activity audible from within the nearest noise sensitive property shall be permitted out with the hours of 0730 to 1800 hours, Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or public holidays.

Reason – In order to ensure that use of the compound out with normal working hours can be controlled as to prevent any unacceptable loss of amenity to neighbouring noise sensitive properties.

2. Beyond the conditions varied by this permission (1, 7, 8 and 11) the development must comply with all other conditions and requirements of planning permission 15/00271/APP approved on the 19 May 2015. This is inclusive of the need to maintain the visibility splay as approved and developed under condition 3 of planning permission 15/00271/APP.

Reason – In order to clarify which planning conditions remain extant from the original planning permission hereby varied under Section 42 of the Act and to ensure acceptable development that does not create any hazard to road users in the interests of road safety.

3. The development must be developed in accordance with the approved Proposed Site Plan' PSSE-19-109-3002 which seeks variations to the compound layout from that approved under planning permission 15/00271/APP.

Reason – In order to clarify which planning conditions remain extant from the original planning permission hereby varied under Section 42 of the Act.

7. PLANNING APPLICATION 19/01026/APP

WARD 3: BUCKIE

19/01026/APP - Construction of circular kiln building associated service building malt storage silos and conveyor gantries at The Maltings, 20 March Road, East Buckie, Moray for Boormalt

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the construction of a circular kiln building, associated service building, malt storage, silos and conveyor gantries at The Maltings, 20 March Road, East Buckie, Moray for Boormalt.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application has a gross floorspace where the combined buildings/structures exceeds 2000sqm. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01026/APP subject to the following conditions and reasons:

1. No development shall commence until a site-specific Construction Method Statement (CMS) has been submitted to and approved by the Council as Planning Authority. The CMS shall address all pollution prevention and environmental management issues related to the development and:
 - a) identify all risks and incorporate all detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution during all phases of the development;
 - b) consider and identify measures which shall include (but not be limited to):
 - i. the location and design of all temporary site construction SUDs arrangements to protect the water environment including measures to mitigate and guard against run-off from the site including run-off containing soil or sediment or other contaminants;
 - ii. on-site storage arrangements for pollutants
 - iii. timing of works, to include arrangements for heavy construction works to avoid periods of high rainfall;
 - iv. waste, to identify all waste streams and construction practices to minimise use of raw materials and maximise use of secondary aggregates and recycled or renewable materials; reduction, re-use and recycling where appropriate of waste material generated by the proposal and identify whether materials will likely be imported on or off the site; and;
 - v. environmental management to identify mechanisms to control and make all construction staff aware of environmental issues including details of emergency procedures, pollution response plans and provision of spillage kits.

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

Reason - In order to minimise the impacts of the development works upon the environment.

2. The surface water drainage arrangements shall be carried out in accordance with the revised drainage scheme as submitted to Moray Council on 3 February 2020 and as shown on the drainage layout plan, drawing reference "GC22079-00-005".

Reason: In order to avoid any ambiguity regarding the revised onsite drainage arrangements.

3. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:

- a) duration of works;
- b) construction programme;
- c) number of vehicle movements (i.e. materials, plant, staff, components);
- d) schedule for delivery of materials and plant;
- e) full details of temporary arrangements to safeguard pedestrian movements during the construction period;
- f) full details of any temporary construction access;
- g) full details of any temporary closures or diversions;
- h) measures to be put in place to prevent material being deposited on the public road;
- i) traffic management measures to be put in place during works including any specific instructions to drivers;

Details of the transport of any excavated soils and materials including proposed routes to and from the site, together with mitigation works to be agreed with the Roads Authority if required.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

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

4. Noise emissions from the malting kilning plant and associated conveyor shall not exceed an equivalent continuous A-weighted sound pressure level (L_{Aeq}) of 61.5 dB, as measured externally at 1 metre from the malting kiln plant structure, and 67.9 dB as measured at 1 metre from the malting kiln conveyor. The measurement time period during any daytime (0700 to 2300 hours) shall be 1 hour and during any night-time period shall be 15 minutes.

Reason : In the interest of residential amenity to protect local residents from industrial noise

5. Unless otherwise agreed by the Planning Authority, in consultation with the Environmental Health Manager the proposed lighting for the development shall be installed and maintained in accordance with the details provided in the Artificial Lighting Impact Assessment supporting document by DIALUX, dated 10th July 2019 and titled Boormalt, 20 March Road, Buckie AB56 4BY New Circular Kiln and Malt Storage Silos, Artificial Lighting Impact Assessment.

Reason: In the interest of residential amenity to protect local residents from artificial light.

8. PLANNING APPLICATION 19/01184/APP

WARD 8: FORRES

19/01184/APP - Installation of SuDS basin at R3 Ferrylea, Forres, Moray for Springfield Properties PLC

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the installation of a SuDS basin at R3 Ferrylea, Forres, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a proposal on a site designated for 50 or more houses. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

During his introduction, Mr Smith, Principal Planning Officer advised that the last sentence on page 136 of the report under the heading of "Provision of SuDS Basin on Landscaped Area (H1, Forres R3)" which states "A condition is recommended requiring submission and approval of details of the landscape and tree planting" should be deleted. This was noted.

Councillor Feaver raised concern that the proposed SuDS basin was removing an open space which would not add biodiversity to the area and moved that the Committee refuse Planning Application 19/01184/APP as the proposal is contrary to policies E4 (Trees and Development), E5 (Open Spaces) and EP5 (Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)). This was seconded by Councillor Macrae.

Councillor A McLean agreed with the Appointed Officer in that the proposal complied with planning policy however acknowledged the need for additional screening around the SuDS basin and moved that the Committee grant planning permission in respect of Planning Application 19/01184/APP subject to the inclusion of a condition for additional planting and enhanced hedging to provide screening of the SuDS Basin to mitigate against the loss of woodland and open space. This was seconded by Councillor Coy.

On a division there voted:

For the Motion (3): Councillors Feaver, Macrae and R McLean

For the Amendment (8): Councillors A McLean, Coy, Alexander, Bremner, Cowe, Cowie, Laing and Taylor

Abstentions (0): Nil

Accordingly, the amendment became the finding of the Committee and it was agreed:

- (i) to note that the last sentence on page 136 of the report under the heading of "Provision of SuDS Basin on Landscaped Area (H1, Forres R3)" which states "A condition is recommended requiring submission and approval of details of the landscape and tree planting" should be deleted;
- (ii) to grant planning permission in respect of Planning Application 19/01184/APP subject to:
 - the inclusion of a condition for additional planting and enhanced hedging to provide screening of the SuDS Basin to mitigate against the loss of

woodland and open space; and

- the following conditions and reasons:

1. Notwithstanding the details submitted on Drawing No. FO(--) – ENG-223 Rev C, the proposed blinded hardcore finishing of the Lay-by and Access Path is not accepted. No part of the development shall commence until details have been submitted and approved by the Planning Authority in consultation with the Roads Authority confirming the finishing of the access and lay-by in a suitable surfacing to prevent loose material and water being deposited on the public road and footway e.g. a bound surface, grasscrete or similar.

Reason - To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

2. No development shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Council (as Planning Authority). The Tree Protection Plan shall show the following:

- (a) the proposed design/layout of the development hereby approved (including accesses and services);
- (b) all trees to the north and those within the southern part of the site retained; and
- (c) the location and specification of protective fencing around those trees to the north and south of the site.

The protective fencing shall be put in place prior to any works commencing on site and be retained until the completion of development.

Reason – To ensure construction works do not adversely impact on the integrity of trees on or adjacent to the site that contribute amenity and character of the wider area.

3. No development shall commence until a Landscape Scheme (drawn to scale) is submitted to and approved by the Council, as Planning Authority. The Landscape Scheme shall show:

- (a) the location of existing trees and shrubs on the site; and
- (b) details of the numbers, species, position and sizes of all planting to be undertaken on the site, which must include suitable marginal plants within/around the SUDs basin, the beech hedge and rootballed trees (to be mixed native species, 'Standard' minimum height 2.5m) to infill the area between the basin and adjacent carriageway, Siwalik Hill to the west.

Thereafter, all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following completion of the SUDs basin. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: In order to mitigate for the loss of trees originally intended for this area and so that detailed consideration can be given to the landscaping of the site.

9. COST OF APPEALS

In response to an earlier comment in relation to the cost to the Council when an Applicant appeals against the decision of the Planning Authority, the Legal Adviser advised that, if the Committee refuse an application and an appeal is made, the Applicant can make a claim against the Council for costs associated to the appeal to the Directorate for Planning and Environmental Appeals (DPEA) however these are only awarded if the DPEA decide that the Council has acted unreasonably. In most cases, each party is responsible for the payment of their own legal costs.

The Legal Adviser further advised, with regard to the recent R3 Forres appeal, the Applicant has submitted a claim for recovery of their legal costs. The Council has put forward a strong argument to defend its position in relation to its reasons for refusal and this will be determined by the DPEA. The Legal Adviser advised that that is why Members are pressed to provide planning reasons when moving against the recommendation of Officers. This was noted.

10. PLANNING APPLICATION 19/01085/APP

WARD 5: HELDON & LAICH

19/01085/APP - Application 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, Elgin R11 Findrassie, Myreside Site and I8 Newfield, Findrassie, Elgin, Moray

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application 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, Elgin R11 Findrassie, Myreside Site and I8 Newfield, Findrassie, Elgin, Moray.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a major development as defined under the Hierarchy Regulations 2009 for a development with more than 50 houses, and the site area exceeds 2ha. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to:

- (i) delegate authority to the Head of Economic Growth and Development to issue the decision subject to no further representations being received following expiry

of the neighbour notification period;

- (ii) grant planning permission in respect of Planning Application 19/01085/APP subject to completion of a modified legal agreement regarding planning obligations and adoption of an “appropriate assessment” prior to issue, as set out in Appendix 2 of the report and the following conditions and reasons:

- 1 The approval hereby granted is for planning permission in principle which includes approval of the accompanying phasing plan (Findrassie Masterplan - Area 1: phasing plan (March 2020)) for the whole site. Prior to the commencement of each phase of the development approval of matters specified in conditions including the siting, design and external appearance of all building(s)/structure(s), the means of access thereto, route(s) to school(s) including walking and cycling infrastructure required to be delivered with each phase, drainage and landscaping within that phase as identified in the approved phasing plan shall be obtained from the Council, as Planning Authority. Thereafter the development shall be brought forward in phases in accordance with the approved phasing plan, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement of development.

- 2 The planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with the approved phasing Plan permitted by Condition 1 and details including detailed drawings (and other supporting information) which shall previously have been submitted to and approved by the Council, as Planning Authority in line with the matters specified for that phase of development. These drawings shall show the matters specified in Conditions 3 - 7 below.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 3 Plans, sections and elevations of all proposed residential and non-residential buildings including commercial buildings/structures (including plant and machinery and/or other apparatus) within the phase of development for which details are to be submitted for approval, together with the proposed method of conversion and external alteration of any existing building(s) (for example, proposals at Myreside Farm to form a local community hub) with details of the type and colour of all external materials and finishes shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 4 The proposed layout of each phase for which details are to be submitted for approval showing the exact location and siting of all buildings/structures to be provided within all boundaries of that phase(s), the means of access, areas for vehicle and other parking, off-site infrastructure requirements for walking and cycling route(s) to school(s), and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 5 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening of each phase for which details are to be submitted for approval shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 6 Sections through each phase for which details are to be submitted for approval showing the development of that phase on its finished levels in relation to existing levels shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 7 Landscaping proposals for each phase for which details are to be submitted for approval showing any existing trees/shrubs/hedges to be retained or removed together with details of the arrangement to protect retained plantings and the type, position and number of all new planting to be undertaken together with detailed specifications for all hard-surfaced landscape materials shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 8 In pursuance of Condition 3 above, the required details for each phase for which details are to be submitted for approval shall:
- a) provide for all (if any) buildings/structures within that phase, including, but not limited to, residential dwellings and non-residential/commercial premises including such premises to be located within the ground floor of buildings to be located along primary roads and/or at access to the site of the A941 Lossiemouth Road, to be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential) requirements) for all Character Zones within which the development hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan;
 - b) be accompanied by a Design Statement for that phase, to describe and demonstrate compliance with design and site layout place-making principles and the principles and Design Codes for development as included within the Findrassie Masterplan (in accordance with Policy PP3 Place-making of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);

- c) include (in the cases of phases containing dwellinghouses) provision for a mix of residential housing types, sizes and tenures, and their integration with other uses within that and earlier approved phases of the development and with building designs, heights, streetscape, and palette of materials and colours to be used, etc. in accordance with the principles and Design Codes for development as included within the approved Supplementary Guidance: Findrassie Masterplan, etc.;
- d) provide (in the case of phases including dwellings) for 25% of the total number of dwellings within any application (house and flats/apartments, etc.) to be affordable housing, in accordance with details regarding the location, house mix and type, site layout arrangements, and timescale for the long- term management and delivery of such accommodation (in accordance with Policy H8 Affordable Housing of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
- e) provide (in the case of phases including dwellings) for 10% of the total number of private dwellings (house and flats/apartments, etc.) within each application to be provided as accessible housing and built to wheelchair accessible standards with at least 50% of the wheelchair accessible dwellings to be delivered as single-storey dwellings with no accommodation in the upper floor/roof space, in accordance with details regarding the location, house mix and type, site layout arrangements and timescale for the delivery of accessible housing (in accordance with Policy H9 Accessible Housing of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
- f) include design specifications (including location, external appearance and material finishes) for, and measures to mitigate the impact of, all plant and machinery, including air conditioning units, air source heat pumps, ventilation and extraction systems, etc. within that phase, whether free-standing or externally mounted/affixed to buildings/structures.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 9 In pursuance of Condition 4 above, for each phase for which details are to be submitted for approval the required details shall:
 - a) in terms of the siting and disposition of all buildings/structures within that phase and other features including provision for transportation (all modes), drainage, open space and landscaping:

- i. the development shall be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential) requirements) for all Character Zones within which the development hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan;
- ii. be accompanied by a Design Statement for that phase to describe and demonstrate compliance with design and site layout place-making principles and the principles and Design Codes for development as included within the Findrassie Masterplan (in accordance with Policy PP3 Place-making of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved). The Statement shall also address how the siting and design arrangements have been informed by the contextual analysis of the site and its surroundings, including how the design fits within the landscape framework and urban structure of the development (Findrassie Masterplan refers) and Policy PP3 Place-making of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
- iii. where they are relevant to the phase of development applied for, include location and design specifications for
 - the location of all residential and non-residential including commercial development(s) to be provided,
 - the local community hub;
 - the primary school (a serviced 2.5ha site) together with playing fields and associated community facilities;
 - all proposed areas of open space taking account of the quality and quantity requirements for new open, in this case a minimum of 30% open space to be provided in accordance with Policy E5 Open Spaces and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
 - all proposed play areas to be provided, including specifications for play equipment;
 - all proposed areas for allotments, including boundary enclosure and site layout and any standard of buildings to be provided;

- the proposed amphitheatre, including site sections relating to the formation of this feature;
- all sports pitches and proposed changing accommodation;
- the primary school;
- the siting of all waste storage, recycling and collections systems;
- all areas for landscaping, including advance landscaping and enclosing tree belts; and
- the siting of all development including proximity of development to, flood event levels, watercourses and existing electricity substation shall be in accordance with the requirements of Conditions 39, 40 and 53;

b) in terms of means of access and parking:

- i. provide for the phase of development to be accessed (by all transport modes) from the A941 Lossiemouth Road and/or, the U24E Covesea Road and/or the unclassified Myreside Road in accordance with the requirements of Conditions 16 - 25;
- ii. provide for the internal transport network arrangements for road, footpath and cycle networks within that phase to be provided in accordance with Moray Council specifications and the access strategy, movement and connectivity principles including regard to street structure and types (hierarchy) as incorporated within the Findrassie Masterplan, and in accordance with Conditions 25 - 29 and 31; and
- iii. provide for all parking arrangements within that phase to be in accordance with Moray Council standards and in accordance with the principles for parking as included in the Findrassie Masterplan, and in accordance with Condition 30;

c) in terms of drainage:

- i. provide for a public foul sewer connection for that phase of development in accordance with Condition 37; and
- ii. provide for the disposal of surface water using SUDs during both operational and construction stages of that phase of the development in accordance with Condition 38.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

10 In pursuance of Condition 5 above, the required details to be submitted for each phase of development shall:

- provide for the location, design specifications and material finishes for all boundary treatments and means of enclosure to be provided within that phase of the development; and
- include a mix of boundary treatments, to be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential requirements) for all Character Zones within which the development hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

11 In pursuance of Condition 6 above, the required details to be submitted for each phase of the development shall:

- include all earth engineering including excavation, mounding and moulding operations, including cut and fill operations required to accommodate that phase of the development; and
- relate existing and finished (floor and/or ground) levels for that phase of the development to a fixed datum and the setting of that phase of development shall take account of the siting and setting requirements identified within Conditions 39, 40 and 53.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

12 In pursuance of Condition 7 above, the required details to be submitted for each phase of the development shall:

- include a landscape scheme for hard and soft landscaping to be provided within that phase. For the former the scheme shall including the location, design specifications and colouration of all hard surfaced landscaping to be provided for soft landscaping, the scheme shall identify all planting to be retained or removed and all new planting together with the timescale and maintenance arrangements for all planting in accordance with Condition 41 and 42; and
- be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential requirements) for Character Zones within which the development as hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan and, as required by the Findrassie Masterplan, the scheme shall demonstrate how that phase of the development has been informed by the landscape framework therein; and

For phases P1, P2 and P3 and phases AP-W and AP-N an application for approval of matters pertaining to conditions 7, 41 and 42 shall be submitted to the Council, as planning authority prior to the completion of the 25th residential unit, and approved in writing by the Council, as planning authority prior to completion of the 100th residential unit.

For phase AP-E an application for approval of matters pertaining to conditions 7, 41 and 42 shall be submitted to the Council, as planning authority prior to the completion of the 25th residential unit, and approved in writing by the Council, as planning authority prior to completion of the 35th residential unit.

These applications shall include timescales for the provision of planting/seeding and open space within each phase on a pro rata basis in stages, based on the number of completed residential units. Once approved the landscape scheme shall be implemented strictly in accordance with the approved timescales unless otherwise agreed and in any event, planting/seeding of the areas identified shall be carried out no later than:

- P1 and P2, in accordance with the agreed timescales in stages prior to completion of the 175th, 350th and 500th residential unit; and for P3 prior to completion of the primary school site
- AP-E (adjacent to Lossiemouth Road) prior to completion of the 50th residential unit or by bare root planting season 2021/2022 (October 2020/ March 2021); and for AP-E (adjacent to the Elgin Substation) prior to commencement of development on phase E3
- AP-W prior to completion of the 150th residential unit or by bare root planting season 2022/23 (October 2022/ March 2023) or prior to the approval of an application for development on part or the whole of blocks D1-D4 (inclusive), whichever comes first
- AP-N prior to completion of the 265th residential unit or by bare root planting season 2024/25 (October 2024/ March 2025), or prior to the approval of an application for development on part or whole of blocks W1-W3 (inclusive) and N1-N9 (inclusive), whichever comes first

All maintenance arrangements which form part of the approved landscaping scheme as agreed shall be strictly adhered to.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 13 In pursuance of Conditions 2 - 7, the requirements of all Conditions 14 - 65 as included below shall also apply to the development as hereby approved.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 14 Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order), the permission relates solely to the development being provided in accordance with

the uses and Use Classes as stated within the formal description of the application and for no other use or purpose without the prior written approval of the Council, as Planning Authority. The permission hereby granted is solely for a development not exceeding 500 dwellings (houses and/or flat/apartments) and all use Class 1 (shop) uses including proposed facilities at the local community hub and at locations identified within the Findrassie Masterplan shall demonstrate that the nature of such retail activity is, at all times, in accordance with Policy R3 of the Moray Local Development Plan 2015 and the associated Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved.

Reason: To ensure an acceptable form of development in accordance with the submitted particulars and to retain control over the identified uses as specified within the development including consideration of the effects and impacts of uses other than those hereby approved.

15 No more than 350 dwellings shall be occupied until:

- i) details (which may include evidence from Transport Scotland) have been submitted to and approved by the Council as Planning Authority to confirm that the Trunk Roads Authority has completed the upgrading and realignment of the A96 (T) Hardmuir to Fochabers section of the A96 Dualling programme; or
- ii) the works to the A96 East Road/Maisondieu Road/Pansport Road roundabout have been implemented generally in accordance with Goodson Associates Drawing reference P13779 SK001; or
- iii) a Transport Assessment or Addendum Report has been submitted to the Planning Authority and that any trunk road mitigation measures necessary to offset the impact of the area have thereafter been implemented in accordance with a timescale identified by the Transport Assessment to the satisfaction of the Planning Authority in consultation with Transport Scotland.

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.

16 No development shall commence on any phase of the development until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- i) drawing(s) (scale 1:1000 minimum) showing the position of bus stops and 400 metre walking isochrones which cover all areas of that phase of the development and the A941 and Covesea Road;
- ii) drawing(s) (scale 1:500 minimum) showing:
 - a) positions of bus lay-bys on the A941 and bus stop infrastructure (shelters and flags) and/or bus stops on Covesea Road, where they

fall within the 400 metre walking isochrones for that phase; and bus stop infrastructure (shelters and flags) within the development;

- b) widening of bends on all bus routes to enable buses to pass each other without conflict;
- iii) timescales for the delivery of all bus stop infrastructure proposed for that phase of the development and on the A941 and Covesea Road where required for the development of that phase; and
- iv) evidence of a written agreement with local bus operators for the provision of bus services to serve that phase, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at a half hourly frequency, Monday to Friday inclusive, and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years. Thereafter, the bus stops, bus lay-by, bus infrastructure and bus services shall be provided in accordance with the approved details and agreed timescales.

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

- 17 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.

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

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

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

- 19 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.

- 20 Prior to the commencement of any phase of the development accessed from the C24E Covesea 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 all proposed accesses to the development on the C24E Covesea Road within that phase of development, 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 accesses and any other works proposed on Covesea Road e.g. bus stops and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development accesses, bus stops 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 interest of road safety.

- 21 Prior to the commencement of any part of the development taking vehicular access from the C24E Covesea 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 the upgrading of the C24E Covesea Road within the development to a 'Primary Route' with dedicated facilities for pedestrians/cyclists on both sides of the carriageway (at least one 3m cycleway) including the proposed design speed and details of the specifications for the widening, provision of roads drainage and re-construction of the existing carriageway. The design details shall be informed by a Stage 1/2 Road Safety Audit for the road improvements and any other works proposed on Covesea Road e.g. bus stops and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the upgrading of the road shall be provided in accordance with the approved details and agreed timescales.

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

- 22 No development shall commence on more than 50 housing units which are accessed from the C24E Covesea Road, until a second point of access, onto the C24E Covesea Road and/or Greenfield Wynd, 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.

- 23 Prior to the operation of the northern access, as detailed in condition 18 of this decision notice, a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show:
- i) the modifications to the A941/Myreside Road junction, design specifications and timescale for delivery of the junction modification to prevent vehicular access from the A941 onto Myreside Road;
 - ii) the proposed design for restricting vehicular access at the western end of Myreside Road; and
 - iii) written evidence to confirm that a Road Traffic Regulation Order has been secured to remove rights of access for motorised vehicles on the section of Myreside Road between the A941 and Myreside Farm Cottage.

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

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

- 24 Prior to the commencement of any part of the development (other than within phases E1, E2, E3, E4), as set out in the approved Findrassie Masterplan (2015) 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 the upgrading of the U39E Myreside Road within the development to a 'Primary Route' with dedicated facilities for pedestrians/ cyclists on both sides of the carriageway (at least one 3m cycleway) including the proposed design speed and details of the specifications for the widening, provision of roads drainage and re-construction of the existing carriageway. The design details shall be informed by a Stage 1/2 Road Safety Audit (RSA) for the road improvements and any other works proposed on Myreside Road e.g. bus stops and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the upgrading of the road shall be provided in accordance with the approved details and agreed timescales

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

- 25 Prior to the commencement of any phase of the development, 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 for the internal road network, including proposals for footways, cycleways, pedestrian/cycle crossing facilities, bus infrastructure, boundary treatments, and shared parking areas

within that phase of the development. The design details shall be informed by a Stage 1/2 Road Safety Audit (RSA) for the proposed road network and any other works proposed e.g. pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the internal road network shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure acceptable infrastructure within the development to cater for movements by foot, including ambulant disabled persons, cycle, vehicle and public transport.

- 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 Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

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 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 T5 Parking Standards of the Moray Local Development Plan 2015 and any associated 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.

- 31 a) Prior to the commencement of any part of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority, and Moray Access Manager:
- i) in accordance with Supplementary Guidance: Findrassie Masterplan principles to enhance connectivity between the proposed and existing development to the south,
- detailed drawings (scale 1:500 minimum) for that phase of development showing the location, design specifications and timescale for the provision of active travel corridors and connections between the development and Elgin Core Paths EG31 and EG33; and
 - drawings (scale 1:1000 minimum) showing an indicative network of active travel corridors including that phase of development and the remaining phases and connections to the existing/committed network in accordance with the principles set out in the Supplementary Guidance: Findrassie Masterplan.
- b) Prior to the completion of any residential or non-residential building within any phase of development, other than within phases E1 and E2, as set out in the approved Findrassie Masterplan (2015), the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority, and Moray Access Manager:
- i) detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of a cycleway connection alongside Covesea Road to the south of the development, linking to the existing cycleway or other cycle link to Moray Council adoption standards to provide a continuous adopted cycle route from the development to Sey Burn Wynd and Myreside Circle and extending to the existing remote cycle track at the Lossiemouth Road/Covesea Road junction.

Thereafter, the proposed foot and cycle connections, crossings and corridors shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access routes for pedestrians and cyclists both within and to/from the development, in the interest of road safety.

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

- a) A Construction Traffic Management Plan which shall include the following information:
- duration of works;
 - construction programme;
 - number of vehicle movements (i.e. materials, plant, staff, components);
 - anticipated schedule for delivery of materials and plant;
 - full details of construction traffic routes from the Strategic Road Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
 - measures to be put in place to prevent material being deposited on the public road;
 - measures to be put in place to safeguard the movements of pedestrians;
 - traffic management measures to be put in place during works including any specific instructions to drivers; and
 - parking provision, loading and unloading areas for construction traffic.

and

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

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

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

- 33 Prior to the commencement of any part of the development, a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of improvements to the capacity of the Morriston Road/Duffus Road junction (to 'no net detriment') through the provision of 'ghost island' right turn facility or introduction of traffic signal control, including proposals for pedestrian crossing and cycling facilities.

The design shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction improvement and any other works proposed e.g. pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the Morriston Road/Duffus 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.

- 34 Prior to the commencement of any part of the development, details shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority with drawings, based on a topographical survey (scale 1:500) to show the location, design and specifications, of works to improve the operation and capacity at the North Street/Morriston Road traffic signal controlled junction (to 'no net detriment'), including proposals for pedestrian crossing and cycle facilities. The design shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction improvement and any other works proposed e.g. pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

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.

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

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

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

- 36 Prior to the commencement of any part of the development, a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of improvements to the capacity of the Covesea Road/Lossmouth Road junction (to 'no net detriment') through the provision of traffic signal control, including proposals for pedestrian crossing and cycle facilities.

The design shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction improvement and any other works proposed e.g. pedestrian crossings and the Road Safety Audit shall be included as part of the required details.

Thereafter, the Covesea Road/Lossmouth 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.

- 37 No development on any phase of the development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding a finalised foul drainage scheme for that phase of the development. The Scheme for each phase shall:

- a) provide for connection to the public foul drainage sewer network;
- b) be developed and designed in accordance with the submitted Drainage Assessment and Flood Risk Assessment;
- c) identify the location(s) and route(s) and time-scale(s) for the provision of all foul drainage infrastructure for that phase including pumping station and pipework both within the site, and between the site and the proposed point of connection to the foul drainage network;
- d) include the location, design specifications, external appearance and material finishes, and site layout arrangements including hardstanding areas and means of access to above ground buildings/structures or other apparatus to be provided within the phase(s) on which such pumping stations will be located as part of any required/proposed pumping station to be provided; and
- e) confirm the adopting authority or in perpetuity body for the foul drainage network.

Thereafter, the phase of development shall be provided in accordance with the approved foul drainage scheme details and connection to the public foul drainage sewer network shall be provided and made available for use prior to first occupation of the development unless temporary arrangements are agreed

in writing with the Council, as Planning Authority in consultation with Scottish Water and SEPA.

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

38 No development shall commence on any phase until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA and Moray Flood Risk Management and Scottish Water where appropriate regarding:

- a) a finalised surface water drainage scheme for the operation of that phase of the development. The Scheme shall include details of all sustainable (SUDs-based) drainage features to be provided within that phase including details of the location, design construction specifications, level(s) of treatment, supporting calculations and time-scale(s) for provision and maintenance of all (sustainable) surface water features, including roads drainage to be incorporated into the site layout and:
 - i) be developed and designed in accordance with the surface water design strategy as outlined in the submitted Drainage Assessment and Flood Risk Assessment (May 2017) together with technical guidance and requirements contained in The SUDs Manual (by CIRIA, C753), Sewers for Scotland 3 and SEPA guidance, Regulatory Method (WAT-RM-08) Sustainable Urban Drainage Systems (SUDS or SUD Systems)";
 - ii) be designed to manage storm water flows for storm events up to and including a 1 in 200-year flood event with surface water to be discharged after on-site attenuation at a controlled rate, not exceeding the greenfield run-off rate;
 - iii) include a site plan showing the proposed SUDS treatment train together with submission of Simple Index Approach calculations and, a detailed risk assessment where development has a high pollution hazard level;
 - iv) include information to demonstrate that no existing natural water bodies, for example Myreside Pond will be used as SUDS;
 - v) include cross- and long- sections to confirm the area and depth of all required/proposed SUDS basin(s) or other sustainable drainage features where proposed, with finished levels related to existing ground levels and a fixed datum;
 - vi) include details to manage and mitigate any overland flows in the event of flood events or drainage failure in excess of the capacity of the SUDs design/installed drainage network and ensure that such flows are not directed towards existing or proposed development;
 - vii) where the development area is sub-divided into separate parcels for development, address the integration of those separate parcels into the overall surface water drainage scheme arrangements for the development; and

- viii) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements;

and

- b) a construction surface water management plan, to include the location, design specifications and time-scale(s) for provision of all required/proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development.

Thereafter, the development of that phase shall be implemented in accordance with the approved surface water drainage scheme details and all approved surface water drainage arrangements shall be provided and made operational prior to first use and occupation of that phase of the development

Reason: Details of the matters specified are insufficient (being based on an outline drainage and SUDS strategy) and/or are lacking from the submitted particulars and ensure an acceptable (and sustainable) form of development is provided and maintained and to provide for adequate protection from surface water run-off both during the operational and construction stages of the development.

39 As part of the proposed development:

- no development, or land raising, shall take place within the 1 in 200-year flood extent as shown in drawing 8246_401 Rev D as included in the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar);
- finished floor levels shall be set 1m above the relevant 1 in 200-year flood level as shown in Appendix A, Addendum 1 of the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar);
- for school development (and other most vulnerable land uses), finished floor levels shall be set 1m above the relevant 1 in 1000-year flood level as shown in Appendix C, Addendum 1 of the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar); and
- For development in the vicinity of the culverts, finished floor levels should be set 1m above the relevant culvert blockage flood level as shown in Appendix E and G, Addendum 1 of the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar). Reason: To protect people and property from flood risk in line with Scottish Planning Policy.

40 No development shall commence on any phase of the development until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA regarding all proposed engineering activities to be undertaken within any part of the water environment as part of that phase. The details shall include:

- i) the location, and type including design specifications and timescales for all proposed engineering activities including watercourse crossings to be undertaken within the water environment and any cumulative impacts that may arise from development of other phases within this PPP;
- ii) a systematic table providing a detailed justification for each and all proposed engineering activities and identifying all measures to mitigate any adverse impact arising from such activity; and
- iii) all proposed watercourse crossings shall be designed to accept the 1 in 200-year flow.

Thereafter, the development shall be implemented in accordance with the approved water engineering activities.

Reason: To ensure adequate protection of the water environment.

41 No development shall commence on any phase of the development until details have been submitted to and approved by the Council, as Planning Authority regarding a detailed landscape scheme for that phase of the development. The scheme shall:

- a) identify the location of all existing trees/shrubs and hedgerows or other landscape features within that phase and identify those to be retained and those to be removed. The details shall address the implications of all required/proposed drainage and transportation infrastructure associated with that phase of the development. Applications for development of phasing zones P1 and P2 as set out in the approved Findrassie Masterplan (2015) should provide for the retention of the existing woodland created adjacent to Myreside Pond (and its incorporation into the open space area to be provided within the Hub + Central Open Space Character Zone within these phasing zones);
- b) include details of measures to protect existing trees, shrubs and hedgerows and other landscape features to be retained within that phase, before during and after construction activity;
- c) include details of the number, species, position, planting distances and sizes of all trees, shrubs and hedgerow planting to be provided within the site. All proposed planting details and specifications shall provide for the use of native species of local provenance. The scheme shall include all proposed areas of advance planting (including avenue/boulevard planting and enclosing woodland/tree belt planting areas located within the Lossiemouth Road, Employment, Sub-station, Duffus Road, Findrassie Woodland Edge and Northern Edge Character Zones, where applicable to that phase, in so far as such landscape planting is proposed as part of the development as hereby granted together with all planting proposed within

residential areas including play and open space areas within that phase in accordance with the Supplementary Guidance: Findrassie Masterplan;

- d) include details of the time-scale(s) for all proposed planting included within that phase of the scheme;
- e) include details of a management plan for the maintenance of all planting; and
- f) for all areas where earth moving, mounding and excavation is required/ proposed to form landscape and open space features, for example the amphitheatre within the central open space area or earth bund to enclose the sub-station (Condition 53), the scheme shall include details regarding the timescale for provision and location and design specifications, including cross and long-sections to describe the extent, area and height/depth of any proposed or resultant landscape feature with finished levels related to existing ground levels and a fixed datum.

Thereafter, the development of each phase shall be implemented in accordance with the approved landscape scheme details and maintained in accordance with the maintenance plan

Reason: Details of matters specified are lacking from the submitted particulars and ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 42 In relation to the approved landscape scheme for the development, all trees shrubs and hedge planting which within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, numbers and species unless with the prior written consent of the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding area.

- 43 No development shall commence on any phase of the development until a written statement has been submitted to and approved by the Council, as Planning Authority in consultation with SNH and others where appropriate to describe and confirm all measures to mitigate the impact of that phase of the development upon the integrity of the internationally and nationally important Loch Spynie Special Protection Area, Ramsar site and Site of Special Scientific Interest. The statement details shall confirm all proposed mitigation measures to address:

- water quality and quantity during construction of the development of that phase;
- water quality and quantity during the operational life of the development of that phase; and
- water quality during any river engineering works associated with the development of that phase.

Thereafter, the development of that phase shall be implemented in accordance with the submitted statement details.

Reason: Details of the matters specified are lacking from this "in principle" application and to ensure the international and national status and integrity of Loch Spynie is not adversely affected by the development.

- 44 No development of any phase shall commence until the following have been submitted to and approved by the Council, as Planning Authority in consultation with SNH regarding:
- a) details to confirm the arrangements to undertake pre-construction surveys for all protected species recorded as using that phase of the site, to include the time-scale(s) for undertaking surveys and thereafter, the arrangements for reporting the results of the survey. Where any survey identifies protected species using that phase of the site, the survey results shall also identify all required/proposed measures to be implemented to mitigate the impact of the development upon any identified protected species;
 - b) the arrangements to undertake watching briefs for protected species during construction works together with the procedures to be adopted to mitigate the protected species where encountered during construction works; and
 - c) details to confirm all required/proposed measures to mitigate the impact of the development of that phase upon bat species.

Thereafter, the development shall be implemented in accordance with the approved protected species details including mitigation measures.

Reason: To ensure an acceptable form of development taking into account the need to afford protection to all protected species recorded as using the site, and in accordance with mitigation measures intimated within the submitted Ecological Appraisal (for Findrassie, 30/05/2017, by Neo Environmental).

- 45 No development shall commence until a site-specific Construction Environmental Management Plan (CEMP) for each phasing zone as set out in The approved Findrassie Masterplan (2015) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, SNH and other agencies where appropriate. The CEMP shall identify all risks and detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution and be supported by drawing(s) showing the location of construction management features and, in addressing all pollution prevention and environmental management issues related to the development (including construction method, surface water and site waste management). The CEMP shall include the following information:
- a) a list of all construction activities that will be undertaken and the sequence of these, for example ground stripping;

- b) information to demonstrate that ground conditions are suitable for the temporary construction SUDS chosen. Confirmation shall be provided that the temporary construction SUDS are appropriately located in terms of the topography of the site. All SUDS shall be specifically designed for the purposes of construction and separately for final phase SUDS;
- c) the timing of the works, e.g. heavy construction works to be staged to avoid periods of heavy rainfall;
- d) environmental management structure including a hierarchy and contact details for responsible persons on site;
- e) details of how the environmental obligations of the site will be communicated to staff carrying out the works (e.g. delivery of toolbox talks), etc.;
- f) details of emergency procedures/pollution response plans in the event of a pollution event (particularly silt pollution prevention/discovery of silty water);
- g) provisions for pollution response plans in the event of an out of hours or weekend incident;
- h) SEPA's pollution hotline number 0800 80 70 60 should be included for the reporting of any environmental events;
- i) fuel and chemical storage provisions;
- j) identify any existing field drains as, if intercepted, this could provide a preferential pathway for contaminated run-off water;
- k) details of waste management, in the form of a site waste management plan which shall include information such as: Who will be responsible for the resource management, what types of waste will be generated, how the waste will be managed, how it will be reduced, reused or recycled, which contractors will be used to ensure the waste is correctly recycled or disposed of responsibly and legally, and how the quantity of waste generated by the project will be measured (with further information available in SEPA's document "A simple guide to Site Waste Management Plans");
- l) soil storage locations, concrete wash out areas, wheel wash stations;
- m) arrangements to mark out appropriately sized buffer strips around watercourses on/adjacent to the site and other sensitive features or appropriate mitigation proposed to protect these features;
- n) the principles of any relevant SEPA Guidance for Pollution Prevention shall be incorporated into the method statement rather than just referenced and supported by drawings showing the location of the above features; and
- o) in accordance with the Ecological Appraisal (for Findrassie, 30/05/2017, by Neo Environmental), confirm the details of all proposed/required

measures to mitigate potential impacts on local ecological receptors during the construction period.

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

Reason: To minimise the impacts of the development works upon the environment.

- 46 No development on any phase shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA to demonstrate that there are no private water supplies within 250m of the phase. The required details shall include:

- a) a map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m, and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. (The survey information shall extend beyond the application site boundary where required to satisfy the specified radius distance); and
- b) if the minimum buffers are not achieved, a detailed site specific qualitative and/or quantitative risk assessment shall be submitted to identify and describe all required/proposed measures to mitigate the impact and effect of the development upon any existing groundwater abstraction source.

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

Reason: To minimise the impacts of the development works upon the environment.

- 47 No development of any phase of the development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA regarding a schedule to identify all required/proposed "green" measures that will be implemented on that phase of the site, including a drawing demonstrating the 10m buffer between any watercourse and the development together with the outcomes of investigation and details (location, design specification and timescale(s) for provision) of all proposed measures to be provided on the site including, for example, use of green roofs, rain water harvesting/sustainable water use measures, arrangements for re-naturalising/re-meandering of any water features within the site, etc.

Thereafter, the development of that phase shall be implemented in accordance with the approved green measures.

Reason: To ensure an acceptable form of development in accordance with the provisions of the approved Findrassie Masterplan and to ensure adequate protection of the water environment whilst contributing to and enhancing the natural environment.

- 48 No development on any phase shall commence until a Sustainability Statement for that phase has been submitted to and approved by the Council, as Planning Authority to identify all required/proposed measures to be incorporated into the development to address objectives contributing to reduction of greenhouse gas emissions. The Statement shall include a Sustainability Checklist in

accordance with Policy PP2 Climate Change and associated Supplementary Guidance: Climate Change of the Moray Local Plan 2015 and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved).

Thereafter, the development of that phase shall be implemented in accordance with the approved sustainability measures identified in the required statement.

Reason: To ensure an acceptable form of development in accordance with sustainability objectives for development at Findrassie.

- 49 No development on any phase shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA to establish and demonstrate the potential or otherwise for district heating on that phase, to be met through connection to an existing district heating network or implementation of an on-site district heating network. Unless otherwise demonstrated through a feasibility study, the required details shall provide for:

- a) the inclusion of infrastructure (such as pipelines) within that phase of the site to enable connection to any district heating scheme/combined heat and power plant in the vicinity (and the subsequent requirement to connect when available) or;
- b) the safeguarding of land within that phase of the development for the future installation of infrastructure to enable connection to any district heating scheme/combined heat and power plant for the overall masterplan site (and the subsequent requirement to install such infrastructure and connect when available).

Reason: To demonstrate the consideration given to Scottish Planning Policy (2014) to include infrastructure to make best use of available local resources.

- 50 In respect of possible land contamination on the site, unless otherwise agreed in writing with Moray Council as Planning Authority, no development works on any phase of the development, other than those required to facilitate assessment and remediation of contamination, shall commence until the following have been carried out:

- i) full details of the methodology for assessment of land contamination at that phase of the site have been submitted to and accepted in writing by Moray Council, as Planning Authority;
- ii) the assessment works for that phase have been completed in full in accordance with the agreed details and a report submitted to and accepted in writing by Moray Council, as Planning Authority;
- iii) in the event that the assessment identifies the need for remediation or mitigation measures to ensure the suitability of that phase of the site for the proposed use, full details of the remediation methodology, including proposals for validation works, have been submitted to and accepted in

writing by Moray Council, as Planning Authority; thereafter these works will be implemented in full in accordance with the agreed details;

- iv) a full validation report has been submitted to and accepted in writing by Moray Council, as Planning Authority, which demonstrates that no pollutant linkages remain or are likely to occur.

Should any previously undiscovered contamination be encountered during the development of the site, then all works shall cease, and the Council, as Planning Authority should be contacted immediately to agree an appropriate course of action.

Reason: To safeguard the health and safety of the occupants of the properties, the building structures and the local environment from the effects of harmful ground contamination.

- 51 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.

- 52 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.

- 53 No phase of development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding an updated noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN), in order to consider the amenity of future residential properties within that phase, in proximity to the existing Elgin sub-station. The assessment findings shall be reported in terms of BS 4142: 2014 Methods for rating and assessing industrial and commercial

sound, Noise Rating Curves (NR 20) for night-time, and NANR 45 night-time criteria. The measures to mitigate the impact of noise shall include prescription of "stand-off" distance between the sub-station and the location, design specifications and time-scale for provision of any required/proposed acoustic barrier (earth bund and/or fencing or similar).

Thereafter, any resulting noise mitigation arrangements shall be implemented in accordance with the approved details.

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

- 54 No development within any phase of development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of any external lighting scheme(s) required/proposed for the development of that phase, excluding street lighting arrangements. Where the phase of development includes the proposed primary school building and associated external sports areas, any separate sports and recreation area or playing fields area and the proposed local community Hub, the details sought shall include (but are not limited to) the lighting issues for those elements. The required scheme shall:

- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary;
- b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and completed development; and
- c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time-periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary, for example, light hoods and louvres, orientation and angle of downward inclination of lamps, etc.

Thereafter, the external lighting arrangements shall be implemented within that phase, in accordance with the approved details and no further external lighting shall be provided, installed or used within that phase throughout the lifetime of the development except where otherwise agreed in writing with 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.

- 55 No development shall commence on any phase until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a detailed Construction Noise Impact Assessment for that phase which shall:

- a) be based upon (but not limited to) procedures for good practice and workmanship, and noise management and control as advocated within relevant BS:5228 codes of practice for noise and, where necessary, vibration;
- b) identify all noise management and mitigation measures (including noise and where necessary vibration monitoring programmes) to be adopted during construction works for the development of that phase, to be based upon the appointed contractor's working practices and methods together with proposals to promote and establish community relations to address noise/vibration impacts at the closest neighbouring properties to that phase including any cumulative impacts from development of other phases, arrangements and procedures/protocols for reporting, handling and responding to complaints regarding noise where so received; and
- c) unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Environmental Health Manager, construction noise criteria for the permitted construction hours above shall be in accordance with the ABC method detailed in BS 5228-1 :2009 (Noise).

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

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

- 56 No development shall commence on any phase until a scheme to control dust during the construction phase for that phase of the development has been submitted and approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The scheme shall identify any potential cumulative impacts that may arise from concurrent development of other phases.

Thereafter, the dust control arrangements shall be implemented on that phase in accordance with the approved details.

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

- 57 No development shall commence on any phase of the development until an assessment of air quality for the construction and operational phases of that phase of the development has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The scheme shall identify any potential cumulative impacts that may arise from concurrent development of other phases.

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

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

- 58 No development shall commence on any phase of the development until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a suitable assessment of road traffic noise arising for residential development within that phase of the development, as well as considering road traffic noise as it may affect existing residential development outwith the application site, pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN). The scheme shall identify any potential cumulative impacts that may arise from the concurrent developments of other phases.

Thereafter, any resulting noise mitigation arrangements shall be implemented within that phase, in accordance with the approved details.

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

- 59 Prior to the school commencing a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN), shall be submitted and approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager, detailing all noise sources associated with the construction and operational phases of the development. The Assessment shall also identify all measures (including their location, design specifications and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, any resulting noise mitigation arrangements shall be implemented in accordance with the approved details.

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

- 60 No development of the proposed primary school shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding measures to suitably control cooking odours from any proposed kitchen ventilation/extraction system serving any proposed primary school associated with the development, including the installation and maintenance of any required/proposed ventilation/extraction system.

Thereafter, ventilation/extraction and odour control arrangements shall be implemented in accordance with the approved details.

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

- 61 No development shall commence for any proposed development/use within Use Class 3, 7, 8 and 10 until a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) has been submitted and approved in writing by the Planning Authority, in consultation with the Environmental Health Manager, detailing all noise sources associated with the development. The Assessment shall also identify all measures (including their location, design specifications

and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, all resulting noise mitigation arrangements shall be implemented in accordance with the approved details.

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

- 62 No development shall commence for any proposed development/use within Use Class 3, 7, 8 and 10 until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding measures to suitably control cooking odours arising from any proposed development/use within Use Class 3, 7, 8 and 10, including the installation and maintenance of any required/proposed ventilation/extraction system.

Thereafter, the ventilation/extraction and odour control arrangements shall be implemented in accordance with the approved details.

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

- 63 **Fixed plant and machinery noise emissions** associated with any proposed development/use within Use Class 1, 2, 3 and 4 shall, between the daytime of 0700 to 2300 hours, not exceed **Noise Rating Curve (NR) 25**, as determined within a living apartment of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a one-hour duration within any day-time period.

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

- 64 **Fixed plant and machinery noise emissions** associated with any proposed development/use within Use Class 1, 2, 3 and 4 shall, between the night time of 2300 to 0700 hours, not exceed **Noise Rating Curve (NR) 20**, as determined within the bedroom of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a five-minute duration within any night-time period.

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

- 65 The woodland area adjacent to Myreside Pond shall be retained and incorporated into the proposed open space area within the Hub + Central Open Space Character Zone, and in the event of any loss of trees or woodland occurring over 0.1ha within a phase of the development area as hereby approved, no development within that phase shall commence until details have been submitted to the Council, as Planning Authority in consultation with Scottish Forestry regarding details of a compensatory woodland planting scheme (the Replanting Scheme) within Moray. The Replanting Scheme details shall:

- a) include specifications for

- i. on-site replanting;
 - ii. off-site compensatory planting;
 - iii. tree maintenance and protection to established planting; and
- b) comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the associated guidelines to which it refers and include:
 - i. details of the location of the area to be planted;
 - ii. details of land owners and occupiers of the land to be planted;
 - iii. the nature, design and specification of the proposed woodland to be planted;
 - iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
 - v. the phasing and associated timescales for implementing the Replanting Scheme; and
 - vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc.

Thereafter, the development shall be implemented in accordance with the approved Replanting Scheme details, including the phasing and timescales as set out therein.

Reason: To ensure an acceptable development in the absence of details of the matters specified from the submission and to ensure an acceptable form of development where replacement or compensatory planting is provided where the development results in a loss of woodland.

11. PLANNING APPLICATION 19/00260/PPP

WARD 8: FORRES

19/00260/PPP - Proposed residential development comprising of 23 serviced house plots with associated access drainage infrastructure and landscaping on Site R4, Damhead, Kinloss, Forres, Moray for The Rhind 2008 Discretionary Trust

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a proposed residential development comprising of 23 serviced house plots with associated access drainage infrastructure and landscaping on Site R4, Damhead, Kinloss, Forres, Moray for The Rhind 2008 Discretionary Trust.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as the proposal for 5-49 dwellings is not in accordance with the development plan, and therefore falls out with the scope of the Council's delegation scheme. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

During discussion surrounding the Package Treatment Plant, clarification was sought in relation to the access arrangements to the Plant.

In response, the Development Management and Building Standards Manager advised that, if the Committee were minded to approve the application, an addition could be made to Condition 3 to include access arrangements for the servicing and maintenance of the communal shared Package Sewage Treatment Plant. This was agreed.

Thereafter, the Committee agreed to grant planning permission in respect of Planning Application 19/00260/PPP subject to:

- (i) conclusion of a (Section 75) legal agreement regarding developer obligations relating to primary education, healthcare, sports and recreation provision and affordable housing contribution;
- (ii) submission of a separate application for tree removal works under Regulation 9 of the Town and Country Planning (Tree Preservation Order and Trees in the Conservation Areas (Scotland) Regulations 2010); and
- (iii) the following conditions and reasons with an addition to condition 3 to include access arrangements for the servicing and maintenance of the communal shared Package Sewage Treatment Plant:
 - 1. The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto, drainage, landscaping of the site and a phasing plan for the development shall be obtained from the Council, as Planning Authority.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement of development.

- 2. The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings and phasing plan which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 3-8 below.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 3. The proposed comprehensive layout of the whole site supported by an accompanying phasing plan shall be submitted in accordance with condition no. 2 above. The layout plan shall accord with the approved Masterplan drawing no. 2491/CC and show details of the following:
 - a) the exact position of the site boundaries and individual plots;
 - b) the means of access, and details of pedestrian links to and through the site;
 - c) details of all landscaping arrangements and future maintenance arrangements, which shall be in accordance with the approved Masterplan, Tree Survey Report DAMHEAD KINLOSS prepared by BOWLTS revised/dated October 2019, and Tree Retention Plan drawing number 2491;
 - d) details of all proposed earthworks;

- e) arrangements for the disposal of foul and surface water, which shall be in accordance with the Drainage Assessment by GMCSurveys dated September 2019, including access arrangements for servicing and maintenance of the communal shared Package Sewage Treatment Plant; and
- f) the phasing plan for the development detailing the timescales for provision of roads infrastructure, footpaths (on and off-site), foul and surface water drainage works and landscaping/tree planting for the communal areas and house plots.

The comprehensive layout plan of the site and phasing plan shall be submitted with the first application submitted for the approval of the matters specified in conditions specified by condition 2. Thereafter the development shall proceed in accordance with that approved phasing plan unless otherwise approved in writing by the Council, as Planning Authority.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 4. The proposed layout of each plot showing the exact position of plot boundaries, the position of all buildings, the means of access, areas for vehicle parking, arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) and landscaping shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 5. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 8. Landscaping proposals showing all existing trees/hedges/shrubs to be retained or removed together with details of the type, position and numbers of all planting to be undertaken, a programme of implementation and details of future maintenance arrangements shall be submitted in accordance with condition no. 2 above. All proposals must comply with the approved Masterplan, Tree

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

9. That for any subsequent detailed application or application for Matters Specified in Conditions relative to this approval, the layout, design and landscaping of the development hereby approved shall satisfy the following requirements:-
 - a) All development shall accord with the design principles set out in the approved Design Code dated October 2019; and
 - b) All dwellings shall be single or one and a-half storeys in design, as set out within the Design Code.

Reason: To ensure an acceptable form of development which relates satisfactorily to surrounding housing in terms of scale, design and character, and protects the amenity of neighbouring residents.

10. That for any subsequent detailed application or application for Matters Specified in Conditions relative to this approval, 3 accessible dwellings, the location of which is identified in the approved Masterplan shall be designed and built to wheelchair accessible standards (as defined in the Moray Council 'Accessible Housing' Supplementary Guidance). For the avoidance of doubt at least two of these wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. These applications shall include an Accessible Housing Compliance Statement and sufficiently detailed plans to demonstrate that these requirements have been met. No more than 15 house units shall be completed until the accessible units have been provided in accordance with the agreed arrangements. Thereafter the internal layout of this unit shall remain as built and approved in perpetuity unless otherwise agreed with the Council.

Reason: To ensure an acceptable form of development which provides accessible housing on the site.

11. Within 6 months prior to development commencing on any house plot or the roadway within the site, the results of pre-construction protected species surveys undertaken by a suitably qualified person shall be submitted to and approved by the Council, as Planning Authority, in consultation with Scottish Natural Heritage. In the event that protected species are discovered on or near the plot or road, no works shall take place in that area until appropriate mitigation measures have been agreed in consultation with Scottish Natural Heritage. Thereafter all works shall be carried out in accordance with these details.

Reason: To ensure the adequate protection of the protected species and minimise disturbance to nature conservation interests.

12. All foul and surface water drainage proposals shall be in accordance with the submitted Drainage Assessment by GMCSurveys dated September 2019 and

shall satisfy the following requirements:

- a) In relation to foul drainage, no development shall commence until written evidence has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, which confirms that the discharge from the proposed Package Sewage Treatment Plant into the Kinloss Burn meets required treatment levels and has been previously agreed and licenced by SEPA. Thereafter the development shall be implemented in accordance with these approved details and no house shall be occupied until these arrangements are in place and operational.
- b) In relation to surface water drainage, any subsequent detailed application or application for Matters Specified in Conditions relative to this approval for any house plot or the roadway within the site shall identify SUDs measures and a construction phase surface water management plan. Thereafter the development shall be implemented in accordance with these approved details.

Reason: To minimise the impacts of the development upon the water environment and to ensure the timeous provision of foul and surface water drainage infrastructure.

13. The proposed development is presently located within the 66 to 72 dB(A) MOD noise contours associated with the former RAF Kinloss. For any subsequent detailed application or application for matters specified in conditions relative to this approval, the applicant shall have regard to the MOD aircraft noise contours in place at that time and shall contact the Environmental Health Manager, Moray Council Offices, High Street, Elgin to confirm whether a detailed noise impact assessment (NIA) including noise mitigation measures will require to be submitted/approved in support of that application, in accordance with Planning Advice PAN 1/2011 and Local Plan Policy EP8. In the event that a Noise Impact Assessment and mitigation measures require to be submitted and approved any subsequent approved development shall be carried out in accordance with those approved details.

Reason: To ensure an acceptable form of development which protects the amenity of occupants against unacceptable aircraft noise disturbance.

14. No development shall commence until the construction on the section of road between the B9089 Burghead Road and the turning head at the end of Blackstob Way which provides vehicular access to the site, has been completed to Moray Council adoptable road specifications in accordance with the Road Construction Consent MC-RCC-0536 and has entered the associated RCC maintenance period.

Reason: to ensure acceptable infrastructure at the development access.

15. No development shall commence until:
 - a) A detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing a visibility splay 4.5 metres by 125m to the East and 4.5m by 95 metres to the West onto the B9089 Kinloss to Burghead Road, with all boundaries set back to a position behind the required visibility splay and a schedule of maintenance for the splay area, has been submitted to and approved by the Council, as

- Planning Authority in consultation with the Roads Authority; and
- b) The visibility splay has been provided in accordance with the approved drawing prior to works commencing.
 - c) Thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

16. The width of the vehicular access road to be minimum 5 metres as detailed on Drawing No DH01-900-A. The access road shall be constructed to The Moray Council standards and specification for roads adoption, with 2.0m wide footway must be provided on at least one side of the road and either a 2 metre footway/ service verge on the opposite side. The footway and service verge provision shall be as shown on Drawing No: DH01-900-A, unless otherwise approved by the Planning Authority in Consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure at the development access in the interests of road safety.

17. No development shall commence until evidence has been submitted to the Planning Authority to demonstrate that the Roads Construction Consent (RCC) statutory process has been completed for the detailed design of the off-site footpath and refuge island proposals shown on Drawing No: DH01-902-E.

Thereafter the off-site footway infrastructure shall be completed in accordance with the approved details prior to the occupation or completion of any house within the development, whichever is sooner.

Reason: To ensure acceptable infrastructure is provided on the route to the development in the interests of sustainable transport and road safety.

18. The width of each individual access will be a minimum of 3.0m and have a maximum gradient of 1 in 20 for the first 5.0m from the edge of the access road. Drop kerbs shall be provided across the access(es) to The Moray Council specification.

Reason: To ensure acceptable infrastructure at individual development accesses.

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

Reason: To ensure acceptable infrastructure at individual development accesses.

20. Parking provision shall be as follows:
 - 2 spaces for dwellings with 3 bedrooms or fewer;
 - 3 spaces for dwellings with 4 bedrooms or more

The car parking spaces shall be provided within each plot prior to occupation, or completion of each dwellinghouse, whichever is the sooner.

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.

21. 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.

22. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access/accesses.

23. No works shall commence on site until a Construction Traffic Management Plan for each phase of the development has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme including any phasing of the works and plots;
- number of vehicle movements (i.e. materials, plant, staff, components);
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- 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.

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.

24. No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 1.2 hectares of woodland from the site has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Scottish Forestry. The replanting scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions,

2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The scheme submitted for approval must include:-

- a) details of the location of the area to be planted (which must be within Moray);
- b) details of land owners and occupiers of the land to be planted;
- c) the nature, design and specification of the proposed woodland to be planted (to be mixed native species, at minimum stock density of 1600 trees per hectare);
- d) details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
- e) the phasing and associated timescales for implementing the Replanting Scheme;
- f) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc; and
- g) proposals for reporting to Moray Council on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme (to be carried out by a suitably qualified person(s) with relevant forestry qualifications, technical abilities and experience e.g. chartered forester).

The approved Replanting Scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.

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

25. Prior to the commencement of development, a scheme identifying all mitigation measures to safeguard existing CLH-PS assets on the site shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with Fisher German LLP (CLH-PS Authorised Agent). Thereafter, the development shall be carried out in accordance with these approved details.

Reason: To ensure that CLH-PS assets and infrastructure in the vicinity of the proposed foul water outfall pipe are adequately protected during the lifetime of the development.

12. PLANNING APPLICATION 20/00016/APP

WARD 8: FORRES

20/00016/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 7.1m from finished floor level on Land To The North And West Of East And West Whins Findhorn Moray for Duneland Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have

a maximum ridge height of 7.1m from finished floor level on Land To The North And West Of East And West Whins Findhorn Moray for Duneland Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation because, at the meeting of 10 December 2019, it was agreed that all further applications related to application reference 19/00320/PPP be reported to committee.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 20/00016/APP subject to the modification of the existing S75 agreement and the following conditions and reasons:

1. Condition 9 as attached to the application for planning permission granted under formal decision notice 19/00320/PPP is hereby varied and shall be substituted by the following: "That for any subsequent detailed application/application for Matters Specified in Conditions relative to this approval, the layout, design and landscaping of the development hereby approved shall satisfy the following requirements:-
 - a) All development shall be in accordance with the design principles set out in the approved Masterplan (except that buildings shall not be limited to a maximum of 1 ½ storey).
 - b) All buildings shall have a maximum ridge height of 7.1m"

Reason: To ensure an acceptable form of development, which relates satisfactorily to surrounding housing in terms of scale, design and character, and protects the amenity of neighbouring residents.

2. The development hereby approved shall accord with all other conditions of planning permission granted under formal decision notice 19/00320/PPP approved on the 4 November 2019 for planning permission in principle.

Reason: To avoid any ambiguity regarding the terms of the consent.

13. SECTION 36 CONSENT

19/00156/S36 - Additional information submitted further to the initial EIA report relating to alternative proposed development consisting of erect 23 wind turbines of which 15 turbines of an overall height from base to tip not exceeding 149.9m and the remaining 8 turbines of an overall height from base to tip not exceeding 175m. Associated infrastructure includes external transformer housing, crane pads, turbine foundations, access tracks, 2 substations, underground electricity cables and anemometry mast at Rothes III Windfarm, Moray

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider a consultation received in relation to an Electricity Act 1989 application (which includes deemed planning permission) for a new windfarm. This Section of the Electricity Act relates to consenting onshore electricity generation. An additional consultation has been undertaken following submission of an Environmental Impact Assessment Report Additional Information for changes to the windform originally submitted.

Following consideration, the Committee agreed:

- i) to note the contents of the report, as set out in Appendix 1 of the report, including the conclusions regarding the planning merits of the EIA Additional Information which take into account the Moray Local Development Plan 2015 and all material considerations including the presence of existing neighbouring windfarms;
- ii) to respond to the further consultation request from the Scottish Government, maintaining an objection to the alternative proposed development on the basis of the recommendations set out in Appendix 1 of the report, in particular in terms of the considered unacceptable significant landscape and visual impacts that would arise from the position and height of proposed turbines on the site (including cumulative impact), transportation issues and the impact on tourism and recreational interests; and
- iii) that no additional comments on the proposal should be submitted in relation to the Additional Information.

14. PLANNING PERFORMANCE FRAMEWORK 2018/19

Councillor Taylor left the meeting during discussion of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that the Planning Performance Framework (PPF) for 2018/2019 was submitted to the Scottish Government on 31 July 2019, covering the period from 1 April 2018 to 31 March 2019. The report provided a summary of feedback received from the Scottish Government on 12 February 2020 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2018/2019 submission.

The Committee joined the Chair in commending the work of the Planning Service on their excellent performance which resulted in green ratings across all markers and thereafter agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 31 July 2019 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 12 February 2020 as set out in Appendix 2 of the report;
- (iii) authorise the Head of Economic Growth & Development to submit the Planning Performance Framework for 2019/2020 to the Scottish Government by the end of July 2020 (or any other date that may be set);
- (iv) note that the Planning Performance Framework will be reported to the first available Planning & Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2018/19 will be circulated to all developers, stakeholders and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the PPF for 2019/20.

15. PERFORMANCE REPORT (ECONOMIC GROWTH AND DEVELOPMENT) – HALF YEAR TO SEPTEMBER 2019

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 April 2019 to 30 September 2019.

The Committee welcomed the good performance within the report and joined the Chair in commending the work of the Welfare Benefits Team for their excellent performance in assisting clients claim benefit of which they are entitled and thereafter agreed to note:

- (i) performance of the Performance Indicators, Service Plan priorities and Complaints to the end of September 2019; and
- (ii) the actions being taken to improve performance where required.

16. THE PLANNING (SCOTLAND) ACT 2019

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note the duties and requirements contained in the Planning (Scotland) Act 2019 and the timescales for bringing forward regulations and additional guidance.

Following consideration, the Committee agreed:

- (i) to note the requirements of the Planning (Scotland) Act 2019;
- (ii) to note that responses have been submitted to the Scottish Government in relation to both consultations on Planning Performance & Fees – 2019 and Reviewing & Extending Permitted Development Rights;
- (iii) that further reports are submitted to this Committee when regulations and further guidance are published; and
- (iv) that further reports are submitted to the Community Engagement Group and Community Planning Partnership when further information regarding Local Place Plans is published.

17. NATIONAL PLANNING FRAMEWORK 4

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider and agree the Council's response to the National Planning Framework (NPF) 4 Call for Ideas which has been published with a deadline for commenting of 31 March 2020.

During discussion surrounding the proposed response to the section in relation to how planning can enable development and investment in Moray's economy, it was noted that there was no mention of tourism in Moray which has a significant positive impact to the Moray economy.

In response, the Strategic Planning and Development Manager advised that he would include reference to the value of tourism in Moray in that section.

Thereafter, the Committee agreed:

- (i) to note the publication of the Call for Ideas to inform National Planning Framework 4;
- (ii) that the response set out in Appendix 1 be submitted to the Scottish Government subject to the inclusion of a reference to the value of tourism in Moray in the section “What does planning need to do to enable development and investment in our economy to benefit everyone?”; and
- (iii) that an event is held late March 2020 to inform the development of a Regional Spatial Strategy for Moray.

18. DEVELOPMENT PLAN SCHEME 2020 – MORAY LOCAL DEVELOPMENT PLAN 2020

Under reference to paragraph 10 of the Minute of the meeting of this Committee dated 29 January 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the current timetable for the preparation of the Local Development Plan 2020 and agree that the Development Plan Scheme is submitted to the Scottish Government.

Following consideration, the Committee agreed the Development Plan Scheme 2020 for the Moray Local Development Plan 2020, as set out in Appendix 1 of the report and that the Scheme is submitted to the Scottish Government.

19. COMPENSATORY PLANTING

Under reference to paragraph 11 of the Minute of the meeting of this Committee dated 26 March 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note the responses to the consultation on compensatory planning, approve the list of suitable planting sites and note future arrangements for compensatory planting.

Following consideration, the Committee agreed:

- (i) the proposed responses provided to the comments received to the public consultation, as set out in Appendix 1 of the report;
- (ii) the list of suitable compensatory planting sites, as set out in Appendix 2 of the report;
- (iii) to delegate authority to the Head of Economic Growth & Development to update the list of compensatory planting sites with suitable sites, in consultation with the Chair & Depute Chair of this Committee and relevant Ward Members;
- (iv) the priority system for implementation of compensatory planting funds, as set out in Appendix 3 of the report;

- (v) to note that an additional policy guidance note on compensatory planting will be submitted to a future meeting of this Committee; and
- (vi) to note that a training session will be arranged by Scottish Forestry for Elected Members and relevant services in respect of the Control of Woodland Removal Policy.

20. TREE PRESERVATION ORDER – MILTONHILL, KINLOSS

Under reference to paragraph 25 of the Minute of the meeting of this Committee dated 8 October 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to confirm the Tree Preservation Order at Miltonhill, Kinloss, without modification.

Following consideration, the Committee confirmed 'The Moray Council (Miltonhill, Kinloss) Tree Preservation Order (No 1) 2019' without modification.

21. REVIEW OF PLANNING ENFORCEMENT CHARTER AND UPDATE ON ENFORCEMENT

Under reference to paragraph 12 of the Minute of the meeting of this Committee dated 27 February 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to review the Planning Enforcement Charter and provided an update on Planning Enforcement.

Following consideration, the Committee agreed:

- i) to note the contents of the report; and
- ii) the updated Enforcement Charter, as set out in Appendix 1 of the report.

22. QUESTION TIME

There were no questions raised.

23. FORMER GREENBRAE LANDFILL, CUMMINGSTON [PARA 6 AND 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider removal of gas extraction equipment from Greenbrae Landfill and note the current actions of the owner and risks associated with such action.

Following consideration, the Committee:

- (i) agreed that the Council no longer requires to occupy the land at Greenbrae, Cummingston; and

- (ii) approved the removal of the existing gas extraction equipment from the land at Greenbrae Cummingston, with continued monitoring offsite for gas migration from the site.



**GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE
MEETING OF 15 SEPTEMBER 2020**

REPORT ON APPLICATION

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

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

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

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

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

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

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

Censure of a Councillor or an Officer

Suspension of a Councillor for up to one year

Disqualification of a Councillor for up to five years

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

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

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

WARD 01_17

19/01567/APP**10th December 2019**

Phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at Aberlour Distillery Aberlour Moray AB38 9PJ for Chivas Brothers Ltd

Comments:

- Application is major development as defined under the Hierarchy Regulations 2009 for a general industrial development on a site which exceeds 2ha.
- Advertised for neighbour notification purposes and Schedule 3.
- 3 Objections/representations received.

Procedure:

None

Recommendation: Grant Planning Permission - Subject to the Following:-

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

Conditions/Reasons:

1. Prior to the commencement of works on site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The Construction Traffic Management Plan shall include details relating to:
 - a) Traffic Management measures including accommodation works to manage construction traffic;
 - b) Measures to minimise traffic impacts on existing road users;
 - c) Measures to accommodate pedestrians and cyclists;
 - d) Details of temporary signage and
 - e) Details of construction vehicle routing.

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

2. Prior to the commencement of any deliveries to site, the proposed route for any abnormal loads on the trunk road network must be approved by the Council, as Planning Authority in consultation with Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved and undertaken by a recognised QA traffic management consultant, also to be approved by the Council as Planning Authority in consultation with Transport Scotland before deliveries commence.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

3. Prior to development commencing and first use of the proposed temporary access on the A95 trunk road, as shown in Blyth & Blyth Drawing No. EC21778:95-005, this access shall be constructed to a layout and type (and method) of construction to be approved by the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

4. On completion of the construction of the proposed new road bridge and visitor car park, the temporary access onto the A95, as referred to in Condition 3 above, shall be permanently closed and the A95 trunk road reinstated in accordance with a restoration scheme which has been agreed by the Council, as Planning Authority, in consultation with Transport Scotland. This shall include re-instatement of all land affected by the temporary access road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

5. Vehicle wheel washing facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland.

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

6. No works shall commence on any phase of the development until a Construction Traffic Management Plan for that specific phase of the development has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;

- construction programme;
- number of vehicle movements
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- 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.

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.

7. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Historic Environment Record.

8. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Friday and 0800 – 1600 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development

9. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Manager and SEPA. The plan shall include measures to minimise construction related noise, dust and artificial lighting along with measures to prevent pollution of surrounding environment arising from the construction of distillery. This shall be submitted at

least 2 months prior to commencement of any works on site. Thereafter the development will be carried out in accordance with the agreed plan.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development and to ensure the construction works do not pollute surrounding water courses.

10. Any noise egress point (ie exhaust terminals or louvres) from the Evaporator Building should be attenuated so as to achieve an equivalent continuous sound pressure level L_{Aeq} of 50 dB at 3m from the façade.

Reason: To protect the amenity of surrounding residential properties from the effects of noise associated with the operation of the development

11. The exhaust terminals or louvres to be installed on the Evaporator Building shall face south.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development

12. Unless otherwise agreed in writing with the Planning Authority, all louvres in the Evaporator Building and Still House shall be fitted with 300mm deep double bank chevron configuration acoustic louvres as described in Appendix 5 of the noise impact assessment supporting document by Robin Mackenzie Partnership, dated 10th December 2019, Report No. R -8573-RRM and titled "Noise Impact Assessment : Aberlour Distillery , Charlestown, Banffshire, AB 38 9PJ".

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development.

13. All external motors/pumps within 90 metres from the dwelling boundaries with direct line of sight, including the Spirit Tank Pumphouse, shall be located internally with attenuated louvred doors.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development

14. The Still House louvres shall be positioned to ensure they face either north or south.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development

15. The mitigation measures in conditions 8 to 14 inclusive arise from that identified throughout Section 6 of the noise impact assessment supporting document by Robin Mackenzie Partnership , dated 10 December 2019, Report No. R -8573-RRM and titled “Noise Impact Assessment: Aberlour Distillery, Charlestown, Banffshire, AB 38 9PJ” and shall be implemented to ensure that the rating level of noise associated with the development shall not exceed the background sound level by more than 5 dB. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development.

16. The recommended mitigation and compensation measures regarding the protection and enhancement of protected species and habitat for the site (including the timescales for their implementation) as detailed within the accompanying Ecological Impact Assessment on behalf of Aberlour Distillery (Chivas Brothers Ltd) by Blythe & Blythe (in collaboration with Ecos Countryside Services LLP) dated 6 December 2019 and Bat Survey Report by Black Hill Ecology Ltd y shall be strictly adhered to by the developer, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with Scottish Natural Heritage. These measures shall include the submission and approval pre-construction surveys and mitigation (species protection plans, where required) in relation to otters, red squirrel and badgers as recommended in the aforementioned Ecological Assessment.

Reason: To ensure the adequate protection and enhancement of ecological features of the River Spey SAC and the interests of the protected species within it.

17. Unless otherwise agreed in writing with the Council as Planning Authority the waste water drainage from the site will be connected to the public sewer.

Reason: In order to prevent any prevent any pollution impacts on the water environment

- 18: No dewatering in connection with the construction of the proposed development shall occur and foundations for the water tanks shall not be in excess of 90.10Maod unless otherwise agreed by the Planning Authority in consultation with SEPA.

Reason: In order to prevent any significant impacts on groundwater.

19. No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of woodland from the site has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Scottish Forestry. The replanting scheme must comply with the

requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The scheme submitted for approval must include:-

- a) details of the location of the area to be planted as indicated in the submitted landscape plan No. ZZ-DR-A-00900 P03.
- b) the nature, design and specification of the proposed woodland to be planted (to be mixed native species, at minimum stock density of 1600 trees per hectare);
- c) the phasing and associated timescales for implementing the Replanting Scheme;
- d) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc; and
- e) proposals for reporting to Moray Council on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme (to be carried out by a suitably qualified person(s) with relevant forestry qualifications, technical abilities and experience e.g. chartered forester).

The approved Replanting Scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.

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

20. That all tree works and tree protection measures on the development site shall be carried out in accordance with those detailed in the submitted Tree Protection Plan by SCOTTISH ARBORICULTURAL SERVICES dated 24 August 2020, unless otherwise agreed in writing with this Council as Planning Authority. No trees, shrubs or hedgerows on the site other than those identified in the abovementioned Protection Plan shall be removed without the prior written consent of the Council, as Planning Authority.

Reason: In order to protect trees and shrubs within the site.

21. The mitigation and enhancement measures as recommended in the submitted Site Biodiversity Action Plan prepared by ECOS COUNTRYSIDE SERVICES LLP dated 24 August 2020 (see Table 9.0, pages 17 - 19), shall be fully implemented by the developer, unless otherwise agreed in writing with this Council as Planning Authority.

Reason: In order to protect and enhance biodiversity interests on the site.

22. No development shall commence until details of the proposed Electric Vehicle Charge Point (as shown on Drawing ZZ-DR-A-00113 Rev K) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. Details shall confirm the provision of a charging unit within a minimum output of not less than 22Kw (Rapid).

Thereafter, unless otherwise agreed by the Planning Authority in consultation with the Roads Authority, the proposed Electric Vehicle (EV) charging unit must be provided and operational prior to the car park opening to visitors.

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

23. The surface water drainage SUDS arrangements detailed in the approved drawings, Drainage Impact Assessment prepared by Blyth and Blyth dated 29 Nov 2019 and Flood Risk Assessment prepared by Royal Haskoning DHV dated 16 December 2019 shall be installed prior to first occupation of the development or completion of building works whichever is sooner, unless otherwise agreed.

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

24. No development shall commence until details of the temporary closure and diversion arrangements of the section of Core Path CP-SP25 affected by the proposal shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the development will be carried out in accordance with these agreed details.

Reason: To protect access rights in the affected area during construction works.

25. No development shall commence until detailed specifications of all material finishes to the buildings on the development have been submitted to and approved in writing by the Council as Planning Authority. Thereafter the development will be carried out in accordance with these agreed details.

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

26. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of an external lighting scheme for the development. The required scheme shall:

- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary; and
- b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and operation of the development (which, for the latter, shall include low level lighting to light internal work spaces between buildings rather than around the exterior of the building/the site); and
- c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time- periods for

operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary (for example, light hoods and louvres, orientation and angle of downward inclination of lamps, self dimming lights, etc.)

Thereafter, the external lighting arrangements shall be implemented in accordance with the approved details and no further external lighting shall be provided, installed or used throughout the lifetime of the development except where otherwise agreed in writing with the Council, as Planning Authority.

Reason: Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development in particular to minimise the potential for light pollution disturbance upon the visual amenity of the surrounding area and nearby residential properties.

27. No development shall commence until detailed drawings of the road and foot bridge(s) and associated bank works have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA and Flood Risk Management. These details shall be in line those modelled in the accompanying Flood Risk Assessment prepared by Royal Haskoning DHV dated 16 December 2019. Thereafter the development will be carried out in accordance with these agreed details

Reason: Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development which does not increase flood risk.

28. No development shall commence until a revised landscape scheme has been submitted to and approved in writing by the Council, Planning Authority. This shall be closely based on the Landscape Plan drawing number ZZ-DR-A-00900 P03 and include the following additional information:-

- 1) details of additional tree/hedge planting (including species, positions and height) along the eastern edge of the visitor car park;
- 2) details including species, positions, spacing and height of all new planting; and
- 3) maintenance arrangements for all new planting on the site for the lifetime of the development.

Thereafter the development will be carried out in accordance with these agreed details.

Reason: To ensure that the car parking integrates sensitively with its surroundings and to enhance biodiversity value of this part of the site and as details regarding planting specifications and maintenance are lacking from the application.

29. The timescale for provision of the visitor car park shall be in accordance with the Proposed Phasing Plan drawing number EC21778.05:001 Rev D.

Reason: To ensure timeous provision of infrastructure in accordance with the phasing plan and an acceptable form of development.

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

THE ABERDEENSHIRE ARCHEOLOGY SERVICE, has commented that:

Level 1 Standing Building Survey: A full photographic survey of the interior and exterior of the building, including all exterior elevations and the building's setting, with the addition of measured floor plans and elevations and a written account of the building's plan, form, function, age and development sequence. Surveys must be submitted in a digital format. A more detailed specification of the survey can be obtained from the Council's Archaeology Service.

THE ENVIRONMENTAL HEALTH MANAGER, has commented that:-

Odour

Odour emissions from the proposed bio-plant shall be suitably controlled so as not to give rise to a Statutory Nuisance in terms of the Environmental Protection Act 1990.

Artificial Lighting

Artificial light emissions from the proposed development shall be suitably controlled so as not to give rise to a Statutory Nuisance in terms of the Environmental Protection Act 1990

TRANSPORT SCOTLAND, has commented that:-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport

Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland.

The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

MORAY COUNCIL TRANSPORTATION SECTION, has commented that:-

Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. -

SCOTTISH WATER, has commented that:

See consultation response dated 20 December 2019.

SEPA, has commented that:

See consultation responses dated 16 April 2020 and 3 April 2020.

SNH, has commented that:

See consultation response dated 27 January 2020.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
		Tree protection plan
EC21778:93:003	A	Cut and fill information
EC21778:93:002	A	Proposed site level information
ZZ-DR-A-00900	P03	Landscape plan
ABL-NOR-ZZ-ZZ-DR-A-00201	p01	Site master plan - roof plan
ZZ-DR-A-00114	P03	Location plan
EC21778_52_020	A	Proposed car park drainage layout
ZZ-DR-A-00112	H	Proposed distillery floor plan
ZZ-DR-A-00102	P02	Proposed elevations A B C D
ZZ-DR-A-00101	P02	Proposed elevations E F G H J
EC21778:05:001	D	Proposed phasing plan
EC21778:52:003	A	Proposed site drainage layout
ZZ-DR-A-00113	L	Proposed site plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/01567/APP

Site Address:

Aberlour Distillery
Aberlour

Applicant Name:

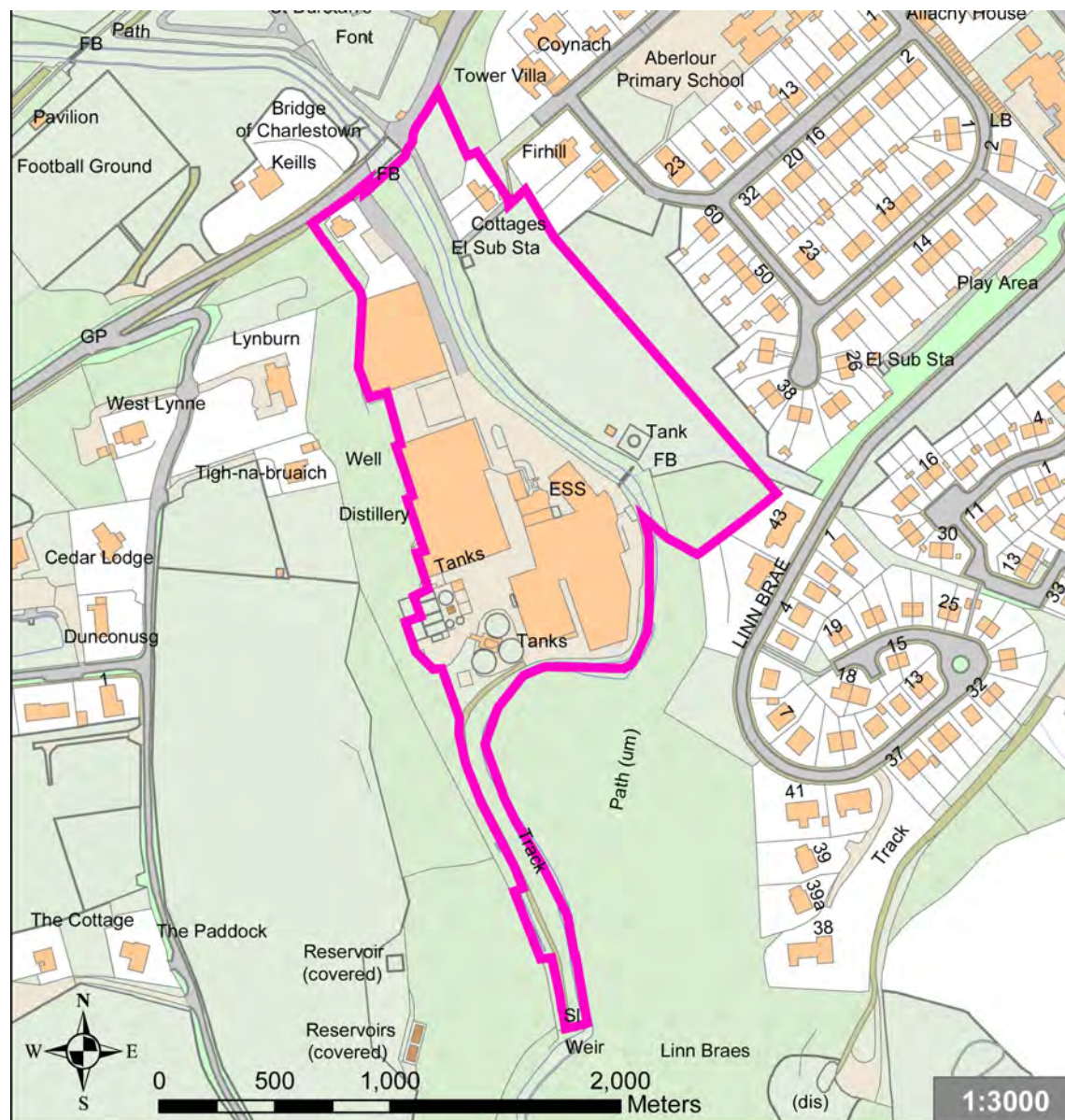
Chivas Brothers Ltd

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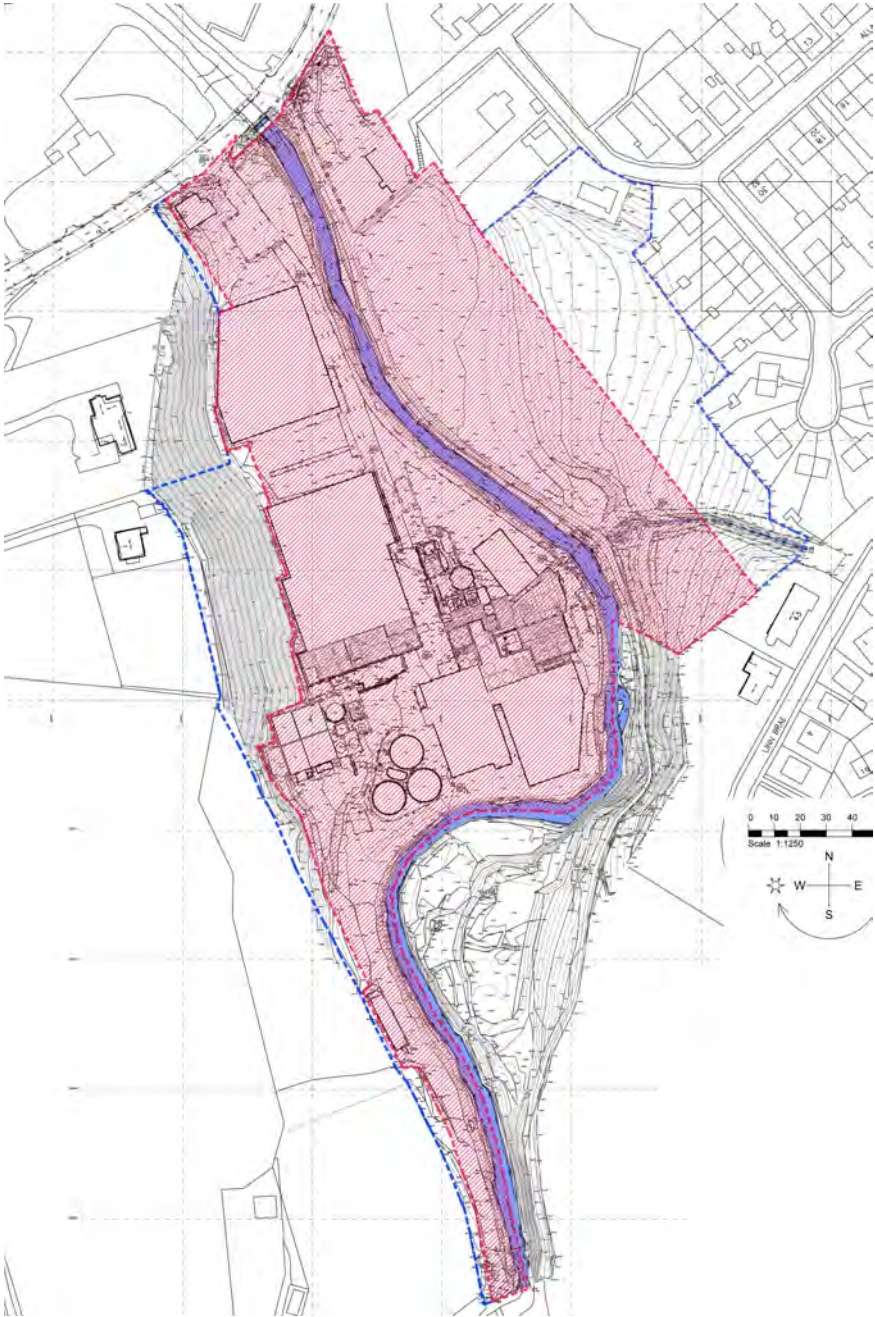
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Location Plan



Site Location



Site plan



Photo location plan



Map Description: a Description of a Moray Council Map

Scale: 1:3,385 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

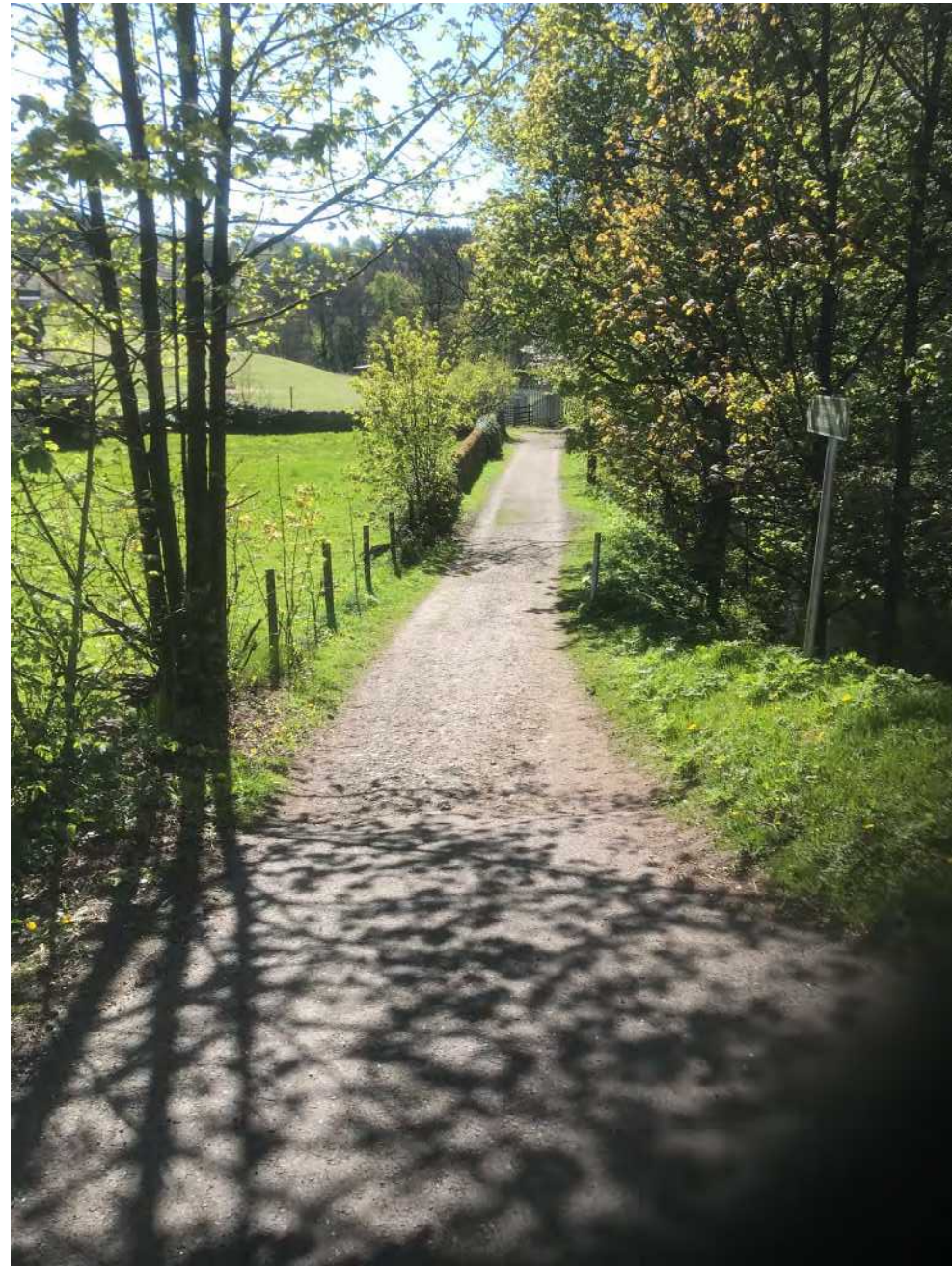


Photo 7



Photo 8



Photo 9



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

THE PROPOSAL

- This application seeks permission for the phased remodelling and rebuilding of the existing distillery including new evaporator, bio plant, boiler house, still house, tun room, mash room and new visitor parking with access bridge and landscaping at Aberlour Distillery, Aberlour.
- Associated works include demolition of an existing ancillary warehouse building and reworking of ground levels.
- The proposal will relocate the still house and tun room into a new build still house and the latter into the shell of the original malt floor.
- To ensure a sustainable waste-water process as part of the development the proposals include the renewing of the bio plant treatment facilities with update technology. The proposals will use existing processing capacity to supply pot ale syrup and draff to the local agricultural sector.
- Existing buildings will have the modern dry dash render stripped/removed from the walls, and stone work will be repaired. . New buildings will be a mix of profiled metal cladding and roofing (colour anthracite grey), curtain walling and timber cladding (a mix of clear and anthracite stain). Windows will generally be timber framed with an opaque stain finish. Rendered walls will have a traditional wet dash finish (colour white). Existing slate roofs will be retained and the still house will have a natural slate roof as well (utilising salvaged slate from the site where possible).
- The new buildings will range in height from 6.3m to 17.34m high, and replacement chimney stack 19m in height.
- The proposed development will separate visitor routes from the service routes to create a high quality visitor experience. Visitor parking will be provided in open grassland area opposite distillery with improved access path provided linked into existing core path along the Lour Burn and new timber pedestrian bridge to the distillery.
- Vehicles will access the new car park via a new bridge across the Lour Burn. The car park will be enclosed to the slope side with a traditional field hedgerow of Hawthorn broken up with informal groupings of trees (indigenous species to match the tree species in the adjacent woodland). The parking area will be broken up with further planting and parking bays will be a mix of reinforced grass and whin dust with a blacktop carriageway. Provision has been made for electric vehicle charging for 2 vehicles within the parking area.
- Tree removal has been identified within a supporting a Tree Survey/Protection Plan and compensatory planting within a landscape plan. Biodiversity proposals include protection of existing riparian woodland and wetland areas from construction processes, replant native species trees, shrubs, grass and further habitat creation through planting of hawthorn hedgerows.
- Proposals will also seek to minimise impacts on protected species in line with Ecology Assessment recommendations.

- The existing former cottage to the A95 end of the field will continue to be maintained as wind and water tight until Chivas decide on its long term use.
- The following supporting documents have also been provided; Design and Access Statement, Ecology Impact Assessment, Noise Impact Assessment, Transport Statement, Flood Risk Assessment, Drainage Planning Statement and Tree Survey/Protection Plan and Site Biodiversity Action Plan.
- The proposal has been screened against the EIA regulations and the EIA screening opinion has identified that it is not EIA development.
- Following amendments to the red line boundary ancient woodland to the south of the site no longer forms part of the application site.

THE SITE

- The Aberlour Distillery site extends to approximately 4 hectares and comprises the existing distillery complex, an area of open grassland to the east on the opposite side of the Burn of Aberlour which flows through the site and woodland to the south.
- The site is irregular in shape, gently rises to the north where it meets the A95 trunk road and is bounded by housing to the east and woodland to the west (National Forest Inventory) and south (Ancient Woodland).
- The site forms part of an 'Existing Business Area' designation I2 Aberlour Distillery, in the Proposed Moray Local Development Plan 2020.
- The SEPA indicative flood map shows that parts of the site which include a section of the Burn of Aberlour and adjacent ground may be at medium to high flood risk of river and surface water flooding. This stretch of burn also forms part of the River Spey Special Area of Conservation (SAC), which joins into the River Spey SAC and SSSI 300m to the northwest.
- A core path (CP-SP25) runs through the site along the burn.

HISTORY

19/00456/PEMAJ – Major preliminary enquiry submitted for the phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room and mash room new visitors parking with access bridge and associated landscaping Aberlour Distillery Aberlour.

19/00686/PAN – Proposal of Application Notice submitted for the phased re-model and rebuild of existing distillery including new evaporator bio-plant boiler house still house tun room and mash house new visitors parking/access and associated landscaping at Aberlour Distillery, Aberlour. At committee the following concerns were raised and passed onto the applicant a) parking associated with the current core path within and beyond the site; noise issues; b) proximity to housing; c) ancient woodland; and d) flooding.

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

Advertised for neighbour notification purposes and Schedule 3 advertisement.

CONSULTATIONS

Strategic Planning and Development – The proposal incorporates high design standards and responds to the setting and characteristics of the site. In principle the development is supported subject to additional information being submitted in relation to compensatory planting and maintenance of the remaining open field beyond the car parking area and measures for enhancing natural habitats and ecological and amenity value of the site.

Transportation – No objection subject to condition requiring submission and approval of a Construction Traffic management Plan. A nominal increase in visitor numbers is anticipated. The proposed increase in visitor car parking from 21 to 34 space (plus additional campervan spaces) is considered acceptable. Access is via an existing access onto the A95 Trunk Road.

Transport Scotland – No objection subject to conditions regarding submission of CTMP, access arrangements and deliveries.

Scottish Water – No objection subject to advisory comments regarding water and foul capacity within the network and requirement for separate application to Scottish Water via the Pre-Development Enquiry (PDE) process.

Moray Flood Risk Management – No objection to proposed development following submission of further drainage information confirming that the geo cell solution was the only solution available as there is insufficient space for a suds pond in the part of the site in question and given the site levels and topography.

Aberdeenshire Archaeology Service – No objection. With its origins in the 19th Century, the Aberlour Distillery is included as a historic site in the Moray Historic Environment Record (site number NJ24SE0033). Should the application be minded for approval, we would ask that a level 1 standing building survey condition is applied (applicable to all buildings which will be affected by the proposed development).

SEPA – No objection subject to conditions regarding submission of a CEMP to control the environmental impact of development in terms of pollution associated with the construction phase of the development, confirmation that waste water drainage is connected to a public sewer and no de-watering in connection with construction of proposed development, and that the foundations for the water tanks should not be in excess of 90.10mAOD.

Speyside Community Council: No objection.

Developer Obligations - No developer obligations will be sought for the above planning application in this instance.

Moray Access Manager – No objection.

Environmental Health – No objection subject to conditions regarding submission of CEMP and noise attention measures; relevant informative notes on working practices and odours.

Scottish Natural Heritage - No objection subject to a condition requiring compliance with the recommended mitigation and compensation measures on the protection and enhancement of protected species for the site (including the timescales for their implementation as detailed) contained within the accompanying Ecological Impact Assessment.

OBJECTIONS-REPRESENTATIONS

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

[REDACTED]

[REDACTED]

[REDACTED]

Objections:

Issue: The proposal doubles the distillery capacity and the stillhouse is to be placed slightly closer to our home and closer to houses at Linn Brae. This doubling of capacity and placing of the stillhouse has the likely potential to increase noise, distilleries run 24/7 and this proposal has the potential to affect many people who will be living under constant noise.

Comment (PO): A Noise Impact Assessment has been submitted with the application which has informed consideration. Noise associated with the operation of the new distillery has been assessed by the Environmental Health Section which has not objected to the proposed development subject to conditions regarding installation of noise attenuation measures and a Construction Environmental Management Plan (CEMP) to minimise construction related noise. These along with the separation distances to nearby noise receptors are considered sufficient to protect residential amenity from the harmful effects of noise.

Issue: 53 documents to be read over a holiday period when many people including myself are off on holiday and with the website being off line on 1/2 January could be interpreted to nullify comment rather than seek it.

Comment (PO): The timing of submission of a planning application is outwith the control of the Council as Planning Authority. Opportunities to comment on the proposal were available through the requisite neighbour notification period and an opportunity was also available at a public event held in advance of submission.

Issue: I believe that part of the land indicated is not actually owned by Chivas; the area to the south of the ditch and fronting nos 42 and 43 Linn Brae, is, or was owned by Moray Council and contains a gas main.

Comment (PO): The applicant (Chivas) has signed the Land Ownership Certificate confirming they are the sole owners of the land. The agent for the applicant has also

confirmed that all land within the application area is owned by Chivas including the site of the gas governor.

Issue:

- Doubling of the capacity of a hazardous industrial unit so close to residential properties surely requires a H&S Risk Assessment similar as to that required by sites which fall under the COMAH regulations, because of proximity and enabling vectors for fire spread.
- The total amount of spirit capable of being held on site should have a 3D heat contour attached in case of fire and if that affected the surrounding trees enabling the fire to spread to local domestic properties, the development should not be allowed.
- Not against the expansion of the facility per se, merely that it is done in a safe and professional manner; the very low lying nature of the site surrounded by foresting providing a fire spread vector to domestic properties make the current land too risky to the public.

Comment (PO):

- With regard to concerns relating to the potential for fire, the site is not and will not become a COMAH site, as confirmed by the applicant. In terms of fire risk the development will reduce the risk as the quantity of spirit stored on site will be reduced as one of the warehouses is being demolished. That only leaves one warehouse at the entrance gate containing spirit. HSE has been consulted and has not advised against the granting planning permission. The applicant has confirmed that whisky storage on site will not exceed 5000 tons and on this basis the proposal would not require hazardous substance consent.
- Whilst the production capacity of the distillery is increasing the spirit stored on site will reduce in line with comments above. The expansion is contained within the industrial complex of buildings and designation covering the site. New development in the field opposite is limited to visitor car parking. The expansion and its integration with surrounding land uses will be controlled by condition to ensure the amenity and safety of nearby receptors. The development is confined within the existing distillery site and poses no greater fire risk than at present. All relevant health and safety practices during and after construction would be expected to be followed.

Issue: The glass front of the still house, in case of explosion should not face those self same trees but face inwards to the site.

Comment (PO): This is not a material planning consideration. Glass fronted still houses are comparatively common in modern still houses and will require to comply with all relevant legislation and relevant building regulations to prevent fire spread.

Issue:

- Queries whether the biomass boiler will be wood fired and thus any wood storage should be aggregated into a major fire scenario heat contour.
- It may be seen in certain weather conditions that the vapour from this stack does not disperse but hangs low in the valley. Given that woodsmoke is carcinogenic and the vapour can lie over two schools and a hospital, the use of a wood fired boiler should be precluded unless suitable scrubbers are designed into the exhaust.

Comment (PO): The application does not include proposals for installation of a biomass

boiler on site and the agent has confirmed that heat will be produced by gas boiler system.

Issue: Please ensure that full protection is given to all wildlife, flora and fauna. In particular moles and eels.

Comment (PO): The site is within an operational industrial complex. The application has been supported accompanying ecology and habit reports, this information has been reviewed by SNH which has not objected subject to conditions. In addition a small area of established planting will be lost to accommodate the development but additional landscaping is proposed. This will have biodiversity benefits for the site in accordance with the MLDP 2020.

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

I2 Aberlour Distillery and Settlement Boundary (Policy EP6)

The proposed development site is located within I2 Aberlour Distillery designation of the approved 2020 Plan, which reserves the site for the use of the distillery and related business uses, including tourism. All required information has been submitted to the satisfaction of respective consultees, subject to relevant conditions. Given the nature of the proposed uses, improved infrastructure relating to the operation and redevelopment of his established distillery and introduction of enhanced tourist related opportunities the proposal is considered to comply with Policy I2.

The boundary of the site extends southwards towards the intake for the distillery. This southern section falls outwith the Aberlour Settlement Boundary. Policy EP6 of the MLDP 2020 states that development proposals immediately outwith the boundaries will not be acceptable unless the proposal is a designated 'LONG' site. However, the area is only used to access the water intake and as no development is proposed there is no departure to this policy.

The proposal complies with the above policy provisions.

Sustainable Economic Growth and Business & Industry (Policies PP2 and DP5)

Moray Local Development Plan 2020 Policies Sustainable Economic Growth and Business & Industry (Policies PP2 and DP5) support the Moray Economic Strategy and delivery of sustainable economic growth whilst seeking to ensure the site is used primarily for the role that it was intended. The proposal involving the redevelopment and renewal of this long established distillery complex will contribute towards sustainable economic growth by investing in an indigenous industry and supporting employment through the ongoing operation of the site and during the phased construction programme. As such the proposal complies with policies PP2 and DP5.

Siting/Design and Special Landscape Area [SLA] (DP1 and EP3)

Policy DP1 Development Principles, sets out detailed criteria to ensure development proposals satisfy siting, design and servicing requirements.

The site lies within the Spey Valley Special Landscape Area (SLA). SLAs have been identified within rural and urban areas to protect and enhance the special character and qualities of Moray's most valued landscapes as well as promoting a greater understanding of them. To this end policy EP3 contains heightened criteria which proposals are required to meet in terms siting and design and compliance with DP1 and designation requirements, to minimise adverse effects on the landscape and visual qualities of the area.

A Design and Access Statement has been provided which explains the design and access rationale behind the proposal. The proposal incorporates high design standards and responds to the setting and characteristics of the site, an established distillery complex with a heavy woodland backdrop. The retention of existing slate roofs and the further introduction of slate on the still house roof, along with timber framed windows, is welcomed and will contribute to the character and distinctiveness of the site. The use of profiled grey metal cladding, timber louvres and curtain wall glazing introduces a contemporary aspect to the distillery which is complementary to the traditional features.

The proposal introduces a high quality public realm with the reinstatement of the former lade promoted as a feature. This will create a distinctive and welcoming entrance to visitors as they cross over the Burn of Aberlour from the car park into the distillery complex. Proposed landscaping to the car park and compensatory planting to offset for woodland lost to form the access road bridge and construction access would further assist to integrate the development onto this part of the settlement and the wider landscape.

With the above considerations in mind the proposed redevelopment of this established distillery would result in a proposal that would relate well to its surroundings and the wider landscape, and satisfy the siting/design requirements of policy DP1 and the heightened requirements of EP3.

Forestry, Woodlands and Trees (EP7)

Policy EP7 Forestry Woodlands and Trees aim to give protection to trees and woodland from development.

Native woodland follows the Burn of Aberlour through the site and proposals to form the proposed road bridge will impact part of this woodland. The proposal to form the temporary access onto the A95 will also affect 3 trees.

A tree survey/tree protection plan and accompanying landscape plan have been submitted which detail this removal, protection measures and suggested compensatory planting. This retention and replacement of trees will be covered by condition.

Compensatory native woodland planting of pedunculate oak is proposed to compensate for the loss of 21 burn side trees (0.0415ha). The tree survey/protection plan also provides British Standard compliant protection for retained trees and their root plates. Further

compensatory planting for the Burn of Aberlour crossing includes 2 new hawthorn hedgerows, 149m and 28m in length. Along the site frontage, 1 ash and 2 sycamore trees are to be removed to allow temporary access from the A95/High Street into the site. The Ash tree is to be replaced by a pedunculate oak due to prevalence of Ash-die Back Disease.

Subject to conditions requiring adherence to the Tree Survey/Protection Plan, submission of a Compensatory Planting Plan and implementation of the submitted landscape plan the proposal complies with Policy EP7.

Infrastructure and Services (Policy PP3, DP1, EP12 and EP13)

Policy PP3 Infrastructure & Services seeks to ensure development is planned and co-ordinated with infrastructure to enable places to function properly and is adequately serviced.

Policy DP1 & EP12 Development Principles, sets out detailed criteria to ensure proposals meet siting, design and servicing requirements including provision of SUDS Policy EP13. Seeks to ensure that new development connects to the mains sewer system whenever possible.

The site is in an area known to be at risk of surface water flooding. A drainage assessment has been provided which assesses the risk and seeks to address it. In order to meet the requirements of policies PP3, DP1 and EP12 proposed surface water drainage arrangements include provision of on-site attenuation measures i.e. filter trenches and storm water drainage etc. designed and sized to ensure that all surface water is discharged onsite via geo cell containment. A geo cell solution is the only solution available as there is insufficient space for a suds pond within the site given the site levels and topography and undeveloped land available. These proposals have been assessed by the Flood Risk Management section and confirmed as acceptable. The proposals will ensure that surface water from the development is suitably managed and that the development will not increase the risk of flooding on site or elsewhere. The proposals accord with the above policy provisions.

Scottish Water has provided comments following consultation on this application. The responsibility rests with the applicant to obtain the necessary consents from Scottish Water regarding any connections to the surrounding Scottish Water network.

The applicant is proposing to provide two electric car charging points as part of the parking arrangements which have been agreed by Transportation and covered by condition. Further information on provision of Information Communication Technologies (ICT) and fibre optic broadband connections will be sought by condition ensuring the proposal complies with Policy PP3 requirements.

Noise, Light and Odours (EP14)

EP14 seeks to control pollution (air, water, soil, light and noise) by ensuring submission of detailed assessments with applications along with mitigation (if required).

A Noise Impact Assessment has been submitted in support of the application which details an assessment of likely noise impacts along with mitigation measures to protect amenity. Environmental Health has reviewed this information, is content with its findings

and has raised no objection subject to conditions requiring implementation of these measures to control noise emissions. These include requirements to install attenuation louvres and orientation of exhaust terminals/louvres away from nearby noise receptors, Construction Environmental Management Plan (CEMP) to minimise construction related noise, fitting of louvres to buildings containing motors and pumps and the siting of external motors and pumps internally or housed within acoustic enclosures. A further condition is recommended controlling hours of construction works including vehicle movements. These along with the separation distances to nearby noise receptors are considered sufficient to protect residential amenity from the harmful effects of noise.

In order to address potential pollution impacts on the environment, SEPA has recommended a condition requiring submission and approval of a Site Specific Construction Environmental Management Plan (CEMP). This is required to minimise and control impacts of construction works on the environment and adjacent water course. SEPA has recommended that the CEMP is submitted at least 2 months prior to the commencement of any works on site; this is to allow sufficient time to fully review the mitigation proposals and to avoid any potential delays to the project moving forward. Further conditions are recommended requiring no dewatering in connection with construction works and foundations for proposed water tanks to be set at specified levels to prevent any significant impacts on groundwater.

Environmental Health has further recommended that informative notes be attached highlighting that odour and artificial lighting associated with the development should comply with the terms of the Environmental Protection Act 1990 to avoid giving rise to a statutory nuisance.

A further condition shall be attached requiring submission and approval of an external lighting scheme for the site to minimise light pollution disturbance during the lifetime of the development.

Subject to compliance with these conditions the proposal would accord with policy EP14.

Flooding (EP12)

Policy EP12: Management and Enhancement of the Water Environment aims to primarily direct development away from areas at risk from flooding in the first instance, and ensure that potential risk from flooding is adequately considered in terms of planning applications. It also states that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere.

The corridor along the Burn of Aberlour which runs through the site and adjacent ground is identified as being subject to river and surface water flood risk. A Flood Risk Assessment (FRA) and updated drainage statement have been submitted to inform consideration of this risk. This has also included submission of additional information regarding groundwater levels and proposed foundations levels.

SEPA and Moray Flood Risk Management team have assessed this information and are content with the conclusions of the FRA. In its consultation responses SEPA notes that the proposals involve redevelopment of the existing distillery, and there is no increase in land use vulnerability as a result of the proposals. It further notes that the submitted information identifies that no buildings or land raising is expected to be in the 1 in 200 year

functional floodplain, and that flood levels shown in the climate change scenario are contained within the site, so flood risk elsewhere is unlikely to be increased. As such SEPA and Moray Flood Risk Management have raised no objection on flood risk grounds.

The principle and location of the proposed bridge crossings over the Aberlour Burn have been accepted by SEPA, FRM and Transportation. Some land raising on the right bank is proposed for the approach to the road bridge. The proposed bridge has been modelled in line with findings of the Flood Risk Assessment (FRA) and in the 1 in 200 year event, and on this basis no change in flood risk is expected. The cut and fill drawing shows that the proposed land raising is outwith the functional floodplain. Submission of details of the design of the bridges and any associated works will be subject of a condition, to be agreed in consultation with SEPA, FRM and Transportation.

On this basis the proposed development complies with EP12.

Biodiversity (Policy EP2)

Policy EP2 Biodiversity states that all development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. It also requires proposals for 1000m² or more of commercial floorspace to create new, or where appropriate enhance, natural habitats of ecological and amenity value.

An ecological assessment and Site Biodiversity Action Plan has been submitted which sets out a range of measures to mitigate/compensate any impacts and enhancement to meet biodiversity objectives in line with this policy. This includes new and compensatory planting to enhance and increase habitat and biodiversity, such as native species trees, shrubs and grasses and hawthorn hedgerows along with mitigation measures to address impacts on protected species. Implementation of this plan and measures outlined within the ecology assessment will be subject of a condition.

Access and Parking (DP1 & PP3)

The proposal is acceptable in terms providing safe access and parking in accordance with Policy DP1. The Transportation Manager and Transport Scotland have considered these aspects of the application and have raised no objection subject to conditions and informative notes being attached to the planning consent covering access arrangements, parking and submission of a Construction Traffic Management Plan.

Natural Heritage Designations EP1

The potential for pollution of the Aberlour Burn, part of the River Spey SAC, which runs through the proposal site, has been identified at pre-application stage. SNH have been consulted and have not objected subject to compliance with the recommended mitigation and compensation measures on the protection and enhancement of protected species for the site (including the timescales for their implementation as detailed) contained within the accompanying Ecological Impact Assessment.

The Aberlour Burn, part of the River Spey SAC, runs through the proposal site and the proposal has the potential to affect the 4 species of the SAC (freshwater pearl mussel, Atlantic salmon, sea lamprey and otter). The proposal is unconnected with conservation management and has been subject of an appropriate assessment by Moray Council, as

competent authority under the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the "Habitats Regulations") to consider its effect on the abovementioned designation interests. (Appendix 2 refers).

Following assessment of the submitted ecological information (which includes a range of embedded mitigation measures) Scottish Natural Heritage has advised that the proposal will not adversely affect the integrity of the sites or their interests based upon various considerations as detailed within its consultation response. This advice also informed the abovementioned appropriate assessment and is summarised below for sake of completeness:

River Spey SAC - Unmitigated, construction and demolition activities surrounding the bridge construction could disturb salmon habitats in the Aberlour Burn, migrating fish moving up and down stream and potential pollution events during the construction phases. The applicant has acknowledged this and proposes to implement a management plan in order to mitigate and control activities affecting habitats in the burn and surrounding landscape. Conditions will be use accordingly to ensure compliance with agreed mitigation measures and timescales for works to minimise habitat impacts, as recommended by SNH.

The site was also identified as having potential for a variety of protected and non-protected species principally because of the works to the roofs of the buildings. A bat survey identified that bats were using 3 of the buildings affected by the proposals. Bats were found in the cask stores and above the hot water tanks in main distillery building.

These species of bat found (pipistrelle) are not uncommon. Subject to works being carried out in accordance with the requirements set out in the mitigation section of the survey report the impact on roosts used by the bats is unlikely to be detrimental to the maintenance of these species at a favourable conservation status in their natural range. The mitigation proposed includes a species protection plan covering the provision of site specific bat boxes used to offset impacts due to demolition of buildings, remodelling of retained buildings and removal of trees, all of which could adversely affect bats by destroying roost sites. The plan will also address and mitigate for the increased lighting employed on construction sites that could adversely affect light-averse bat species that may be using the site for foraging or commuting to minimise impacts.

SNH has advised that with the above mitigation set out in the above species protection plan, a licence from SNH will be required by the applicant before they can proceed with development.

As required under the Habitats Regulations 1994 (as amended), The Council as Planning Authority is required to apply three tests in this case and satisfy itself that all 3 can be met prior to granting planning permission. SNH's remit is to advise on the third test and in this regard SNH have stated, "Our advice in relation to the third test is that based on the information currently available to us, it is likely that the tests would be met and therefore that a licence would be granted".

In relation to Test 1 it is considered that the works to rebuild the distillery will inevitably impact on bat habitats but for the purposes of overriding public interest for economic and social reasons i.e. ensuring continued occupation of an indigenous industry on the site by investing in it by way of extension/expansion, whilst safeguarding the future of the protected species by incorporating mitigating measures satisfies this test. With regard to

Test 2 there is no satisfactory alternative as the development proposals involves the removal of the exact location the bats were found to be using the building with new buildings.

In light of the above subject to suitable mitigation measures and strategies being covered by condition the proposal will not have a detrimental impact on European Protected Species or other species and complies with Policy EP1.

Historic Environment (EP8)

The aim of Policy EP8 is to protect archaeological sites from development that would have an adverse impact on the sites integrity and setting.

With its origins in the 19th Century, the Aberlour Distillery is included as a historic site in the Moray Historic Environment Record (site number NJ24SE0033). The regional archaeologist has recommended that a Level 1 archaeological standing building survey of the extant buildings and structures on the application site is undertaken prior to development commencing along with a photographic survey (internally & externally) to ensure that a historic record of the buildings is made for inclusion in the National Record of the Historic Environment and in the local Historic Environment Record. This will covered by condition as recommended.

CONCLUSION

This proposal reflects the operational needs of the distillery and will contribute to sustainable economic growth. The design and materials are considered to be acceptable in this location and the site can be appropriately serviced. The proposal accords with relevant policies of the Moray Local Development Plan 2020 and it is recommended that planning permission is granted subject to the recommended conditions.

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 1

POLICY

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

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

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

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

v) Biodiversity

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

(vi) Parking

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

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
 - Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
 - Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
 - Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
 - Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
 - Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.
- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

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

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

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary

Guidance on the Open Space Strategy, Masterplans and Development Briefs.

- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District

Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

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

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 400m², 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, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP5 BUSINESS & INDUSTRY

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

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

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

b) Business Parks

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

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

c) Industrial Estates

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

d) Existing Business Areas

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

e) Other Uses

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

f) Areas of Mixed Use

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

g) Rural Businesses and Farm Diversification

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

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

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

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

h) Inward Investment Sites

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

Proposals must comply with Policy DP1 and other relevant policies.

DP8 TOURISM FACILITIES AND ACCOMMODATION

Proposals which contribute to Moray's tourism industry will be supported where they comply with relevant policies. All proposals must demonstrate a locational need for a specific site.

Development built as tourism/holiday accommodation shall be retained for this purpose and will not become permanent residences. Conditions will be applied to planning consents to control this aspect.

To integrate caravan, chalet and glamping developments into their rural setting, stances/pitches will be required to have an informal layout and be satisfactorily landscaped to ensure development is screened and discrete. Provision within sites for touring caravans/campers and tents must be included.

Proposals for hutting will be supported where it is low impact, does not adversely affect trees or woodland interests, or the habitats and species that rely upon them, the design and ancillary development (e.g. car parking and trails) reflects the wooded environment and the proposal complies with other relevant policies. Proposals must comply with 'New Hutting Developments - Good Practice Guidance on the Planning, Development and Management of Huts and Hut Sites' published by Reforesting Scotland.

Proposals for tourism facilities and accommodation within woodlands must support the proposals and strategy set out in the Moray Woodlands and Forestry Strategy.

DP9 RENEWABLE ENERGY

a) All Renewable Energy Proposals

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

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:

- Landscape and visual impacts.
- Noise impacts.
- Air quality impacts.
- Electromagnetic disturbance.
- Impact on water environment.
- Impact on carbon rich soils and peat land hydrology.
- Impact on woodland and forestry interests.
- Traffic impact -mitigation during both construction and operation.
- Ecological Impact.
- Impact on tourism and recreational interests.

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

b) Onshore wind turbines

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

i) The Spatial Framework

Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

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

ii) Detailed Consideration

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

Landscape and visual impact:

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

Cumulative impact

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

Impact on local communities

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

Other

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

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

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

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

c) **Biomass**

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

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

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

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

d) **Heat**

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

Where no heat network is present or planned:

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

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

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

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

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

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

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

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

b) National designations

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

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

c) Local Designations

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

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

d) European Protected Species

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

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

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

e) Other protected species

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

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

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 m2 or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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

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.
- 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.

EP6 SETTLEMENT BOUNDARIES

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

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

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

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

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

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

GUIDANCE TREES AND DEVELOPMENT

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape,

wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

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

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

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

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

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

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

woodland is removed compensatory planting must be provided regardless of tree categorisation."

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

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

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

Landscape Scheme

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

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) Water Environment

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

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

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a

standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

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

Width to watercourse (top of bank)	Width of buffer strip (either side)
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.

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.

APPROPRIATE ASSESSMENT for Phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at

Impact of proposal upon River Spey Special Area of Conservation and Site of Special Scientific Interest

The Conservation (Natural Habitats, &c.) Regulations 1994 require that certain proposals which are likely to have a significant effect on a 'Natura 2000' site must be subject to an "Appropriate Assessment" by the plan-making authority. The process for determining whether an appropriate assessment is required, together with the appropriate assessment itself - where necessary - is known as 'Habitats Regulations Appraisal'.

Natura 2000 sites include Special Areas of Conservation (SACs), areas designated under the EC Habitats Directive to give increased protection to variety of wild animals, plants and habitats.

Following consultation SNH has advised that as competent authority, the Moray Council is required to undertake an "appropriate assessment" of the phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at Aberlour Distillery.

As part of this assessment, account has been taken of:

- The proposed phased redevelopment of Aberlour distillery including supporting ecological and biodiversity proposals.
- the Council's adopted Screening Opinion for the development, which concludes that no significant environmental effects are considered likely to occur taking into account the character and location and potential impact characteristics of the development; and
- consultation responses received in relation to the request from SNH and SEPA.

The assessment is required to consider the potential impact of the development upon the Aberlour Burn, part of the River Spey Special Area of Conservation (SAC)

Advice from SNH is that this proposal is likely to have a significant effect on the 4 species of the SAC (freshwater pearl mussel, Atlantic salmon, sea lamprey and otter). Consequently, Moray Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. The designation of these sites requires the implementation of conservation measures which correspond to the ecological requirements of habitats and species present on the site and taking appropriate steps to avoid the deterioration of the natural habitats and habitats of species, as well as eliminating significant disturbance of species for which the site is designated and to ensure their maintenance in the long term.

To help you do this, we advise that in our view on the basis of the information provided, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site.

Following consideration, effects upon the River Spey SAC (both direct and indirect) relate to uncontrolled discharge of waters, potential pollution and other effects from the phased redevelopment works on the qualifying interests of River Spey SAC.

In summary, as part of the appropriate assessment process, the Council, as “competent authority” has considered the following

Is the proposal directly connected with, or necessary for site management for nature conservation (in this case River Spey SAC)?

No. The proposed development is phased redevelopment the site including demolition and replacement of distillery buildings and plant on an established distillery site. The proposal has no direct connection with, nor is it needed for, nature conservation purposes in relation to the River Spey SAC.

Is the proposal likely to have a significant effect on the site (i.e. the River Spey SAC)?

Yes. Bridge construction could disturb the bed of the Aberlour Burn and damage salmon habitat. Any structures placed in-stream could hinder or prevent migratory fish from moving up and downstream. Surface water runoff and on-site pollution events during construction and demolition work could cause the water quality to deteriorate. Operational surface water site drainage, if not managed appropriately, could cause water quality to deteriorate.

Atlantic salmon and otter are known to use the burn. Freshwater pearl mussel are unlikely to reside in the burn but are present in the main River Spey some 300 m downstream from the development site. Sea lamprey are also present in the main river. Indirect impacts could however extend to the main river, for example during a pollution event.

The need to address this significant effect is identified in the consultation responses from

- SNH, who confirm that there is the potential for species to be adversely impacted upon; and
- SEPA, who highlight the associated flood risks in the vicinity of development and potential pollution from activities associated with the construction phase of development.

Can it be ascertained that the proposal will not adversely affect the integrity of the site?

Yes. In this case:

- (a) The applicant has committed to implementing appropriate mitigation during the phased redevelopment works, noting here the confirmations, working practices, methodology, mitigation and pollution prevention measures as set out in the submitted Ecological Impact Assessment on behalf of Aberlour Distillery (Chivas Brothers Ltd) by Blythe & Blythe (in collaboration with Ecos Countryside Services LLP) dated 6 December 2019:
- There must be no permanent or temporary structure(s) in the Aberlour Burn that could impede upstream or downstream movements of Atlantic salmon of whatever life stage.

- Disturbance to the bed of the burn can be minimised by reviewing the bridge construction method statement to ensure that best practice is followed to minimise any residual impact.
- A Construction Management Plan will be developed to prevent pollution incidents and deliver a mechanism (Pollution Plan) for dealing with any such incidents.
- Operation of the site will comply with all SEPA guidance and any SEPA licences.
- Development will not result in new, or untreated discharges. All surface water and treated water will be discharged through existing pipe networks.

In addition there will be the requirement that any work impacting on the bed of the burn must avoid the times of year when salmon spawn is present and very young fish are immobile. Generally this means that river works impacting on stream beds cannot be carried out from 01 October to the 31 May inclusive.

- (b) Scottish Natural Heritage has confirmed that it has been in previous liaison with the applicant and their ecologist and agreed that with the implementation of the mitigation proposed there will be no adverse effects on important natural heritage interests i.e. qualifying interests of the River Spey SAC. In addition it is recommended ongoing liaison with SNH, SEPA and the Spey Fishery Board to ensure that bridge design is appropriate and timing of construction is scheduled to avoid harm to salmon.
- (c) Both species of pipistrelle bat are not uncommon and Speyside's habitats and buildings (particularly distilleries) support many known breeding and non-breeding roosts of these species. The loss of roosting opportunities for small numbers of non-breeding bats will not adversely impact on their favourable conservation status. The Species Protection Plan can also identify simple mitigation to avoid disturbance to the maternity roost, for example ensuring that site lighting is positioned away from roost entrances.

CONCLUSION

Can it be ascertained that the integrity of the Natura site will not be adversely affected?

Yes - The application is supported by a ecology report which contains a detailed assessment of the likely impacts of the proposal on the relevant protected areas together with mitigation. This information has been reviewed by SNH which has confirmed full agreement with the findings and the mitigation identified to avoid adverse effects on these sites.

The four qualifying interests of the SAC will not be adversely affected by the demolition works and the conservation objectives will be met during and after demolition. Based on the assessment, the integrity of the River Spey SAC will not be adversely affected and with successful mitigation will meet the conservation objectives of the qualifying species.

SEPA has raised no objections to the proposal and reiterates previous advice confirming that all activities under SEPA's remit shall be regulated under Controlled Activities Regulations.

Recommendation

For appropriate assessment purposes and as competent authority, it is recommended that the Council, as planning authority, adopt this assessment to enable the planning application to be determined thereafter.

WARD 03_17

20/00015/APP
17th January 2020

**Retrospective substitution and relocation of house types
 on plots 78-82 and 91-94 at Inchgower View Buckie
 Moray for Springfield Properties PLC**

Comments:

- This application is referred to the Planning and Regulatory Services Committee for determination as it related to house types not previously considered in a larger development previously considered and approved by committee.
- No advertisement required.
- No representations received.

Procedure:

- None, all Developer Obligations previously paid.

Recommendation: **Grant Planning permission subject to the following conditions:**

Conditions/Reasons

1. The development hereby approved forms part of, and is related to, the development granted planning permission under decision notice 16/00620/APP dated 28 March 2017. All the terms and conditions attached to that permission are hereby reiterated and remain in force insofar as they relate to the development hereby approved, including any details already approved to discharge conditions.

Reason: In order to ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details and that only one permission is implemented, the re-positioning of houses on plots being considered as an acceptable alternative to that already approved and not an addition thereto.

2. Within 2 months of obtaining planning permission, details must be submitted for written approval by the Council as Planning Authority for the modification of landscaping in the area immediately north-west of plot 94 adjacent to the roadway. The landscaping in this area, must thereafter be carried out in accordance with the approved details and accord with the relevant landscape maintenance conditions 14 and 17 as stated in planning permission under decision notice 16/00620/APP dated 28 March 2017.

Reason: In order to ensure the amended layout provides the appropriate landscaping.

Reason(s) for Decision

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

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

List of Informatives:

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
950sd(AS)911		Ardmore - floor plans and elevations
1339dt(--)911		Braemar - floor plans and elevations
R11B_E_1350		Drainage layout
1308sd(--)911		Huntly - floor plans and elevations
1104dt(AS)911		Lauder - floor plans and elevations
R11B_E_1300		Levels layout
BU20_REMIX_02	C	Location plan
1237dt(--)901	C	Nairn - floor plans and elevations
2019/NETH/PL/01		Nethy - floor plans and elevations
BU20_REMIX_01	B	Site plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00015/APP

Site Address:
Inchgower View
Buckie

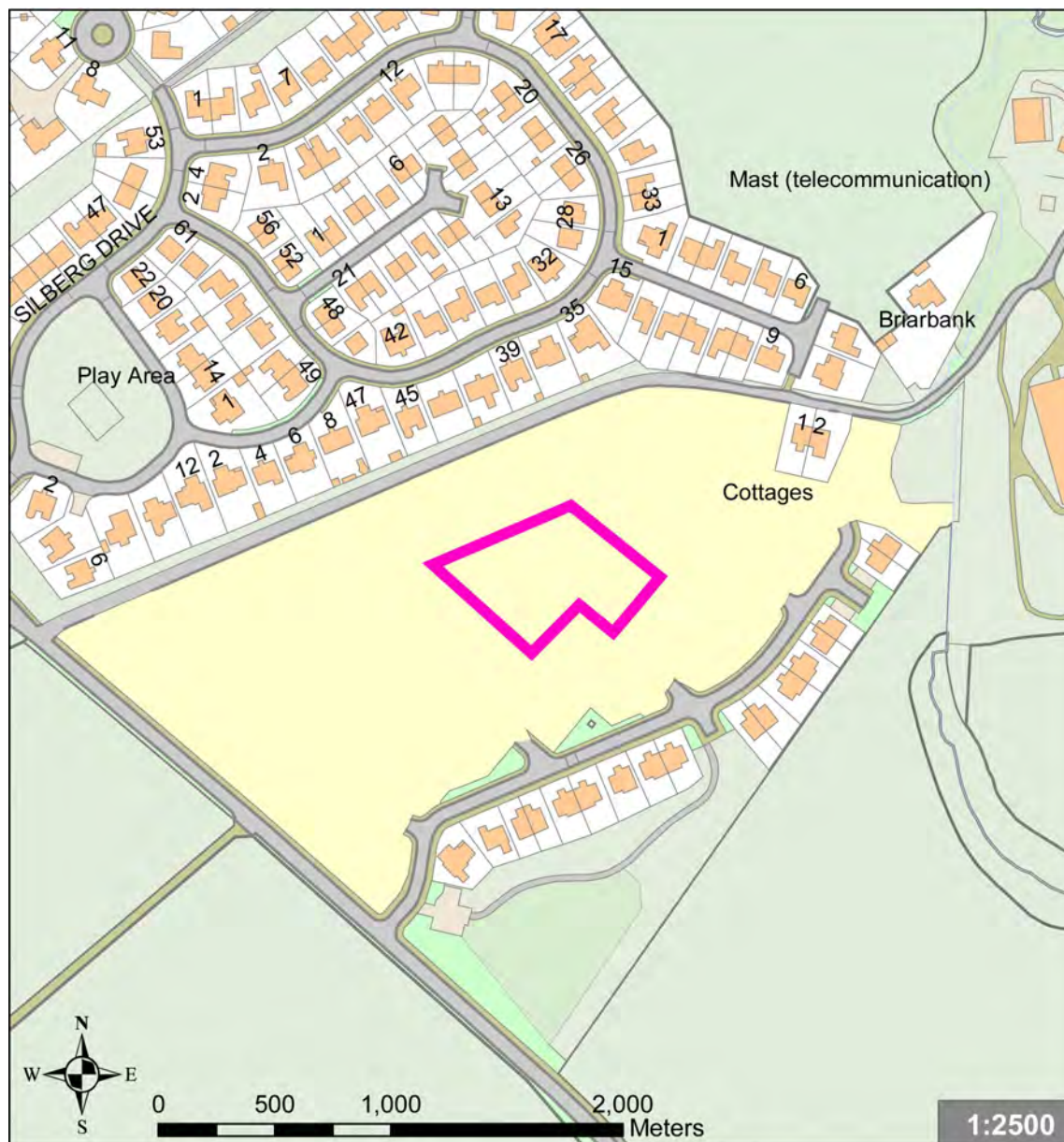
Applicant Name:
Springfield Properties PLC

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Location Plan



Site Location



Site plan



Photo location plan



Photo 1



Photo 2



Photo 3



PLANNING APPLICATION: 20/00015/APP

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

THE PROPOSAL

- Substitution and relocation of house types on plots 78-82 and 91-94.
- The proposal seeks to alter the design of 9 of the plots within the previously approved housing development. In doing so, the proposal also seeks to re-configure the plot boundaries within these plots, but the overall number of plots remains unaltered from the original approval under planning application 16/00620/APP dated 28 March 2017.
- The configuration of the plots will remain the same in terms of 5 detached houses and 4 semi detached units. The change will be in design where four single storey dwelling ('Logie' design) will change to one and half and two storey units.
- The application was described as retrospective but at the time of submission, none of the house subject of this application had commenced.
- The dwelling will be finished with grey concrete tiles, white render, timber cladding, grey upvc windows, soffits and fascias.

THE SITE

- Formerly known as R11 within the previous local development plan, the site now occupies designation R6 Barhill Road South). The development has been named Inchgowrie by the developers.
- The development is substantively commenced and the area subject of the current application lies within the middle of the site and is bound by existing recently constructed roadways and houses.

HISTORY

16/00620/APP - Erect residential development and associated infrastructure on Site R11 LDP2015, Barhill Road, Buckie, Moray. Approved in March 2017 following consideration by the Planning and Regulatory Services Committee. Development substantially commenced.

POLICY - SEE APPENDIX

CONSULTATIONS

Developer Obligations – no further developer obligations contributions sought.

Flood Risk Management Team – no objection.

Environmental Health, Contaminated Land – no objection.

Environmental Health – no objection

Transportation Manager – no objection following amendment of proposed garden boundary.

OBJECTIONS-REPRESENTATIONS

None received.

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 (MLDP2020) unless material considerations indicate otherwise.

Background

The reason this application is going before Committee is that the proposal, while not seeking to alter numbers on the proposed development, does substitute several of the previously approved house designs with dwelling designs not previously considered upon this site.

The main issues are considered below:

Principle

The principle of housing on these plots is well established by the existing consent. Furthermore the site lies within a site specifically designated for residential development in the Moray Local Development Plan 2015 - Site R11 (now R6 Barhill Road (S) of the adopted Moray Local Development Plan 2020 (MLDP2020). As such the principle of housing is well established here with Policy DP2 Housing setting out that development on designated sites must comply with the site development requirements within the settlement plans and policies. In this regard the current proposal simply seeks to alter some house types and alter some boundaries on some of the plots previously approved housing and as such readily complies with Policy DP2 subject to consideration of the detail of the changed position Matters such as developer contributions, affordable housing provision, drainage, open space provision have all been previously addressed with the original application here.

The overall layout and road network is fundamentally unchanged and as such has attracted and much of the surrounding development is already developed. There is therefore no scope to revisit wider placemaking and infrastructure consideration contained with MLDP2020, where the developed is substantively progressed. Of note, in acknowledgement of the progression of the development neighbour notification of several new properties in the immediate locality took place with R6.

Effect of proposal on existing Development (DP1, DP2, PP3, EP5 and EP7)

The overall housing site is located at Inchgower Buckie to the east of Barrhill Road on an area designated for housing. Development on the site is ongoing with a considerable proportion of house already built and occupied.

In terms of open space provision the development would see the loss of a small area of open amenity space on the west side of plot 94, where the new site boundary will sit closer to the roadway. A small area of amenity space will still exist and a condition is recommended to ensure the landscaping provision in the remaining space meets the standard of landscaping approved elsewhere in the approved development. This will ensure compliance with policy EP7 which seeks to ensure tree planting provided within new developments is appropriately managed. The change would still not bring the development into conflict with policy EP5 Open space where the requirement for 20% open space across the whole development would still be met.

While several single storey units are being replaced with one and half and two storey units the spacing and separation from other plots (many host to two storey houses) will be acceptable and consistent with the spacing elsewhere in the development.

In terms of PP3 Infrastructure and Services the proposed reconfiguration of plots and house types does not alter the previously approved drainage infrastructure of the site and does not therefore depart from policy PP3.

Design (PP1 and DP1)

The adjustment of the house types is assessed against the design requirement of policy PP1 Placemaking in so far the design might alter the character or appearance of this area of the development. While the design of houses differs from those previously approved, they still compliment and resemble the differing designs and pallet of material utilised elsewhere in the development.

The variation in house types also adds positively to the diversity of design in the development, and aids placemaking, where the particular designs (Nethy, Braemar and Lauder) were not previously present. The Huntly and Nairn types are present elsewhere in the approved development, but are identified as they reflect a change from the approved type and slight variation to plot boundaries. A diversity of house designs allows for easier recognition of streets within the development and therefore accords with policy PP1.

Access issues (DP1)

Policy DP1 Development Principles seeks to ensure that any development is served by a suitable access and provides the appropriate parking. In this regard the access arrangements remain as before, taking access of the internal spur road with adequate parking provision provided within each site. The new layout illustrated a change to the western boundary of plot 94, an amendments were sought to ensure the proposed garden boundary was set back sufficiently to secure the necessary visibility for parking associated with the flatted units on plot 95/96. The Transportation Manager has subsequently confirmed they have no issue with the proposed changes following this amendment. The plots all provide the requisite amount of parking for the number of bedrooms.

The relevant TSP's to the development have already been constructed.

Conclusion

In these overall circumstances this minor re-positioning of houses within plots and revised designs are considered to comply with relevant planning policies. The previous terms and conditions of the overriding consent here will continue to apply and an appropriate planning condition can be attached to this end.

REASON(S) FOR DECISION

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

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

**Author/Contact
Officer:**

Neal MacPherson
Principal Planning Officer

Ext: 01343 563266

**Beverly Smith
Development Management & Building Standards Manager**

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

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

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

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

v) Biodiversity

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

(vi) Parking

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

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
 - Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
 - Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
 - Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
 - Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
 - Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.
- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road

widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.

- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.

- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

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 400m², 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. 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 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

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.

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 m2 or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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

EP5 OPEN SPACE

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

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

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

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

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

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

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

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

b) Green Infrastructure and Open Space in New Development

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

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

i) Accessibility Standard

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

ii) Quality Standard

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

Accessible and well connected

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

Attractive and Appealing Places

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

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

Promotes activity, health and well being

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.

- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

Safe, Welcoming and contributing to Character and Identity

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

b iii) Quantity Standard

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

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

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

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

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

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

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

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

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

GUIDANCE TREES AND DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

Landscape Scheme

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

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

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

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.

Width to watercourse (top of bank)	Width of buffer strip (either side)
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.

R6 Barhill Road (S) 5.51ha 110 units

- Extant consent on the site with development commenced.
- A Pocket Park must be provided.
- Provision of substantial structural planting to create robust site edge required.
- Flood Risk Assessment (FRA) required.
- SUDS and construction phase water management plan required.
- Drainage Impact Assessment (DIA) required.
- Transport Assessment required. Safeguarding of land for future roundabout in association with an access junction to site off Barhill Road required.

WARD 04_17

20/00316/APP
9th March 2020

**Amended private and affordable house types at Village
 Garden Elgin South Elgin Moray
 for Springfield Properties PLC**

Comments:

- This application is referred to the Planning and Regulatory Services Committee for determination as it related to house types not previously considered in a larger development previously considered and approved by Committee.
- No advertisement required.
- No representations received.

Procedure:

- None

Recommendation **Grant Planning Permission - Subject To The Following:-**

Conditions/Reasons

1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 18/01209/APP dated 16 May 2019 wherein:
 - a) the terms and conditions as attached to the permission granted under formal decision notice 18/01209/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
 - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

Reason: To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

2. Unless otherwise agreed, the total number of house units to be constructed within the Village Garden Character area, as defined under planning approval

18/01209/APP dated 16 May 2019 shall remain no more than 66 units, of which 25 at least must remain affordable and 6 must remain accessible housing units.

Reason: In order to avoid any ambiguity regarding the overall number of units to be provided on site, and the proportion of which are to remain private, affordable and accessible.

3. Prior to development commencing, details must be provided clarifying which house units will demonstrate compliance with the accessible housing requirements contained within the Accessible Housing policy guidance on page 41 of the adopted Moray Local Development Plan 2020. The identified house units shall thereafter be built in accordance with approved accessible house details.

Reason: In order to ensure that the accessible house units are provided and to ensure that they are compliant with accessible housing specifications of the adopted local development plan.

Reason(s) for Decision

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

The proposal accords with the relevant provisions of the Moray Local Development Plan 2020 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

The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.

Address is:

Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow
G5 8JD

Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
1073SD-911		Cupar semi - elevations and floor plans
1287DT AS-911	C	Balerno - elevations and floor plans
1224DT AS-911	G	Arden (AS) - elevations and floor plans with sun room option
652-757CF-901F		Auldearn- elevations and floor plans
932TE-911		Dallachy (AS) - elevations and floor plans with sun room option
950SD AS-911 E		Ardmore - elevations and floor plans
EL(--)_PL_03	A	House mix (showing pipeline)
EL(--)_PL_05		Visual representation
EL44-VG-ENG-600		Drainage layout
EL44-VG-ENG-601		Drainage layout
MC/2016/A/01		Cottage flat type A - elevations and floor plans
MC/2017/F/01		F type semi- detached - elevations and floor plans
MC/2018/C/01		C type semi-detached - elevations and floor plans
MC/2018/CS/01	B	CS type semi-detached - elevations and floor plans
EL(--)_LP_01	B	Location plan
EL(--)_PL_02	A	General layout
EL(--)_PL_04	A	Roads hierarchy
EL(--)_PL_06	A	Remix layout showing approved footprints
EL(--)_PL_07	A	Material conditions
EL(--)_PL_08	A	Detailed landscaping
EL44-VG-ENG-300	A	Levels layout
EL44-VG-ENG-515	A	Adoption layout



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/00316/APP

Site Address:

Village Garden
Elgin South Elgin

Applicant Name:

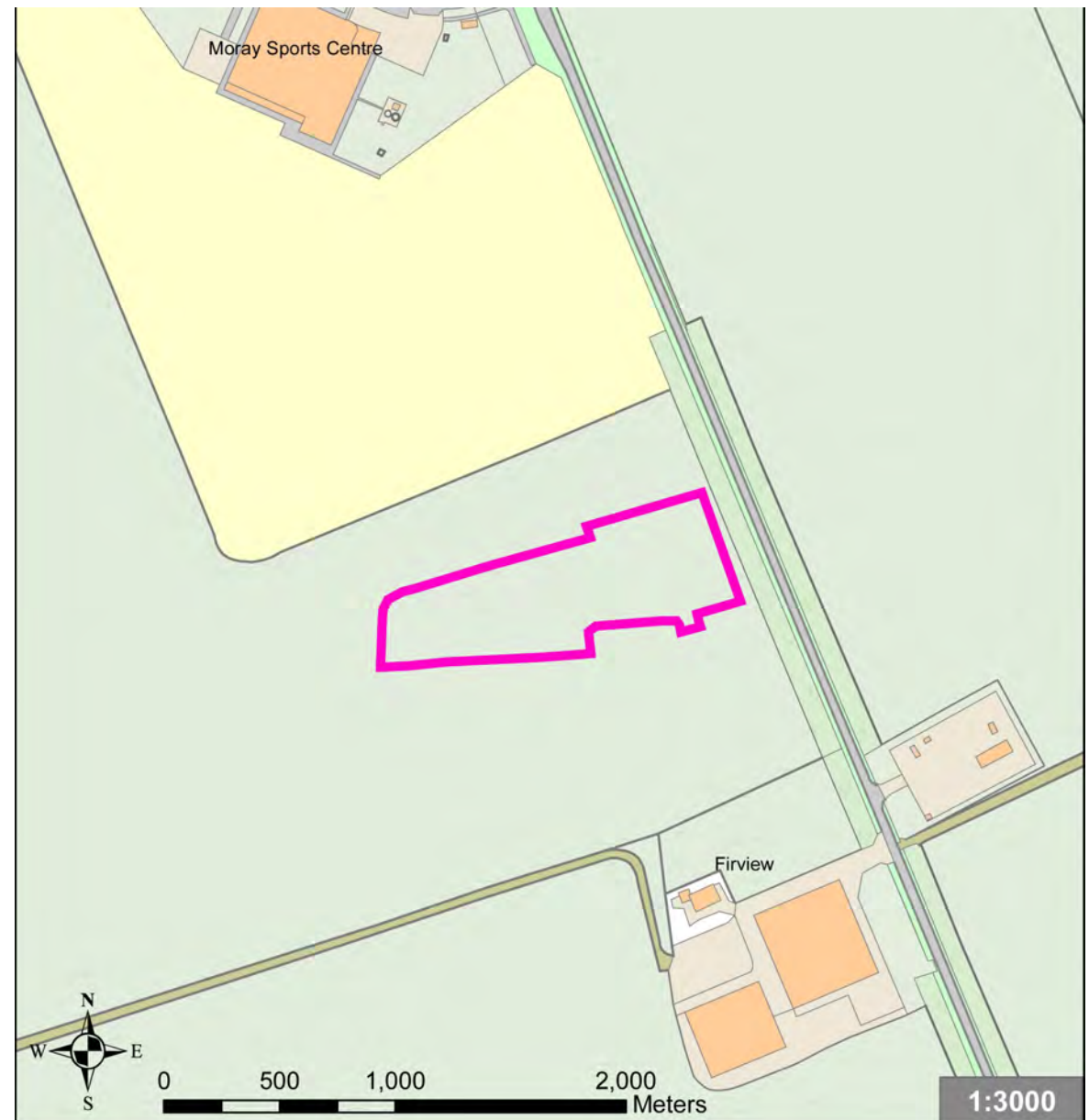
Springfield Properties PLC

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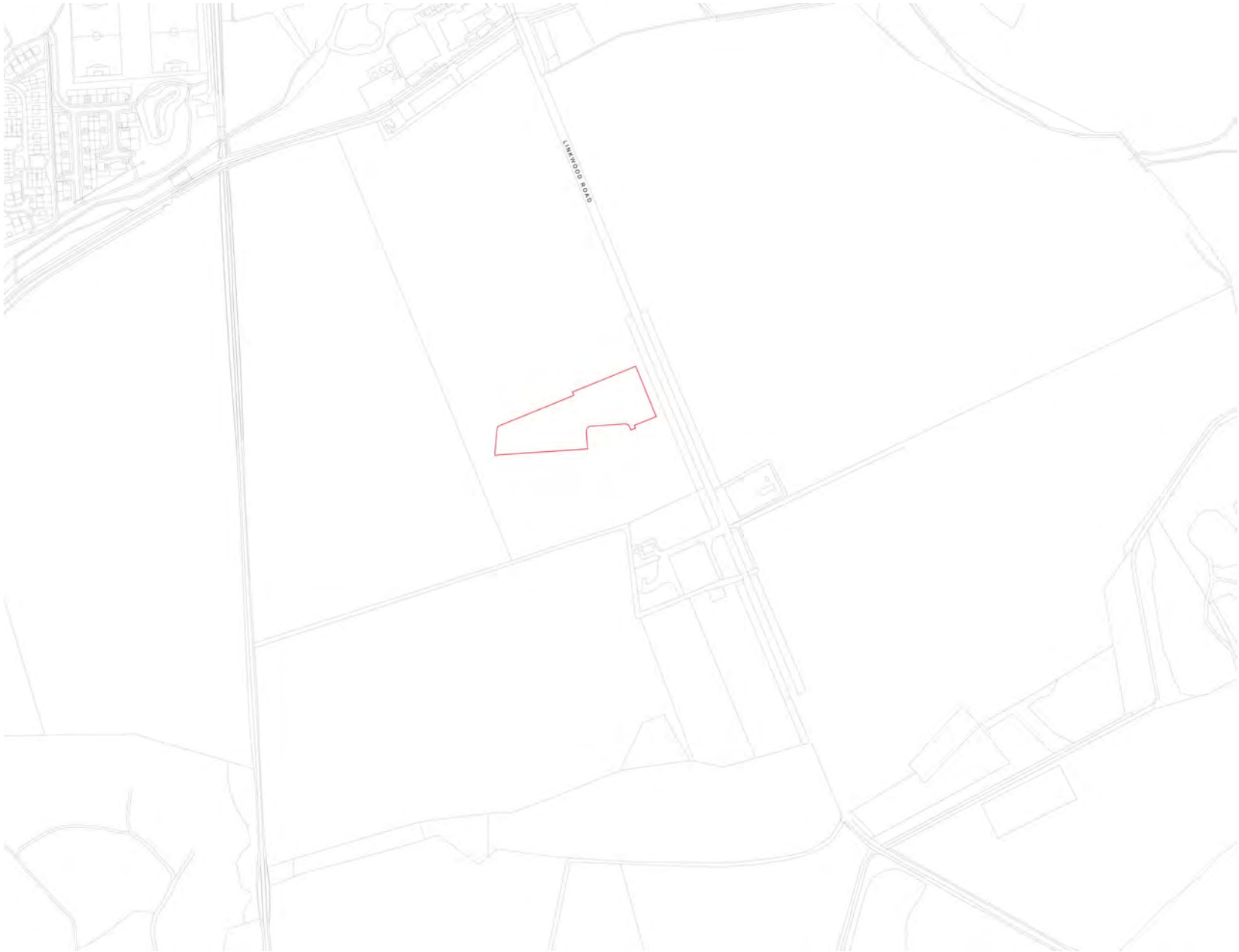
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Location Plan



Site Location



Site plan



Photo location plan



Photo 1



Photo 2



Photo 3



PLANNING APPLICATION: 20/00316/APP

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

THE PROPOSAL

- The proposal involves the amendment of private and affordable house types, revisions to the layout within the consented layout.
- The overall numbers of units and affordable units in the Village Garden will remain unchanged.
- The proposed house types include, semi detached (single and two storey), flatted and detached properties. The dwelling will be finished with grey concrete tiles, white render and timber cladding.
- The application will see the introduction of various new house types not previously in Elgin South.
- The layout beyond the site boundary will remain largely unaltered other than the substitution of several house types with others previously approved and a reduction in numbers, reflected in the proposed increase within the site boundary.

THE SITE

- The site is also part of designation Elgin R19 Easter Linkwood and Linkwood in the proposed Moray Local Development Plan 2020. The site lies within the previously approved Village Garden, an approved character area within the wider Elgin South development (see history section). The site previously a LONG designation with the Moray Local Development Plan 2015.
- The site was previously agricultural land, is relatively level, and host to no woodland or individual trees.
- The development is substantively commenced and the area subject of the current application lies within the middle of the site and is bound by existing recently constructed roadways and houses.
- The site lies within the Village Garden character area which is bound to the west by a new primary school, to the north by the Moray Sports Centre, the east by Linkwood Road and to the south by a further road serving the development and new primary school.

HISTORY

16/01244/APP – Phase 1 of Elgin LONG2 south to include 870 houses neighbourhood uses including Classes 1 shops 2 financial professional & other services 3 food & drink 4 business 8 residential institutions 10 non-residential institutions Moray Sport Centre (with provision for indoor & outdoor recreation) two primary school sites and associated infrastructure (transport drainage & open space) and landscaping at Elgin South, Elgin,

Moray. Approved by Committee on 10 May 2018 following conclusion of the legal agreement.

18/01209/APP - Application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details i.e. adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South, Elgin, Moray. This application was approved by Committee on 16 May 2019 and several of the character areas, the sports centre and primary school had been constructed.

18/01603/S75 - Proposed modification of planning obligation (associated with application 16/01244/APP) for Phase 1 development at Elgin LONG 2 South to apply to development occurring under planning applications 16/01244/APP and 18/01209/APP at Elgin South, Elgin, Moray. Modification issued 20 May 2019.

On nearby land to the west.

17/01422/APP - Erection of a new primary school with associated external hard and soft landscaping fencing car parking playground lighting sprinkler housing external equipment stores cycle shelters and external refuse store at Elgin South, Elgin. Approved in June 2018 the school is currently nearing completion.

POLICY - SEE APPENDIX

ADVERTISEMENTS

None required.

CONSULTATIONS

Health and Safety Executive (gas pipeline) – draws attention to automated consultation process. The proposed amended layout no closer to pipeline than previously approved and the roadway along the southern end of the character area is already in place serving the location of the new primary school.

Scottish Water – no objections and advice to applicant that separate contact/application will be required at the time of connection. Sewer connections in the vicinity will be required.

Building Standards – a Building Warrant will be required.

Flood Risk Management Team – no objections.

Environmental Health Manager: Contaminated Land – no objections.

Environmental Health Manager – no objections.

Transportation Manager – following submission of amended plans resolving an issue with the hierarchy of one of the minor altered road spurs, the Transportation section have no objection to the layout as amended. The Road Adoption Plan Drawing Number: EL44-VG-ENG-515 Rev A. clarifies this matter.

Scottish Environment Protection Agency – no objections, and welcome the improvements in Placemaking. It is presumed that previous requirements of the overarching planning approval will remain in place.

Housing Strategy and Development Manager – no objection as number of affordable houses is maintained.

Developer Obligations - no further developer obligations will be sought. The existing s75 legal agreement relating to planning application 16/01244/APP and its modifications will cover this current planning application.

OBJECTIONS-REPRESENTATIONS

None received.

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 2020) unless material considerations indicate otherwise.

Background

The reason this application is going before Committee is that the proposal, while not seeking to alter numbers on the proposed development, does substitute several of the previously approved house designs with dwelling designs not previously considered upon this site.

As the principle of housing is established under the larger commenced consent, it is borne in mind that beyond the sites immediate boundaries, the layout is already consented. Policy DP2 Housing setting out that development on designated sites must comply with the site development requirements within the settlement plans and policies. In this regard the current proposal simply seeks to alter some house types and minor alterations to the previously approved layout and as such readily complies with Policy DP2 where this can be applied to a portion of a consented surrounding housing development. Matters such as developer contributions, affordable housing provision, drainage, open space provision have all been previously addressed with the original application here.

The main issues are considered below:

Amended house types and layout (PP1, PP3, DP1, DP2 and R19)

With regard to the design and siting of the units, the general design is typical of the housebuilder's style, found elsewhere within the Elgin South development and other sites across Moray. The massing of the units (in terms of footprint and height) is similar to that currently consented. These can be adequately accommodated within the development without detriment to the character established through the existing consents for the development.

The adjustment of the house types is assessed against the design requirement of policy PP1 Placemaking in so far as the design might alter the character or appearance of this area of the development. While the design of houses differs from those previously approved, they still compliment and resemble the differing designs and pallet of material utilised elsewhere in the development.

The variation in house types also adds positively to the diversity of design in the development, and aids placemaking. The proposed house types identified as Balerno, Cupar Semi, Arden, Aulderm, Dallachy, Ardmore are all new to this locality but will compliment and resemble the variety of other houses present in the this character area.

Taking account of these matters, the proposal is considered to be sited and designed at a level appropriate to the amenity of the wider area, in line with policy PP3 and DP1. The proposal would also be in accordance with the general principles established in the Elgin South Masterplan. Of particular note, the revised layout will realise some improvement to the layout previously approved. Namely:

- A new pocket park, centrally located, which provides usable open space with enhanced landscaping.
- The addition of Auldearn flats which creates a dual frontage along Linkwood Road.
- Enhanced landscaping edges along Linkwood Road, the East/West distributor road and the western boundary.
- A reduction of on-street parking, with increase parking at the sides of properties.

The house units on plots 46 and 47 will also provide a better orientation toward the road that bounds the west site of the area, provide a better active frontage onto the roadway than was previously approved.

In terms of affordable housing the overall number of affordables remains at 25 within Village Garden, as the remaining 11 other affordable units lie outwith the area that is being reconfigured and subject of this application. The revised layout will see the introduction of a pocket park and additional landscaping adjacent to the affordable housing area which is an improvement/enhancement to the layout close to the affordable houses. The overall number of units across Village Garden also remains the same, to the proportion of private houses has not increased. The proposed affordable housing provision therefore remains compliant with policy DP2 Housing that contains the requirements for affordable housing.

It is also noted that the revised house types replace 4 units previously identified as the accessible house units for the Village Garden. A condition is therefore recommended ensuring compliance with the accessible housing requirements of policy DP2 is met.

There is no reduction in the amount of landscaping provided upon the site, and the change from terraced houses to flatted properties accounts in part for the ability of the development to introduce the additional pocket park while maintaining the overall number

of units across the character area. There are no aspects of the proposal that would increase detriment toward biodiversity when compared to the previously approved layout.

Access and Parking (DP1)

The Transportation service has been consulted in relation to the development and has no objection to the approval of the application subject to conditions to be reiterated from planning permission 16/01244/APP and 18/01209/APP. During the course of the application amended plans were sought to remedy a deficiency in the roads hierarchy of the proposed layout change, but this change was made and amended plans submitted.

The road layout serving these has undergone some alterations but has not altered substantively from the layout approved under the previous applications, and the amount of parking proposed per unit is still sufficient for the flats now proposed. The provision of parking in the revised layout increases the amount of parking to the side of properties when compared to the approved layout. These would see a slight reduction in vehicle dominated frontages in line with the aims of policy DP1.

Drainage (DP12)

Surface water would drain within the curtilage to individual surface water soakaways, whilst foul drainage would drain to the public sewer. This arrangement is in keeping with that of the wider development and would be in accordance with the requirements of policies EP12.

Developer Obligations (PP3)

As the proposal does not result in an increase in the Standard Rate Unit Equivalent (SRUE) of the consented scheme, no further developer obligations are required. This does not conflict with policy PP3 and the overall numbers of units would be unaltered.

Conclusion

The revised designs, altered layout are considered to comply with relevant planning policies. The previous terms and conditions of the overriding consent here will continue to apply and an appropriate planning condition can be attached to this end.

REASON(S) FOR DECISION

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

The proposal accords with the relevant provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

Author/Contact

Neal MacPherson

Ext: 01343 563266

Officer:

Principal Planning Officer

Beverly Smith

Development Management & Building Standards Manager

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

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.

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.

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

400m², 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. 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 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

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.

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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

EP5 OPEN SPACE

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

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

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

or replacement open space provision of equivalent function, quality and accessibility is made.

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

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

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

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

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

b) Green Infrastructure and Open Space in New Development

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

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

details existing open space outwith the site, key community facilities in the area and wider path networks.

- i) **Accessibility Standard**
Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.
- ii) **Quality Standard**
All new development proposals will be assessed and must achieve a very good quality score of no less than 75%. Quality will be assessed by planning officers at the planning application stage against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

Accessible and well connected

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

Attractive and Appealing Places

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

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

Promotes activity, health and well being

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

Safe, Welcoming and contributing to Character and Identity

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

b iii) Quantity Standard

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

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

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

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

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

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

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

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

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

GUIDANCE TREES AND DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

Landscape Scheme

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

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

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

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.

Width to watercourse (top of bank)	Width of buffer strip (either side)
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.

R19 Easter Linkwood and Linkwood 48ha 675 units

- Proposals must comply with the Elgin South Masterplan Supplementary Guidance. The Masterplan layout is shown on page 171.
- Site R19 includes Village Core East, Meadows, and Village Garden neighbourhoods within the Elgin South masterplan.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- Open space and play areas must be provided in compliance with the masterplan.
- Avoid the loss of Long-Established Woodland of Plantation Origin (LEPO) along Linkwood Road.

WARD 05_17

19/01178/APP
8th October 2019

Substitute approved 2no blocks of 4 unit apartments with 2no blocks of 6 unit apartments and enlarged garage blocks on Plots 29 And 30 Inchbroom Lossiemouth Moray for Tulloch Of Cummingston Ltd

Comments:

- The application is reported to Committee because it involves development on a site identified for more than 50 units in the local development plan.
- The proposal has been advertised for neighbour notification purposes.
- 7 representations received.

Procedure:

- If minded to approve, defer issue of decision until developer obligations have been secured and application 20/00265/APP has been determined.

Recommendation

- Approve subject to conditions and to withhold issue of consent until developer obligations for healthcare and a contribution towards affordable housing have been secured.

Conditions/Reasons

1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 08/01685/FUL dated 10 February 2010 (subsequently amended by 20/00265/APP) wherein:
 - a) the terms and conditions as attached to the permission granted under formal decision notice 08/01685/FUL and 20/00265/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
 - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

Reason - To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

2. No development shall commence until details of a communal bin storage area, capable of accommodating bins for the 12 flats hereby consented, located outwith any visibility splays have been submitted to, and approved in writing by, the Council as Planning Authority. The communal storage areas shall be constructed in accordance with the approved details prior to the first occupation of development and thereafter maintained in perpetuity.

Reason - To ensure that suitable provision is made for the storage of communal waste and recycling bins.

3. The surface water drainage shall be provided for use for their respective block of flats in line with the details approved as part of this application prior to the occupation of any flat within the block or completion of the entire block of flats, whichever is the soonest.

Reason - In order to ensure the flats are served by appropriate surface water drainage.

4. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority showing the provision of, or location where a future Electric Vehicle (EV) charging unit for each flat is to be connected to an appropriate electricity supply, including details (written proposals and/or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of each flat.

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.

5. No development shall commence until a scheme (drawn to scale) showing the location of the proposed tree planting (including species and height), in accordance with the landscape scheme approved as part of this application; and the measures to be taken to protect any existing trees, shrubs and hedgerows on and adjoining the site during the course of developing the site. Thereafter the protection measures shall be implemented prior to any development commencing and be retained until completion of the development.

Reason - In order that detailed consideration can be given to the landscaping of the site and suitable protection given to existing trees.

6. No development shall commence until details regarding 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.

7. That all planting, seeding or other features forming part of the approved Landscaping/Biodiversity Plan shown on drawing number IB29&30 / BW / 03 C, as well as that required under condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the last block of flats; or the completion of the building works, whichever is the sooner. 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 development retains, enhances and protects features of biological interest on the site and provides for their appropriate management and maintenance.

Reason(s) for Decision

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

The proposed remix and increase in number of flats on the site is designed and sited at a level appropriate to the character and amenity of the wider housing development in which it would sit. It therefore complies with the provisions of the adopted Moray Local Development Plan 2020 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 do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Before commencing development the applicant is obliged to apply for an amendment to Construction Consent No. 670202-0314 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. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road, including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing with the Planning Authority.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
IB29&30/PL/06		Plot 30 - garage general arrangements
IB29&30/PL/04		Location plan
IB2930/PL/05		Garage general arrangement
G		Plot 29 - elevations and floor plans
A		Plot 30 - elevations and floor plans
IB29&30/BW/03	D	Site plan/Biodiversity Plan

Supporting docs to accompany decision:
Placemaking Statement
Drainage Statement



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/01178/APP

Site Address:

Plots 29 And 30

Inchbroom Lossiemouth

Applicant Name:

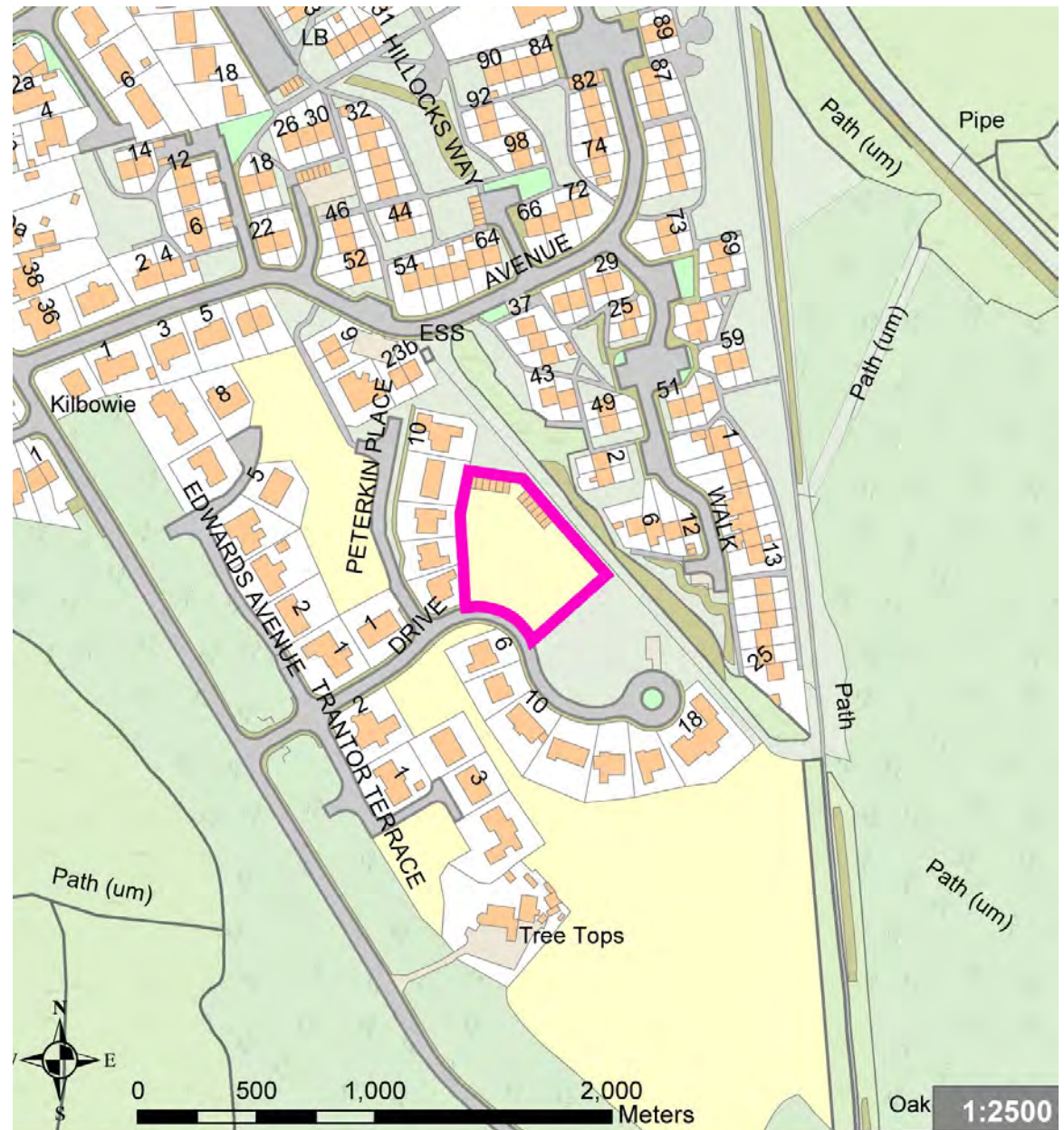
Tulloch Of Cummingston Ltd

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Location Plan



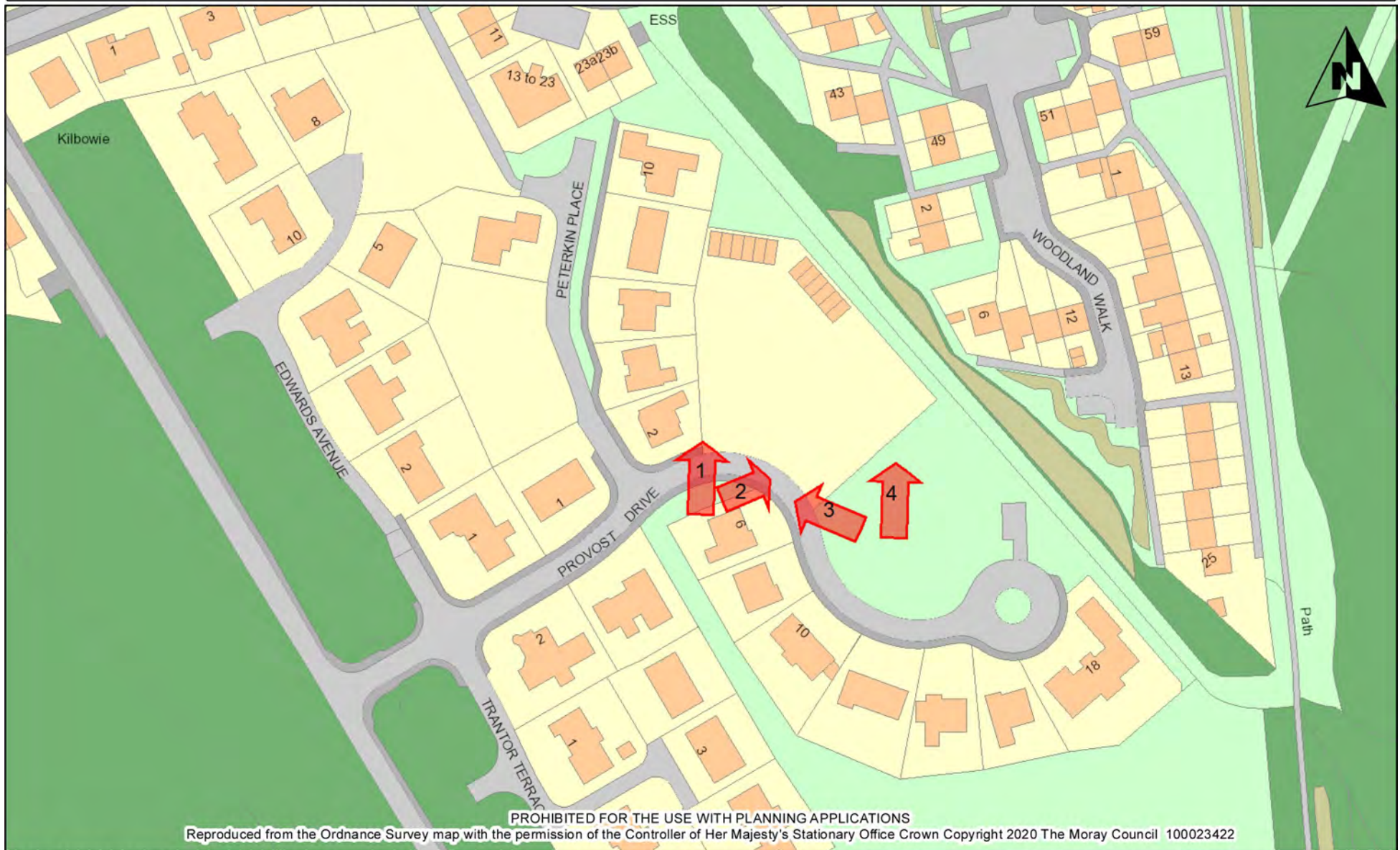
Site Location



Site plan



19/01178/APP - Photograph positions



Map Description: Arrows point in direction photograph was taken

Scale: 1:1,250 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



PLANNING APPLICATION: 19/01178/APP

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

THE PROPOSAL

- Erection of 12 apartments in 2 two storey blocks of 6 apartments, and erection of 12 garages in 2 blocks of 6.
- The blocks would be handed (symmetrical layout to one another), and arranged in an L-shaped footprint.
- Externally, the blocks would be finished in a mix of beige roughcast and pink fyfestone clad walls, brown roof tiles and oak coloured windows, doors, soffits and fascias.
- Vehicular access to the garages and parking would be taken from the south of the site to Provost Drive, running between the flats and the rear of houses to the west on Peterkin Place.
- A parking space would be provided to the front of each garage, as well as two visitor parking spaces and two disabled parking spaces (totalling 16 spaces).
- The site is currently being used as a construction compound and the garages are largely completed (garage doors yet to be installed).

THE SITE

- Located within Inchbroom housing development, on the south east of Lossiemouth.
- Surrounding houses are completed, with this part of the site forming the last section of phase 1 of the development.
- The application site has consent for the erection of 8 apartments and 8 garages under the planning permission for the housing development.

HISTORY

05/01755/FUL – Erection of 101 residential units (including 18 affordable units) and construction of roads refused by the Planning and Regulatory Services Committee following departure hearing on 9 November 2007. Appeal to Scottish Ministers dismissed on 25 June 2008.

08/01692/FUL – Erection for three houses granted planning permission by Planning and Regulatory Services Committee on 11 February 2009.

08/01685/FUL – Erection of 57 houses and garages, construction of roads and play area granted planning permission by the Planning and Regulatory Services Committee on 10 February 2010.

10/00492/APP – Amended layout including remix of house types granted planning permission by Planning and Regulatory Services Committee on 31 January 2012.

11/01215/APP - Erection of 6 flats and 4 semi detached dwellinghouses (10 units) on land adjacent to 52 Inchbroom Avenue Lossiemouth – granted planning permission by Planning and Regulatory Services Committee on 28 February 2012.

12/02143/APP – Remix of houses granted planning permission under delegated powers on 5 April 2013.

14/01836/APP – Remix of house types granted planning permission by the Planning Regulatory Services Committee on 28 January 2015.

16/01656/APP - Substitute approved 4 bedroom split level house with 2no semi-detached 3 bedroom houses on plots 1A and 1B granted planning permission by Planning and Regulatory Services Committee on 17 January 2017.

20/00265/APP – Application to Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F. Application pending consideration alongside this application.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Moray Council Housing and Property – Policy DP2 requires 25% of the total number of units in new development to be provided as affordable housing. As 4 additional units are proposed, an affordable housing obligation of one unit is required. This can be delivered in the form of a commuted sum and secured either via section 75 (legal agreement) or section 69 agreement.

A commuted sum is considered appropriate given the nature of the development (flats), whereby it would be difficult to provide one affordable flat within a privately factored flatted development (e.g. high costs of factoring in private sector may make an affordable unit no longer affordable, coupled with maintenance considerations. The commuted sum will be used to deliver affordable housing elsewhere in the Elgin Housing Market Area (Lossiemouth falls into this area).

Scottish Water – Sufficient capacity at Badentinan Water Treatment Works and Moray West Waste Water Treatment Works to serve the proposed development.

Contaminated Land – No objections.

Environmental Health – No objections.

Moray Flood Risk Management – Following provision of additional drainage information, no objections subject to condition requiring the surface water soakaway to be installed in line with those details submitted.

Ministry of Defence Safeguarding – No safeguarding objections.

Developer Obligations – Developer obligations sought towards healthcare (extension to Moray Coast Medical Practice).

Transportation Manager – No objections subject to condition tying development into consent for wider development).

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).

10 representations have been received from 7 parties:

Mr Michael Lefevre - 8 Provost Drive Lossiemouth Moray IV31 6FB - O

Mr & Mrs Peter & Donna Madigan - 6 Provost Drive Lossiemouth Moray IV31 6FB -O

Mr Andrew Regan - 4 Peterkin Place Lossiemouth Moray IV31 6FG - O

Mrs Jessica Riley - 6 Peterkin Place Lossiemouth Moray IV31 6FG - O

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

Mrs Elizabeth Mackenzie -14 Provost Drive Lossiemouth Moray IV31 6FB - O

Mrs Wendy Stewart - 10 Provost Drive Lossiemouth Moray IV31 6FB - O

Traffic and Parking

Issue: Development will result in additional traffic, which will adversely impact on road safety in close proximity to children's play area.

Comment (PO): The level of additional traffic generated by 4 flats is not considered excessive to the point there would be significant adverse impact on road safety.

Issue: There may be an overflow of parking on surrounding residential streets, which may block driveways of existing houses.

Comment (PO): Sufficient parking has been provided on site in line with the Council's Parking Standards, as well as visitor parking and disabled parking. The Council's Transportation Manager raised no objections to the proposal in relation to parking provision. It is not anticipated there will be a significant volume of parked vehicles on

surrounding street as a result of four additional parking spaces. If parking blocks a driveway would have to be reported to Police Scotland.

Issue: Air pollution from additional traffic.

Comment (PO): The traffic generated by four additional flats will not result in a significant increase in air pollution that would warrant refusal of this planning application.

Residential Amenity

Issue: Loss of privacy due to proximity of flats to rear gardens of properties on Peterkin Place.

Comment (PO): Following amendments to the scheme, the distance between the flats relative to the rear boundaries of the houses on Peterkin Place has increased over that of the consented scheme for the site (see comment below). Whilst there is a slight increase in the number of units on the site, the overall number of units with an outlook to houses on Peterkin Place will remain the same as that consented (two). The consented flats have two bedrooms, two bathrooms and a lounge window on the same elevation looking towards Peterkin Place. The proposed flats have three bedrooms, a bathroom, a kitchen window, and a secondary lounge window on this elevation, however this is not considered to result in a significant increase in overlooking over and above the consented flats that would warrant refusal of permission. The proposal is therefore not considered to result in an adverse impact on privacy of neighbouring properties.

Issue: Loss of natural sunlight, as well as a general overbearance due to the siting of the flats.

Comment (PO): The position of the flats relative to neighbouring properties are not considered to result in a loss of sunlight nor an overbearance that would warrant refusal of the application, noting the distance between the flats relative to the houses to the southwest has increased from 2 metres since the first submission of this application to 5.8 metres as now proposed. This is slightly greater than the units consented under the original application (3.7 metres separation). The overall height of the proposed units will also be slightly lower than that consented (8.1 metres compared with 8.75 metres).

Issue: Noise and disturbance to amenity from additional flats and activity (traffic, more people in area).

Comment (PO): The proposal is not considered to result in an increase of residential activity that would be detrimental to the residential amenity of the area that would warrant refusal of the proposal.

Issue: Refuse bins – no information on storage of these, potential for multiple bins to be stored on site, impact on residential amenity.

Comment (PO): A condition is to be placed requiring a scheme of waste and recycling bin storage to be agreed with the Council.

Form of Development

Issue: Proposal results in over development of the site.

Comment (PO): The form of the development coupled with servicing arrangements are suitable for the character established in the surrounding housing development.

Issue: Negative impact on character of area.

Comment (PO): The flats, whilst slightly larger, will be in keeping with that character of those consented as well as the surrounding of the residential development in which they would be situated.

Issue: Proposal is contrary to original planning permission for site.

Comment (PO): An extant consent does not preclude further alternative development on the site, and any deviation from this will be subject to a further application (such as this application).

Natural Heritage

Issue: Impact development on bats, hedgehogs and earthworms. Flora and fauna should be protected and this must be drawn to the developer's attention.

Comment (PO): The proposal is not considered to result in an adverse impact on these creatures, noting that the site in its current form holds minimal biodiversity value having been scraped out and used as a construction compound.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the Adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle of Development

The general principle of residential development on the site is accepted taking into consideration the extant consent on the site, as well as the residential development site designation in the MLDP (R3 – Inchbroom).

Site R3 is identified for the development of 67 units, however 68 are consented on site. This proposal would see numbers increase to 72. This is above the identified capacity, however in relation capacity numbers specified within residential site designations, policy DP2 of the MLDP states that these are purely indicative and consideration to the suitability of development rests with its compliance with respective design and infrastructure policies of the respective plans. Accordingly, the proposal is not considered to conflict with policy DP2, with the main consideration in this case lying with the siting, design and servicing of the proposal.

Siting and Design

Policy PP1 contains a number of design criteria which all residential development must meet, whilst policy DP1 requires new development to be of a scale, design and character appropriate to the wider area. Policy PP1 of the MLDP requires all developments of 10 or more to provide a Placemaking Statement.

This proposal would see the development of flats with an increased density over that presently consented for the site. Whilst this is larger (increasing by four units with a subsequent increase in garage numbers), it is considered the proposal can be adequately accommodated within the site. The flats would be in keeping with the established character, height and density in the wider housing development, whilst sufficient parking and external amenity space is also provided within the curtilage of the site for residents of the flats.

The Placemaking Statement provided with the application states the revised layout has been carefully considered and with relocation of the original access, the revised proposal forms a large open landscaped area with clear definitive pathways to each apartment block and car parking to the rear, which will enhance the area and will remove the currently approved car parking arrangement would dominate the overall appearance of the flats. It notes that the material choices and design features of the flats (such as bay windows and turrets) has taken cues from the wider residential development in which it would sit.

The statement also notes that this site forms the last section of phase 1 to be developed, and street layout and design has already been established. The flats will connect into the network of adopted footpaths and informal woodland paths in the development that provide connectivity to the wider area and will encourage walking and cycling through safe appealing routes.

Taking account of these matters, the proposal is considered to comply with the requirements of policies PP1 and PP3 of the MLDP.

Biodiversity and Landscaping/Trees

Whilst a small site, PP1 requires all development assessed under this policy to ensure biodiversity is enhanced as part of a proposal. The Placemaking Statement provided with the application identifies that new planting along the eastern boundary of the site (already in place) contain a variety of berry producing species of Hawthorn, Rowan and Elderberry which attract birds and other wildlife. Further tree planting is proposed (see below) and new flower beds will be planted with a mixture of Dahlia, Lavender, Marigolds which will encourage and provide a natural habitat for butterflies and bees. Separately, existing squirrel dreys have been protected as part of the wider development.

Policy EP7 creates a presumption against the removal of trees and woodland. A tree survey provided with the application has identified three trees (Scots Pine) to be removed to accommodate the development. These trees are located on plot 30, and the survey notes that they would require to be removed to accommodate the flats currently consented on the site. Replacement planting at a rate of 10 per tree lost is proposed, with a mixture of scots pine, alder, birch and rowan proposed. This is shown on the tree survey drawing provided, though their size has not been specified.

Subject to condition requiring details of tree planting and protection measures for existing trees to be submitted and agreed with the council, as well as ensuring it is implemented, the proposal is considered to comply with policies PP1 and EP7.

Impact on Amenity

The revised scheme will result in an additional four number of residential units on the site. The level of additional activity generated by these units is not considered to be detrimental to the amenity of the surrounding residential area in which the development would be located. It is acknowledged that the flats are relatively close to the rear of houses to the south west of the site. However the flats covered by the existing consent are as close, thus it is considered that the impact on amenity would not be exacerbated by granting this alternative consent. Taking account of these matters, the proposal is considered to be designed and sited at a level appropriate to the amenity of the surrounding area, in line with policy PP3 of the MLDP.

Waste

No details of how waste bins will be stored on site have been provided with the application. A condition will be placed requiring an appropriate scheme to be agreed with the Council. This is particularly pertinent given the development comprises flats, and there is the potential for multiple bins to be stored in an uncontrolled manner.

Drainage

Foul drainage would discharge to the public sewers, in line with the requirements of policy EP12 of the MLDP. Scottish Water raised no objections to the proposal. Surface water drainage would discharge via surface water soakaways (infiltration), one to each block. The drainage information provided confirms this is a suitable solution taking account of the ground conditions on site. Subject to a condition requiring the drainage to be implemented in accordance with the details provided, the proposal is considered to comply with the requirements of policy EP12 of the MLDP.

Parking

Sufficient parking has been provided, meeting the parking standards set out in MLDP policy DP1. The Transportation Manager raised no objections to the proposal. A condition is also to be added requiring details of preparatory works (ducting, cabling) to enable electric car charging points to be accommodated (one for each flat), in compliance with the relevant section of the MLDP (policy DP1). The applicant has agreed to this provision.

ICT Provision

MLDP policy PP3 requires all new development to be served by fibre broadband unless justification can be provided that it is not technically feasible. The wider housing development in which these flats would sit are served by fibre broadband, therefore this will be available to the flats. Subject to condition ensuring it is provided which has been agreed by the applicant, the proposal will not conflict with this element of policy PP3.

RAF Lossiemouth – Noise and Safeguarding

The site is located within noise contours of aircraft operating at RAF Lossiemouth. Whilst Environmental Health raised no objections to the proposal, a previous condition applied to the consent 08/01685/APP for the wider development requiring acoustic double glazing will be relevant to this consent in order to ensure sufficient mitigation is provided for noise from aircraft.

The site also falls within an area identified as safeguarding for RAF Lossiemouth. The MoD raised no safeguarding objection to this application and policy EP15 is met.

Affordable Housing

Under policy DP2 of the MLDP, any housing development of 4 or more units requires a contribution of 25% of the total units to be provided as affordable. In this case, as there will be a net increase in 4 residential units, a contribution of 1 additional unit is sought. The Housing Strategy and Development Manager has confirmed that the contribution can be sought by means of a commuted sum. The applicant has agreed to submit this payment prior to issue of the decision and on this basis the proposal is considered to comply with the requirements of policy DP2.

Developer Obligations

Developer obligations towards healthcare (extension to Moray Coast Medical Practice) are sought in light of the increase in units on the site. This has been calculated in line with the Developer Obligations Supplementary Guidance. The applicant has agreed to submit this

payment prior to issue of the decision and on this basis the proposal is considered to comply with the requirements of policy DP1 of the MLDP.

Recommendation

Approve subject to conditions but to withhold issue of consent until developer obligations towards affordable housing and healthcare have been secured.

REASON(S) FOR DECISION

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

The proposed remix and increase in number of flats on the site is designed and sited at a level appropriate to the character and amenity of the wider housing development in which it would sit. It therefore complies with the provisions of the adopted Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Moray Local Development Plan 2020

PP1 PLACEMAKING

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

dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.

- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

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

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

v) Biodiversity

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

(vi) Parking

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

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
 - Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
 - Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
 - Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
 - Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
 - Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.
- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road

widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.

- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.

- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

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 400m², 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. 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 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

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.

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.

Width to watercourse (top of bank)	Width of buffer strip (either side)
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.

R3 Inchbroom 7.3 ha 67 units

- Development commenced. 31 units remaining.
- Low density housing interspersed with trees.
- Wide tree belt either side of Inchbroom must be retained.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.

WARD 05_17

20/00265/APP
28th February 2020

Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F at Inchbroom Pines Development Lossiemouth Moray for Tulloch Of Cunninghamston Ltd

Comments:

- The application is reported to Committee because the original application was previously reported to Committee and the appointed officer considers that significant amendments are proposed to this consent.
- The proposal has been advertised for neighbour notification purposes.

Procedure:

- If minded to approve, defer issue of consent until variation to existing legal agreement for development is undertaken.

Recommendation

- Approve subject to conditions.

Conditions/Reasons

1. The following items shall be submitted for the approval in writing of the Planning Authority and provided in line with the specified triggers;
 - i) A scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway including street lighting from the Phase 1 Development Access to the Phase 2 Development Access to be provided prior to the first occupation of Phase 2.
 - ii) A scheme for the widening of the B9013 Inchbroom Road to a minimum width of 5.5 metres along the frontage of the site, including the location of the new speed limit signs to be provided prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.

- iii) The upgrade and widening of footways and junctions as shown in drawing numbers INC/FTI/02 and INC/FTI/05 Rev A, to be completed and provided for use prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.

Reason: In the interests of achieving an acceptable form of development to provide:

- i) safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom Road.
- ii) additional road width along the frontage of the site to enable two vehicles to safely pass each other.
- iii) safe and suitable access for pedestrians to the development from the A941 Elgin Road along Inchbroom Road.

- 2 The construction of Phase 2 of the development shall not commence until the completion of Phase 1.

Reason:

- To ensure acceptable pedestrian and roads infrastructure to access the development.
- To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
- To ensure acceptable infrastructure at the development access.
- To enable drivers of vehicles to undertake manoeuvres safely and with the minimum interference to the safety and free flow of traffic on the public road.
- To enable drivers of vehicles entering or exiting the site to undertake the manoeuvre safely and to ensure the safety and free flow of traffic on the public road.
- To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.
- To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.
- To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.
- To ensure an acceptable access in the interests of road user safety.

- 3 The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.

Reason: To enable acceptable vehicular access to the development in the interests of road safety.

- 4 A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 0.26 metres in height.

Reason: To enable drivers to vehicles leaving the site 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.

- 5 The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.

Reason: To enable acceptable vehicular access to individual properties within the development in the interests of road safety.

- 6 No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).

Reason: To enable drivers to vehicles leaving individual 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.

- 7 No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.

Reason: In the interests of road safety.

- 8 Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.

Reason: In the interests of road safety.

- 9 Parking provision shall be as follows:
1.5 spaces for apartments up to 2 bedrooms;
2.0 spaces for apartments with 3 or more bedrooms;
2.0 spaces for houses with 3 bedrooms or less; and
3.0 spaces for houses with 4 or more bedrooms.

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.

- 10 New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.

Reason: In the interests of road safety.

- 11 Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit the second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the prospective public road.

Reason: In the interests of road safety.

- 12 Parking provision shall be outwith visibility splays.

Reason: In the interests of road safety.

- 13 Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).

Reason: In the interests of road safety.

- 14 Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.

Reason: In the interests of road safety.

- 15 Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651."

Reason: In the interests of ensuring an acceptable form of development.

- 16 Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. The attenuated ventilators shall have an element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.

Reason: In the interests of ensuring an acceptable form of development.

- 17 No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
- a full technical specification of the gas protection measures, including the membrane, to be installed;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
 - the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 18 Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:
- a full technical specification of the gas protection measures to be provided;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
 - the timescale for providing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 19 No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where:
- a) The required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated 9th March 2007.
 - b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

Should any subsequent or previously undiscovered contamination be found during the development of the site, then all works should cease and the Planning Authority in consultation with the Environmental Health Section (Contaminated Land) be contacted immediately, after which measures to remediate these areas should be agreed in writing and implemented as per the approved revised remediation statement.

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 20 That prior to the commencement of development, detailed proposals for the location and long term delivery of the affordable housing requirement for the development shall be submitted for the approval in writing of the Moray Council, as Planning Authority.

Reason: To ensure an acceptable form of development in accordance with affordable housing policy.

- 21 That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

Reason: In the interests of nature conservation.

Reason(s) for Decision

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

The supporting information provided with the application justifies the proposed variation to the condition, which is in accordance with the requirements of the Moray Local Development Plan 2020. There are no other material considerations that indicate otherwise.

List of Informatives:

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Construction Consent for the roads will be required under Section 21 of the Roads (Scotland) Act 1984.

The design of the SUDS system for the site shall follow the design principles contained in the SUDS design manual, and be supported by the following information as appropriate:

- Site investigation report with soil conditions and water table information including the time of year when the investigations took place;
- Sub-soil flow characteristics used in the design of the SUDS system;
- Existing surface and sub-surface site drainage details, and proposals for permanent diversion flows;
- Any temporary drainage arrangements required during construction to accommodate development;
- On-site storage proposed - capacity, connections, overflow arrangements, outfalls; Future maintenance arrangements required during construction to accommodate development;
- Detailed design drawings and calculations for settlement basins;

- Drainage design shall take into consideration effect on land immediately downhill of settlement basins;
- Whether or not existing watercourses or drainage paths will be affected by the development; and
- Whether or not the drainage system downstream of the development site will require to be upgraded to convey the run-off from this site.

The applicants shall ensure that a burden is included in the Title of each house which fronts onto a minor Access Road to the effect that the scheme is designed as 'Open Plan' and that no fences/walls shall be constructed along the frontage of any property.

The 2.0m Service Strips shall be part of the road but may be incorporated into the garden area. This burden shall state that the householder is responsible for the maintenance of this strip and that no fences/walls/boundaries shall be erected on/between this strip and the public road.

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

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

The applicant 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 Transportation Manager prior to work on it commencing. No retaining walls shall be constructed along the edge of the road whether retaining the public road or ground adjoining the public road without consultation with the Transportation Manager.

The developer should contact the Transportation Manager, Direct Services, Environmental Services Department (Street Lighting Section) at Academy Street, ELGIN, Moray or by telephoning 01343 557343 to discuss their proposals.

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

The consultation response of Scottish Natural Heritage is attached for the information of the developer. Attention is drawn in particular to the comments with regard to squirrel dreys.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
INC/S42/02	A	Location plan
INC/FTI/03		Footpath analysis
INC/FTI/02		Proposed layout
INC/S42/01	A	Site plan
INC/FTI/04		Swept path analysis
INC/FTI/05	A	Road markings plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/00265/APP

Site Address:

Inchbroom Pines Development
Lossiemouth

Applicant Name:

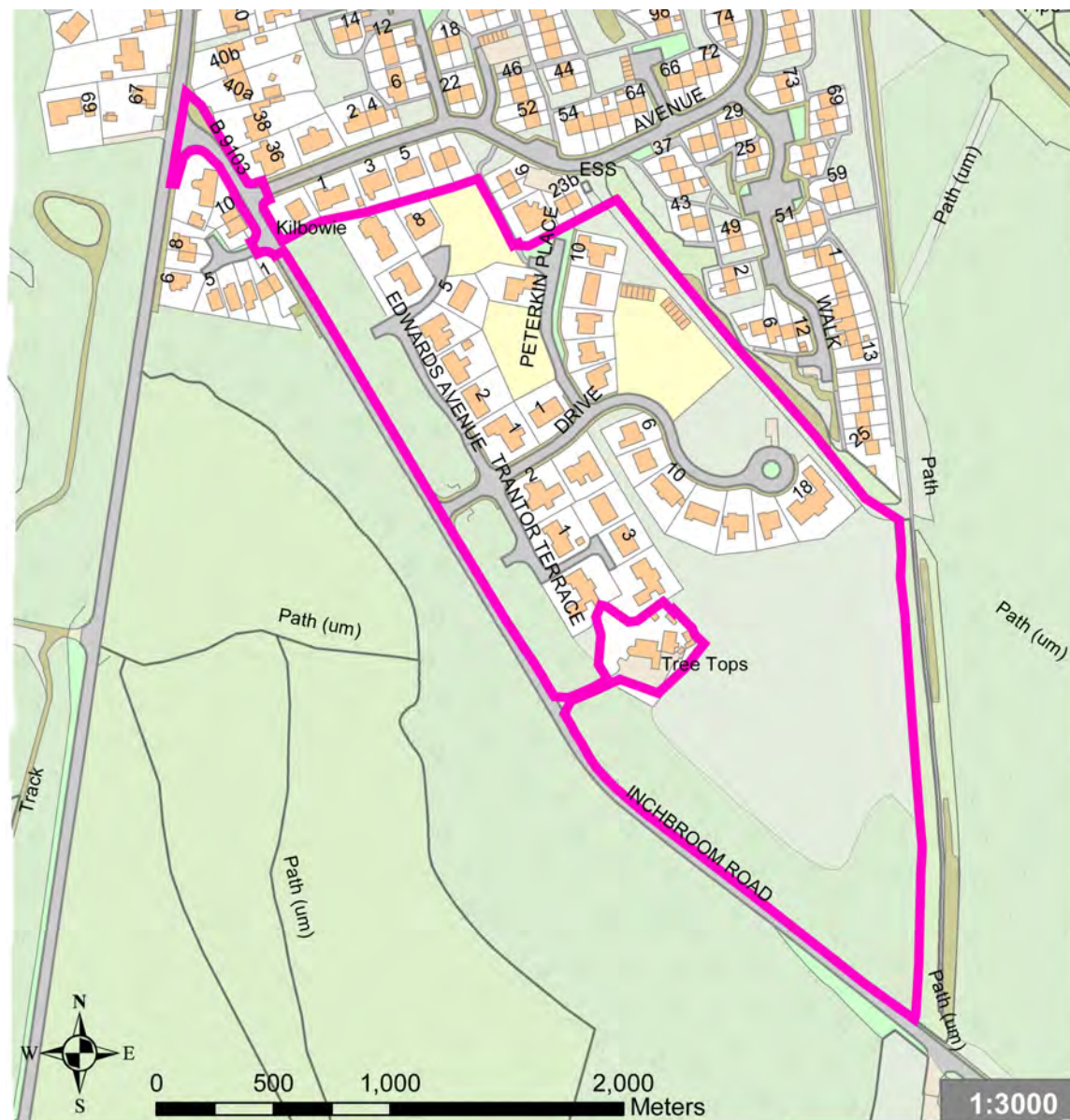
Tulloch Of Cummingston Ltd

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Location Plan



Site Location



Site plan



20/00265/APP - Photograph positions



Map Description: Arrows point in direction photograph was taken

Scale: 1:1,250 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



PLANNING APPLICATION: 20/00265/APP

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

THE PROPOSAL

- Application under section 42 of the Town and Country Planning Act (Scotland) (1997) (as amended) to vary condition 3(VI) of planning consent 08/01685/FUL.
- Planning approval 08/01685/FUL gave consent for 57 residential properties, known as the Inchbroom Pines residential development in Lossiemouth.
- Condition 3(VI) of that consent requires the provision of a new link road from the B9103 Inchbroom Road to the A941 Elgin Road. The trigger for its provision was the completion of 25 residential units.
- This application proposes a variation to the condition, to remove this requirement and instead upgrade the existing junction where the B9103 Inchbroom Road meets the A941 Elgin Road, and footways on the B9103 Inchbroom Road. The proposed trigger for this would be prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F as applied for under application 19/01178/APP.

THE SITE

- A 7.3 ha site with a partially completed residential development to the north of Inchbroom Road, and the junction of the B9103 Inchbroom Road with the A941 Elgin Road.
- The site has been split into two phases, with all houses in phase 1 completed excluding the flats applied for under application 19/01178/APP.

HISTORY

05/01755/FUL – Erection of 101 residential units (including 18 affordable units) and construction of roads refused by the Planning and Regulatory Services Committee following departure hearing on 9 November 2007. Appeal to Scottish Ministers dismissed on 25 June 2008.

08/01692/FUL – Erection of three houses granted planning permission by Planning and Regulatory Services Committee on 11 February 2009.

08/01685/FUL – Erection of 57 houses and garages, construction of roads and play area granted planning permission by the Planning and Regulatory Services Committee on 10 February 2010.

10/00492/APP – Amended layout including remix of house types granted planning permission by Planning and Regulatory Services Committee on 31 January 2012.

11/01215/APP – Erection of 6 flats and 4 semi-detached dwellinghouses (10 units) on land adjacent to 52 Inchbroom Avenue Lossiemouth – granted planning permission by Planning and Regulatory Services Committee on 28 February 2012.

12/02143/APP – Remix of houses granted planning permission under delegated powers on 5 April 2013.

14/01836/APP – Remix of house types granted planning permission by the Planning Regulatory Services Committee on 28 January 2015.

16/01656/APP – Substitute approved 4 bedroom split level house with 2no semi-detached 3 bedroom houses on plots 1A and 1B granted planning permission by Planning and Regulatory Services Committee on 17 January 2017.

19/01178/APP – Erection of 12 flats in lieu of 8 granted under 08/01685/APP on plots 29 and 30 pending consideration alongside this application.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes and as a departure from the development plan (Moray Local Development Plan 2015).

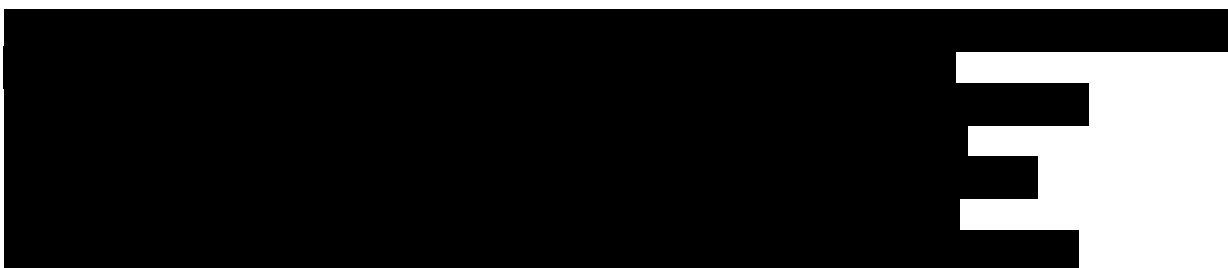
CONSULTATIONS

Transportation Manager – No objections subject to condition requiring road markings to be submitted to and agreed with the Council.

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).

Seven representations have been received from the following parties:



Issue: The requirement to provide the link road was agreed with the applicant and approved by the Council and it is clear the applicant accepted this position. The road is

busy with a variety of traffic and this has increased since the decision to require the provision of the link road and roundabout. Therefore, the applicant should be required to retain the original requirement to provide this infrastructure to best serve the development and Lossiemouth as a whole.

Comment (PO): No Transport Assessment or Statement was provided with the initial applications to demonstrate the need for a link road. The applicant has the right to apply for a variation to this, as this application has done so. The Transport Statement provided with this application demonstrates the existing junction has sufficient capacity to serve the housing development. Minor modifications to this junction will assist in the widening of footways to improve pedestrian accessibility to the site.

Issue: The provision of a link road will improve road safety, diverting traffic away from pedestrians.

Comment (PO): Traffic accident data shows there have been no accidents in the past five years resulting in injury or death at the junction. The proposed arrangement will see an upgrade to footways, with widening, whereas the provision of a link road would not see any upgrade to footways in the area.

Issue: New link road will slow traffic entering Lossiemouth, improve visibility compared to the current junction.

Comment (PO): The existing junction alongside proposed upgrades is considered sufficient to serve the consented housing development.

Issue: The applicant has made sales of millions on the houses sold on the Inchbroom development and their accounts lodged with Companies House show similar equity. There is no reasoning behind the amendment other than to save money.

Comment (PO): This is not a material planning consideration.

Issue: What if a new road is required in the future, it would fall to the Council to fund it.

Comment (PO): If the need for a new road is identified in the future as a result of further development, it would be for the developer(s) of said development to provide or fund the provision of a new link road. On the basis of the existing consented development, it has been demonstrated that the existing junction is acceptable. A minor modification to the junction will assist with the provision of enhanced footway widths alongside Inchbroom Road.

Issue: Nothing has changed from the original approval bar what can be seen as a desire of the applicant to undermine the decision taken by the approving Committee; this should not be permitted. Councillors should seriously question this application and the reasons behind same.

Comment (PO): Additional information has been provided to inform the necessary infrastructure upgrades to the development in lieu of the link road,

Issue: Any reduction of the traffic calming measure at the junction should not be permitted, as the speed of traffic entering the junction from Lossiemouth towards Inchbroom is too fast, and causes issues for driveways at the junction.

Comment (PO): The proposal would see the narrowing of the roadway at points close to the junction, which along with centre line hatchings and a tighter corner, should slow traffic compared to the existing junction layout.

Issue: Impact of development on flora and fauna.

Comment (PO): The proposal is not considered to result in an adverse impact on flora and fauna, and would preserve undeveloped land compared to the building of a new link road.

Issue: Impact of development on listed buildings and conservation areas.

Comment (PO): The development is not located near any listed buildings, nor within a designated conservation area.

Issue: Development will result in loss of garden ground, and current link road should be pursued instead.

Comment (PO): The area of garden ground lost as a result of the development is minimal for both properties where garden ground is required. The remaining garden ground is considered suitable for the provision of outdoor amenity space for each house. The Transport Statement provided with the application demonstrates that the link road is not necessary to mitigate the impact of the development and that upgrades to the existing junction of the A941 and B9103 are sufficient to mitigate the impact of the development. The loss of garden ground is proposed to enhance pedestrian connectivity from the housing development to amenities in Lossiemouth (e.g. schools).

Issue: Existing junction is inadequate, and the Transport Statement provided fails to take account of any development beyond that already approved.

Comment (PO): The submitted Transport Statement shows the existing junction is sufficient to serve the consented housing development. Any development(s) separate to this application will be assessed separately, and infrastructure upgrades necessary to mitigate the impact of the development(s) will be secured if required.

Issue: There will be an increase in noise, dust and pollution associated with the road being widened, particularly those properties that will lose garden ground.

Comment (PO): Any noise, dust and pollution associated with works will be temporary, and it would not be reasonable to refuse the application on this basis. The overall increase in levels of noise, dust and pollution from the additional traffic generated from the housing development would be negligible.

Issue: The proposed narrowing of the junction clearly shows that there is insufficient capacity for the junction to operate without crossing the centre line, and will result in an adverse impact on road safety.

Comment (PO): Swept path analysis provided shows there is sufficient space for the junction to safely operate (with HGVs able to overrun the hatchings). The Transportation Manager raised no objections to the layout of the junction.

Issue: The Transport Statement provided with the application only considered the option of narrowing the existing road, and discounted the option to widen the road (pavement) on the basis that third party land was required and it could not be certain that this could be acquired to undertake the works.

Comment (PO): The Transport Statement demonstrates that the proposed alterations to the junction itself and 1.5 metre wide footways could be accommodated within the existing public road (including footways). However, this was to the detriment of the road width and Transportation officers did not support this proposal. Subsequently the applicant has proposed wider footways which utilise third part land and only a minor narrowing of the road (vehicle swept paths have been provided to demonstrate the passing of vehicles. This has shown that an initial agreement is in place to acquire the necessary third party land (two areas of garden ground).

Issue: Application fails to meet policy T1 (of MLDP 2015 – now superseded by MLDP 2020) on the basis it cannot be considered to be an improvement to the A941.

Comment (PO): MLDP policy T1 related to the safeguarding of future improvements to road and transportation infrastructure which would be promoted by the Council and does not seek improvements to the A941 as part of development in Lossiemouth.

Issue: Had the proposal for housing been brought forward with the proposed junction arrangements, it would not have been accepted.

Comment (PO): The application as proposed has to be considered on the basis of the development plan and any material considerations.

Issue: Proposal fails to meet policy T2 on the basis it does not provide the highest level of access for end users, particularly neighbouring residents.

Comment (PO): The proposed variation would see an improvement to the existing junction, as well as improved pedestrian access.

Issue: Proposal fails to meet policy T6 on the basis the junction would be unsuitable for larger vehicles and the additional traffic will result in congestion and collisions.

Comment (PO): The Transport Statement demonstrates the junction has sufficient capacity and can operate safely.

Issue: Under the proposed MLDP, TSP3 is identified as an upgrade to the A941 to the south of Lossiemouth, consideration should therefore be given to keeping requirement for the link road and fulfil the requirement for TSP3.

Comments (PO): TSP3 is further south than the link road identified in the current consent, and is intended to serve designated site OPP1 in the MLDP 2020.

OBSERVATIONS

Legislative Matters

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

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

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the Adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Background

Consideration of an application under section 42 of the Act limits evaluation to the conditions themselves, the planning merits of the proposal cannot be reconsidered. Thus, the consideration here will be limited to whether the requested variation is acceptable.

The site subject to this application has been designated as a residential development site in the adopted (MLDP 2020) and previous development plans (2000, 2008 and 2015). Under the 2000 development plan, the infrastructure necessary to serve the development was identified as the widening of Inchbroom Road to 5.5 metres and the provision of a footway.

As noted under the history section above, there have been a number of consents on the site. A planning application (05/01755/FUL) submitted in 2005 for the site resulted in discussions for the provision of a link road, which was ultimately conditioned, however no Transport Assessment was provided and the justification for this requirement is unclear.

A subsequent application (08/01685/FUL) was granted in 2010, and has been the main consent for the ongoing residential development. Approximately half of the site remains yet to be developed. This application carried over the condition requiring the transportation upgrades identified under the 05/01755/FUL consent including the provision of the link road.

The condition sought to be varied under this application (3(vi) applied to 08/01685/FUL) requires the creation of a new spur to divert the B9103 away from Inchbroom Road. This would go to the south of the small group of houses at Inchbroom Court. The newly diverted road would meet either a newly constructed roundabout or junction at the A941 to the south of Lossiemouth. To date, no progress has been made with this infrastructure and the trigger for its provision (25 units) has passed (33 now built).

In lieu of this requirement, the applicant has proposed upgrades to the existing junction of the B9103 and the A941, and has provided a Transport Statement justifying this approach.

Policy Considerations

At the time of application, the proposal was a departure under the MLDP 2015, that being the development plan in force at the time of application. It identified the provision of a link road as a requirement under TSP6 of the Lossiemouth Settlement Statement, as part development on the R3 residential designation (Inchbroom). The application was advertised as a departure from the development plan on this basis. However this upgrade requirement has been removed from the recently adopted MLDP 2020 and designation R3 – Inchbroom. The MLDP 2015 is no longer a material consideration in the determination of this application. Accordingly, the proposal is no longer a departure from the development plan.

In determining whether the requested variation to the condition is suitable, consideration must be given to the alternative scheme proposed, and whether that is sufficient to serve the consented housing development.

The Transport Statement submitted in support of this application contains a capacity assessment of the existing junction undertaken using data from a traffic count undertaken in 2019. This assessment found no operational issues with the junction and sufficient reserve capacity when all traffic predicted/modelled from the full development of site R3 has been taken into account.

A review of injury accident data for the junction has also been undertaken. It found there have been no reported accidents resulting in injury at this junction in the last 5 years.

At present, footways on Inchbroom Road to either side of the junction of Inchbroom Avenue are narrow. This would be the main route for pedestrians from the housing development towards amenities in Lossiemouth (town centre, schools, etc.). Whilst the Transport Statement identifies that the widening of the footpath is not required, the applicant has proposed widening the footpath nonetheless, and has entered into an agreement to secure the necessary land from properties adjacent to the road.

The Transportation Manager has raised no objections to the proposed variation.

In light of this, the proposed variation to the condition would comply with the requirements of the MLDP (policies PP3, DP1, DP2 and designation R3).

Six Tests of Planning Conditions

Where varying conditions, or indeed imposing conditions on planning permission, they must meet the requirements of the six tests for planning conditions. These are set out in Planning Circular 4/1998: The Use of Conditions in Planning Permissions. The six tests are:

- Need for a Condition – would permission have to be refused if the condition were not imposed?
- Relevance to Planning – the condition must serve a planning purpose.
- Relevance to the Development to be permitted – it must deal with the impact of the development.
- Enforceability – a condition should not be imposed if it is not practical to enforce it.
- Precision – the applicant must be able to understand exactly what the condition requires.
- Reasonableness – the condition must be reasonable in all other respects and must not be unduly restrictive.

With reference to the need for the proposed varied condition – the increase in vehicle and pedestrian movements associated with the residential development requires mitigation. Without mitigation, the residential development would have been refused. The applicant has demonstrated that the proposed alternative upgrade to the junction of the A941 and B9103 in lieu of the link road is sufficient to mitigate the residential development's impact on the local transport network. Therefore its need is justifiable.

In relation to the relevance to planning – the upgrade of infrastructure to serve a development serves a clear planning purpose. It cannot be secured by legislation separate to the planning process, and is clearly related to the planning application for the residential development. Therefore the proposed condition is relevant to planning.

The proposal is also relevant to the development it serves, as it is necessary to mitigate the impact it has on existing transport infrastructure.

The condition as proposed is enforceable, with a clear description of what is required, as well as a trigger for its provision. The condition is also precise in light of this.

Finally, in relation to reasonableness, the information submitted demonstrates that the proposed scheme is sufficient to mitigate the impact of the residential development on R3 on transport infrastructure in the area. It is therefore a reasonable condition to place.

Conclusion

Taking account of these matters, a variation of condition 3 as proposed is considered acceptable and meets the six tests for planning conditions. Accordingly, it complies with the requirements of the Moray Local Development Plan 2020, namely policies PP3, DP1, DP2 and designation R3.

Other Conditions

The opportunity is also being taken to delete conditions 1 and 2 as attached to consent 08/01685/FUL which related to the period for implementation of consent and ensuring the development is carried out in accordance with the approved plans, this is now recognised as being inherent in planning legislation rather than a requirement by condition.

Condition 3 has been amended to ensure the triggers that were previously placed as informative notes are now incorporated into the condition, and triggers amended to tie into the new plot numbering as a result of the proposed flats. Condition 3(ii) has been amended to remove reference to a requirement for a cycle path and pavement on the link road which is no longer proposed as part of this development. Condition 3(iv) requires a bus layby associated with the new link road and revised road layout. This has been deleted. Condition 3(v) required the installation of a pedestrian crossing on the A941 – this has been deleted as it is now provided. Condition 3(vii) – requiring a travel plan for submission has also been deleted, having not been submitted and is no longer a requirement on new housing developments permitted by this Council.

As a result of amended conditions, the numbering of planning conditions now no longer ties with the original consent however, those conditions continue to be relevant to address the impact of the wider housing development.

Recommendation

Approve subject to conditions but withhold issue of consent until variation of existing s75 agreement has been undertaken to incorporate this consent into its terms.

REASON(S) FOR DECISION

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

The supporting information provided with the application justifies the proposed variation to the condition, which is in accordance with the requirements of the Moray Local Development Plan 2020. There are no other material considerations that indicate otherwise.

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**Beverly Smith
Development Management & Building Standards Manager**

APPENDIX

POLICY

Moray Local Development Plan 2020

R3 Inchbroom 7.3 ha 67 units

- Development commenced. 31 units remaining.
- Low density housing interspersed with trees.
- Wide tree belt either side of Inchbroom must be retained.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.

- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², 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. 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 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

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.

WARD 05_17

19/01090/APP
20th September 2019

**Erect 9 dwellinghouses on Site At Barnhill
 Farm Pluscarden Moray for Mr Ken Bowlt**

Comments:

- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and /or planning significance.
- The proposal has been advertised for neighbour notification purposes.

Procedure:

- Completion of a Section 75 Legal Agreement required prior to the issue of Consent to cover developer obligations and affordable housing contribution.

Recommendation Grant Planning permission – subject to the following

Conditions/Reasons

1. Notwithstanding the submitted details, no development shall commence until a consolidated landscaping plan has been submitted to, and approved in writing by, the Council, as Planning Authority. Details of the scheme shall include:
 - (i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - (i) The location and design, including materials, of any existing or proposed walls, fences, hedgerows and gates to be erected within the site; and
 - (iii) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and the planting densities.
 - (iv) All trees inclusive of the 15 Oak and 25 Rowan trees are to be a minimum of 1.5m in height at the time of planting.

Thereafter, all landscaping works shall be carried out in accordance with the approved scheme.

Reason - In order that further and final consideration can be given to the landscaping provision for the site.

2. No development shall commence until details of the timescales and maintenance arrangements for all proposed landscaping and open space have

been submitted to and approved in writing by the Planning Authority. Thereafter the development shall not proceed except in accordance with the approved details.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

3. The development shall be carried out in accordance with the Tree Survey (report and schedule inclusive of tree protection measures). No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees which are important amenity asset.

4. Unless otherwise agreed in writing by the Planning Authority, all foul and surface water drainage proposals shall be carried out in accordance with the submitted Drainage Assessment and Flood Statement by Gary Mackintosh and submitted in support of the application. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

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

5. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

6. Unless otherwise agreed in writing by the Planning Authority, the development must be carried out in accordance with the recommendations of the submitted Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report by M.D. Canham.

Reason: In the interest of ecological conservation.

7. No development shall commence until:

- i) a detailed drawing (scale 1:500) showing the location and design of three passing places on the C3E Elgin – Pluscarden Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) thereafter the passing places shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing places).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road

8. No development shall commence until:

- i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 90 metres to the north-east of the site access and 4.5 metres by 120 metres to the south-west of the site access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

9. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit for each dwellinghouse is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of each dwelling house.

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.

10. The width of the vehicular access shall be 5.5 metres and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. A refuse storage area and turning facility for refuse collection vehicles shall be provided as part of the access arrangements to The Moray Council specification and surfaced with bituminous macadam. The access, refuse storage area and turning facility shall be provided prior to the completion or first occupation of the first dwelling, whichever is sooner.

Reason: To ensure acceptable infrastructure at the development access and to provide facilities for the storage and collection of refuse generated by the development.

11. Parking provision shall be as follows:
- 2 car parking spaces per dwelling with up to three bedrooms; and
 - 3 car parking spaces per dwelling with four or more bedrooms.

The car parking spaces shall be provided within each plot prior to the occupation or completion of each dwelling, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure an acceptable development in terms of parking provision and amenity of the area.

Reason(s) for Decision

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

The proposal accords with the provisions of the Moray Local Development Plan 2020 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

Any amended house design applications shall be of one and a half storey design with a ridge height which must not exceed 6.75m and be finished in natural slate for the roofs and pale cream render with larch for the walls. This will ensure that the development harmonises with the appearance and character of the surrounding area.

THE TRANSPORTATION MANAGER has commented that:-

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads for the passing places. An application for Technical Approval is required for the development access and refuse collection and turning facility. The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

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

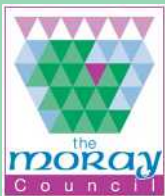
If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
	Appendix I location - tree survey
1979	Tree retention and removals
1979	Tree survey
1979-PR-HOUSE B	House type A - Elevations and floor plans
1979-PR-HOUSE B	House type B - elevations and floor plans
1979-PR-GARAGES&CARPORTS	Garage and carport details
1979	Visibility splay
903	Access detail
1979 A	Overall site plan
1979	Location plan
1979-PR-HOUSE C	House type C - elevations and floor plans
1979-PR-HOUSE D	House type D - elevations and floor plans
900 A	Passing place proposal



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/01090/APP

Site Address:

Site At Barnhill Farm

Pluscarden

Applicant Name:

Mr Ken Bowlt

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Location Plan



Site Location



Site plan



Site plan



Photo location plan

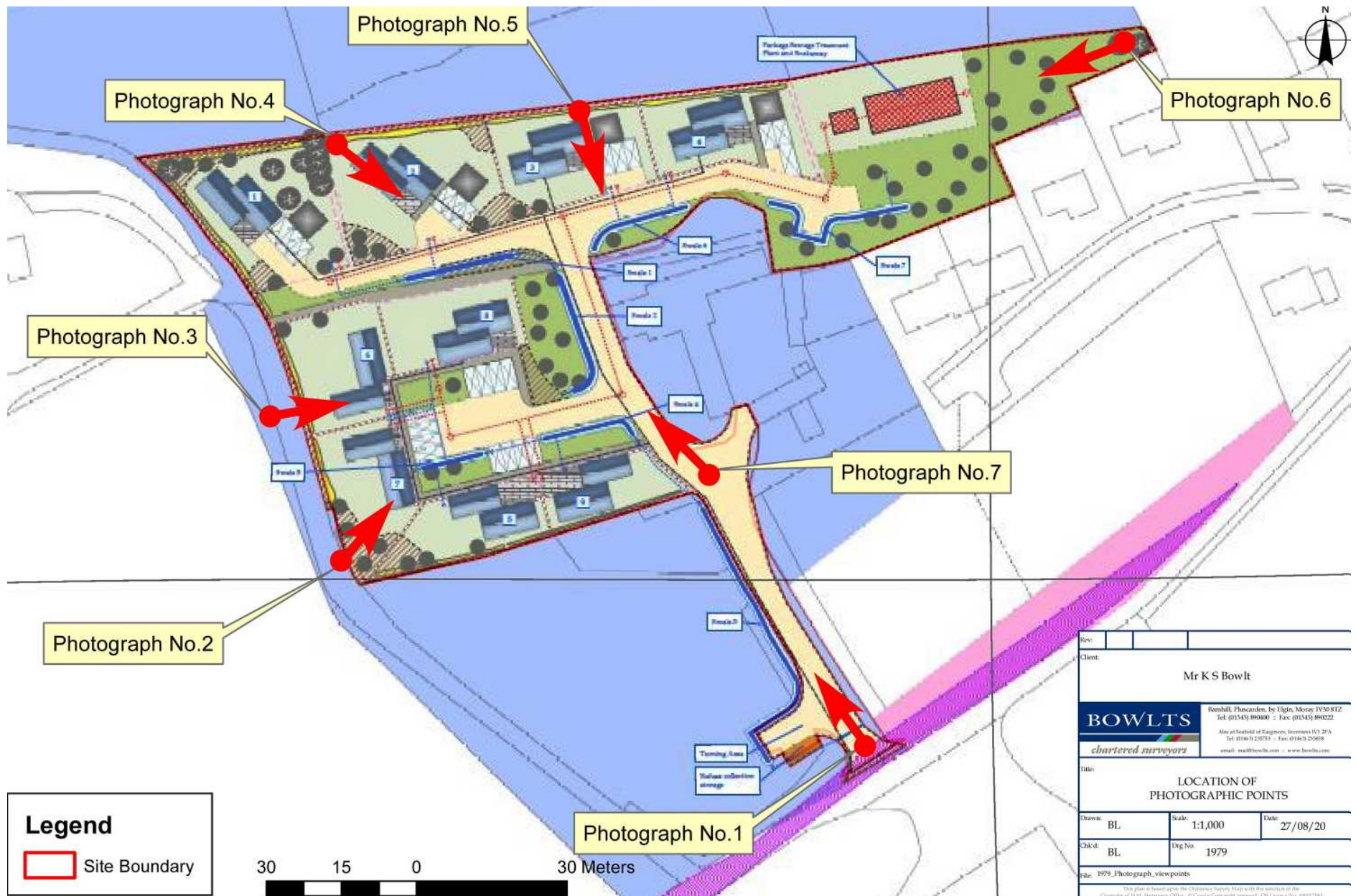


Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



PLANNING APPLICATION: 19/01090/APP

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

THE PROPOSAL

- This application seeks planning permission for nine houses, associated access, parking and drainage (foul and surface water). Open space and landscaping is integrated throughout the development.
- The houses are shown in a liner fashion along the northern boundary of the site. The houses in the south west part of the site are set out to reflect a steading/court yard layout incorporating covered car parking.
- A single packaged sewage treatment plant and associated soakaway are located at the north eastern corner of the development set within an area of landscaped open space.
- Four house types are proposed as part of the development; the house types are:
House Type A: 3 Bedroom, one and a half storey design, height to ridge line 6.6m.
House Type B: 3 Bedroom, one and a half storey design, height to ridge line 6.6m.
House Type C: 2 bedroom, single storey design, height to ridge line 5.5m
House Type D: 4 Bedroom, one and a half storey design, height to ridge 6.5m.
- The houses will be finished in a combination of pale cream render and larch cladding for the walls. Roof coverings are natural slate with stone skew tables and there are to be timber framed windows and doors.
- The existing access from the public road is to be altered and extend to serve the development. The site access will be un-adopted and a refuse collection point and turning area will be provided.
- Plots 1-4 will have on plot Larch garages and metal roofing with a footprint of approximately 5.75m x 6.00m and a height of 4.9m. Parking for Plots (the steading/court yard element) will be via car ports which will measure approximately 10.75m x 6.00m and will have a height of approximately 3.2m. The car ports will also be finished in Larch and metal roofing.
- Pedestrian access through the site is to be maintained by the retention of the existing access onto the lane adjacent to the west of the site.
- The foul drainage for the new properties is to a single treatment plant and soakaway to be located to the north east area of the development. The existing and proposed access track within the site is to be graded to crossfall, discharging to a roadside swale with infiltration beneath. The surface water from the individual plots is to be directed to the roadside swales.
- The houses will be connected to the public mains water supply.
- A total of 10 trees will be removed from the site. 11 trees will be removed offsite: 4 as part of the visibility splay requirements, 7 from the north east boundary.
- As part of the landscaping arrangement for the site it is proposed that 15 new Oak trees and 25 Rowan will be planted along with 250 native shrubs which will be incorporated into the development.
- Existing stone dyke walls will be retained as part of the scheme.

- The existing standing ruined gable will be removed from the site.
- The application has been supported by a Design and Access Statement, Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report, Tree Survey (report and schedule inclusive of tree protection measures), Drainage Assessment and Flood Statement, Landscaping and Biodiversity Report, Supporting Statement from the Applicant address the public representations and a speed survey results (east and west).
- The proposal has been screened against the EIA regulations and the EIA screening opinion has identified that it is not EIA development.

THE SITE

- The site extends to approximately 9,392 sq m and is located within the Rural Grouping Settlement boundary of Pluscarden.
- The site is “white-land” within the rural grouping settlement boundary.
- The Rural Grouping of Pluscarden is located within the Pluscarden Valley Special Landscape Character Area.
- The site is located to the north and west of the existing steadings at Barnhill Farm. The existing houses within the Pluscarden Rural Grouping Boundary are located to the south and east of the site.
- The site is predominately open grass land which has previously been used for grazing land for sheep and horses.
- There is a small ruin to the west of the buildings at Barnhill Farm.
- There are existing stone dyke walls on the site.
- There is a scattering of trees on the site; most of the trees are located at the north west corner.
- Established woodland which forms part of the National Forestry Inventory is located to the north of the site and this woodland is defined as “Mixed Mainly Conifer Woodland”.
- Beyond this area woodland lies the Black Burn located approximately 65m from the site.
- Pluscarden Abbey lies to the north of the site beyond the Black Burn over 200m from the site boundary. The Pluscarden Abbey is a Category A Listed Building. The precinct walls are a Scheduled Monument. The Abbey Grounds are designated Gardens and Designed Landscape which incorporates mature established Broadleaved Woodland along the southern and western boundaries of the Abbey. This Broadleaved Woodland also falls within the National Forest Inventory.
- There is an existing residential property to the west of the site separated from the site by an access lane.

HISTORY

17/01483/PE - Erect 15no dwellinghouses at Barnhill Pluscarden Elgin – Response issued on 23 October 2017.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised as a departure from the development plan 2015 and for neighbour notification purposes.

CONSULTATIONS

Strategic Planning & Delivery –

Summary of key points raised:

- The site is classed as “white land” in the Moray Local Development Plan and there is no existing use on the site;
- The site is regarded as a windfall site. It will contribute to the housing land supply and Scottish Planning Policies (SPP) requirements to provide a range of attractive sites;
- The proposal is well designed and integrated into an existing rural grouping with no detrimental visual impact on the surrounding area;
- The layout will have no impact on the setting of Pluscarden Abbey. HES have not objected;
- Compensatory planting will be provided on site which exceeds the small number of trees that will be lost;
- The layout provides significant areas of open space with a seating area in the centre of the development;
- Adequate servicing and infrastructure can be provided; and
- The accompanying Quality Audit shows that the proposal has complied with Placemaking requirements and scored 11 “Greens” and 1 “Amber”.
- Any amenity issues have been dealt with through the application process.

Developer Obligations - Obligations of £24,768.00 is sought towards health care requirements. This will be controlled by legal agreement.

Transportation Manager - No objection to the proposal subject to conditions requiring: visibility splay and access specification, provision of passing places, information for electric charging infrastructure and parking requirements for each plot.

Housing Strategy and Policy Manager - No objection. Affordable housing contribution is to be met by a Commuted payment towards 2.25 Affordable Housing units). This will be controlled by legal agreement.

Aberdeenshire Council Archaeology Service – No objection subject to a condition recommending a photographic survey.

Contaminated Land – No objection

Environmental Health Manager - No objections

Heldon Community Council – No response

Historic Environment Scotland:

- Pluscarden Abbey is a well-known nationally-important heritage grouping comprised of the A-listed abbey buildings and their scheduled precinct wall, contained within policies that feature in the Inventory of Gardens and Designed Landscapes in Scotland.
- The development site in this application abuts the southern boundary of the Inventory landscape but there is no other direct physical impact on the heritage assets.
- The site is located in close proximity to the Abbey and will impact on its distinctively remote and natural setting which is important to the understanding and appreciation of its ancient context.
- The visual impacts of this development therefore need to be given careful consideration.
- In considering the visual impacts on the setting of the Abbey, the key consideration is likely to be whether the new housing will impact on key views to the historic site.
- The Abbey is well known as an historic landmark in the flat floor of the Pluscarden valley. Although the Abbey's tower has been screened by older trees in more recent years, the buildings can still be glimpsed in long views across the valley when approaching from the west and east.
- The development site itself does not appear to be intervisible with the abbey complex.
- Although there is a belt of mature deciduous trees along the southern boundary of the designed landscape, a more recent conifer plantation now screens the settlement from the Abbey.
- A plantation of this type is likely to be relatively short-lived, however, and therefore consideration should be given to the long-term planning of the planting in the shelter-belt behind.

Moray Access Manager – No objection

Moray Flood Risk Management – No objection

Scottish Environment Protection Agency – Response notes that the proposal has been revised to a single waste water drainage system and confirmation is given that this meets the recommendations in the SEPA Standing Advice for Planning Authorities and Developers.

Scottish Natural Heritage - Response confirms that there are no designated sites that will be impacted by this proposal and therefore have no comment to make.

Scottish Water - No objection. Scottish Water is unable to confirm capacity for water supply from Glenlatterach Water Treatment Works and recommends that applicant submit a Pre-Development Enquiry to allow Scottish Water to appraise the proposal. Scottish Water also confirms that there is no public waste water infrastructure within the vicinity of the site and therefore advises that applicant investigate private treatment options.

OBJECTIONS-REPRESENTATIONS

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

[REDACTED]

[REDACTED]

101 Public representations received

100 - Objections

1 - Representation

Below is a summary of representations received, all representations have been read, noted and taken into consideration where material to the determination process, whether summarised below or not. Unless otherwise specifically stated, no assumption has been made that previous objections have been withdrawn following submission of the amended, reduced scheme.

Objection issues raised:-

Issue: Detrimental impact on the setting of Pluscarden Abbey which is a Category A listed building and associated grounds. The Abbey and its historic features are nationally significant historic and cultural assets and as such there should be input from national government on this application. It is wrong to put a housing estate in front of this national historic feature.

Comment (PO): The site is separated from the Abbey and associated historic features by established mature forest plantation which forms part of the National Forest Inventory. It is also noted that as part of the Abbey's Gardens and Designed Landscape the Abbey and its grounds are set within an area of tall mature established Broadleaf trees. There is no direct physical impact on the Abbey or associated historic features. There is no intervisibility between the site and the Abbey. Whilst it is recognised that the development will bring built form closer to the Abbey, the site is "white land" within the Pluscarden Rural Grouping settlement boundary where opportunity for expansion of the rural grouping has been identified through the Settlement Statement in the MLDP 2020 for the Pluscarden Rural Grouping. It also noted that the development itself has been reduced in numbers from the twelve units originally proposed to nine units. The units which have been removed from the scheme are those which would have been sited more closely towards the Abbey.

Historic Environment Scotland (HES), the Scottish Government's advisory body on Scotland's Historic Environment has been consulted on the application. HES raised no objection to the proposal. Advisory comments have been provided HES and are considered as part of the planning assessment of this application.

The development is not considered to comprise the setting of the Abbey and related historic assets.

Issue: The development will impact on the peace, tranquillity and way of life of Pluscarden Abbey which is historic monastery dating back to 1230 and is visited by people from all over the world for these characteristics. Noise from the existing houses at Abbeylands already carries to the monastery and the additional houses proposed will have a further detrimental impact.

Comment (PO): Whilst it is recognised that the development will bring built form closer to the Abbey than the existing houses in Pluscarden, the site is "white land" within the Pluscarden Rural Grouping settlement boundary where opportunity for expansion of the rural grouping has been identified through the Settlement Statement in the MLDP 2020 for the Pluscarden Rural Grouping. It also noted that the development itself has been reduced in numbers from the twelve units originally proposed to nine units. The units which have been removed from the scheme are those which would have been sited more closely towards the Abbey. The reduction in house numbers and related revised layout

will help ensure that the development is of a more appropriate size, scale, density and overall layout for the site and the surrounding area, including the Pluscarden Rural Grouping and the Abbey to the north. An increased number of houses within the defined rural grouping settlement boundary of Pluscarden is not considered to comprise the religious and cultural way of life present at the Abbey which is set within its own private grounds.

Issue: The development is contrary to the development plan. The proposal appears to be contrary to the 2020 Local Plan because the area specified within the plan for new housing is to the west of the steading, which is included in the proposal. However, the area to the north and east of the standing is also included in the proposal, but is not included in the 2020 Plan. The proposal also appears to be contrary to the 2020 Local Plan because it does not include the redevelopment of the steading, but only a new housing development.

Comments (PO): Whilst it is recognised that the settlement text refers to land to the west of the steading. The land to the west of the steading as well as to the north and east of the steading falls within white land in the Pluscarden Rural Grouping. This means that the site is undesignated land within the settlement boundary where development can be considered subject to all relevant policy requirements.

Again whilst the settlement text refers to redevelopment of the steading it also allows provision for new housing development. On this basis the development is not considered to depart from the settlement statement for the Pluscarden rural Grouping.

Issue: Impact of the development on the Special Landscape Area. Pluscarden Valley was designated as an AGLV (Area of Great Landscape Value) up until 2017. In 2018, under new terminology it was designated as a Special Landscape Area. Allowing the development of twelve houses as an insensitive housing estate in this area and in such close proximity to Pluscarden Abbey is completely contradictory to the Special Landscape Area Designation.

Many contributors refer to and quote the Moray Local Landscape Designation Review which was conducted in 2018, highlighting that the review noted the need to protect the characteristics of the Pluscarden Valley from the accumulation of individual new (and often overly large) individual houses sited in the countryside which could adversely affect the secluded character of this valley and potentially also the setting to the Abbey.

It is also highlighted by the contributors that: This proposal would not accord with Policy EP3 in the 2020 Development Plan as it would prejudice the special qualities of the Pluscarden Valley SLA, particularly affecting the sense of seclusion that can be experienced in this seemingly 'hidden' valley and the setting to the Abbey.

Some contributors have also referenced the "Pluscarden Conservation Area" and the Pluscarden Area of Special Control.

Comment (PO): The "Pluscarden Conservation Area" does not exist and the Pluscarden Area of Special Control was a designation under the previous local plan MLDP 2015 and the policy which supported this designation Policy BE6 did not apply to the Pluscarden Rural Grouping Settlement Boundary.

The Moray Local Landscape Designation Review was an assessment which informed the

development of the MLDP 2020 and specifically the Special Landscape Area and Landscape Character designations and overarching Policy (Policy EP3). The Moray Local Landscape Designation Review document does not hold any material weight as a standalone document as this was an assessment document which informed the development of the MLDP 2020. The MLDP 2020 is now the adopted Local Development Plan.

However, for the avoidance of doubt one of the key points in the Management Guidance within the Landscape Review was that new housing should be associated with the existing settlement (although not close to the existing intrusive housing estate located close to the Abbey) to avoid the cumulative effects of dispersed individual houses, that is indeed what this application proposes.

The site is located in the Pluscarden Rural Grouping Settlement boundary. The Rural Grouping of Pluscarden is located within the Pluscarden Valley Special Landscape Area. The overarching Policy for the SLA designations is Policy EP3, part a) of Policy EP3 states that the policy only applies to proposals in rural areas outwith defined settlement and rural grouping boundaries. In this case the application site is located within the designated rural grouping settlement boundary and as such Policy EP3 does not apply.

Issue: Increased number of houses will change the character of the area and will change the area around the Abbey into a settlement. The plans submitted for the proposed development are completely out of keeping for a small rural community. The number of houses proposed is excessive in the extreme. Adding twelve houses to an area where there are only currently eight could create an urban settlement within a rural area.

Comment (PO): The site is located in the Pluscarden Rural Grouping Settlement boundary. Rural Groupings form part of the settlement hierarchy of the development plan. Under the terms of the Rural Housing Policy of the MLDP 2020, a specific rural development housing hierarchy is identified, whereby new rural housing is directed to Rural Groupings that will accommodate the majority of rural housing development. Under the terms of the MLDP 2020 some Rural Groupings including Pluscarden have identified development opportunities to meet demand for rural housing within these areas in order to prevent the proliferation of additional individual house sites in the countryside. Of note the number of houses has been reduced in number from twelve to nine.

Issue: The number of houses proposed is excessive in the extreme. Adding twelve houses to an area where there are only currently eight could create an urban settlement within a rural area.

Comment (PO): As part of the application process which has included an assessment of the application under the Quality Audit the site layout has been amended and the number of units has been reduced from twelve to nine. This means that the development is now a similar density to the rest of the Pluscarden Rural Grouping and as such concerns related to overdevelopment have been addressed through the application process and resultant reduction in numbers.

Issue: A development of this size would require street lighting and there is concern that this would cause light pollution this would cause in Pluscarden. Pluscarden currently benefits from dark skies which should be protected.

Comment (PO): There is no street lighting proposed or required for the development.

Issue: The current proposal has been designed sympathetically to the style of Pluscarden Abbey. Will there be a requirement that any final approved style of house would match the proposed designs, particularly if the development is sold as individual plots?

Comment (PO): The design of the houses reflect the requirements of the Settlement Text for the Pluscarden Rural Grouping which identifies that proposals must reflect the traditional styles and scale of the existing buildings at Barnhill. The layout must seek to include a steading/courtyard layout particularly on the south west portion of the site. Buildings must have slate roofs and have a maximum height of 1 ½ storeys. It is also advised that white render is not an appropriate finish. The development proposal reflects these requirements. If the application site as a whole or as individual plots any amendments to the design would need to accord with the policy requirements as set out in the MLDP. Informative information will be added to the decision notice on the design requirements.

Issue: The development will result in neighbouring amenity impact for the existing houses in terms of privacy, overlooking and overbearing impact, including the houses the houses at Abbeylands Road.

Comment (PO): As part of the revised site layout and reduction in numbers of the proposal, the proposed houses which would have been site at the back of the of existing properties numbers 4 and 5 Abbeylands Roads have been removed. It is proposed that this area will now be used for the packaged treatment plant for the development and landscaping including the planting of trees. This means that the scope for neighbouring amenity impact at this north eastern element of the development has been removed.

The neighbouring property to the west is separated from the site by an access lane which is considered sufficient separation to ensure there is no significant detrimental amenity impact.

Issue: access issues: the road is a quiet country road and will struggle to accommodate more traffic. The road is too narrow for two vehicles to pass in many places. The access to the road is close to a bend and further traffic movements will make this area more dangerous.

Comment (PO): The Transportation Section has assessed the proposal and raised no objection to the proposal subject to the recommendation for conditions which will ensure access upgrading and the provision of additional passing places. Subject to compliance with these conditions the proposal meets Transportation Standards.

Issue: There are no pavements and there will be a greater need for Moray Council to construct pavements to keep children and all walkers safe.

Comment (PO): The road in the development will be un-adopted. The design and layout of the proposal will encourage slow vehicle speeds. A path has been included top the north of plots 6 and 8, this is a natural desire line and maintains access through the site and maintains a connection from the development site to the surrounding countryside.

Issue: The road passing through Pluscarden has been removed from the council gritting route so I do not believe that the infrastructure is in place to support this development.

Comment (PO): Road gritting is not a requirement for future development.

Issue: The Abbey actively encouraging more traffic by building a new car park very close to the proposed development this will make the road pretty unbearable for local people.

Comment (PO): Each application is judged on its own merits against the requirements of the development plan. The Transportation Section has assessed the proposal and identified appropriate transportation mitigation measures to ensure safe access to the site.

Issue: The proposed development deletes the ancient pilgrim way path. This is a right of way. This lane has for many years been used for dog walking access.

Comment (PO): There are no recorded Core Paths or rights of way on the site or in the vicinity of the site. The Council's Access Manager has raised no objection to the proposal. As part of the site layout a path has been included top the north of plots 6 and 8, this is a natural desire line and maintains access through the site and maintains a connection from the development site to the surrounding countryside.

Issue: This is a speculative housing development comprising large expensive privately owned dwellings. The development is for the profit of the applicant and for which there is no market demand. There are thousands of houses being built in Forres and Elgin. Any housing in this location should be reserved for special rural need housing such as forestry or agriculture, or for affordable housing.

Comment (PO): There is no planning policy requirement to demonstrate market demand for housing. The site is located within the Pluscarden Rural Grouping Settlement boundary. The settlement text for this rural grouping identifies an opportunity for additional housing to meet housing demand in this part of the countryside.

Whether the houses are expensive is a matter of subjectivity and speculation and not a basis on which to determine the planning merits of the proposal. Ultimately market forces determine the affordability of property. The fact the houses are being built in other locations does not preclude an application for housing at this location.

The Scottish Government advises against the use of the occupancy restrictions for specific professions and it is noted here that through planning policy requirements the applicant has been required to make a contribution towards affordable housing provision.

Issue: Concerns about disruption caused by the construction of the development. There will be construction noise construction traffic and disruption, and this could be replicated many times over if the sites are sold on individually. It is also queried if there will be a timeframe for the houses being built?

Comment (PO): It is acknowledged that construction can bring disturbance, however, this is not a valid reason to refuse a planning application. It will be incumbent upon any contractor to conduct their construction activities in line with best practice requirements.

Issue: The site is a haven for wildlife and this proposal will be detrimental to the wildlife on the site.

Comment (PO): The site is not subject to any environmental/wildlife designation. The application has been supported by a Phase 1 Habitat Survey which identifies that the site

is largely grazing land and that there are no specially protected species using the site. There is potential for breeding bird disturbance during their breeding season (April-August) and work that could disturb, damage or destroy the nest sites should be avoided at this time. It also identifies that there is low potential for bat use in the ruin and recommends appropriate action. A condition will be applied to ensure that the development is carried out in accordance with the recommendations of Phase 1 Habitat Survey. On this basis the proposal is not considered to result in any adverse wildlife impacts.

Issue: Concern about the removal of the ruin from the site which the contributors assert is the remnants of the oldest building in the area and was believed to be a former bakery.

Comment (PO): The application has been assessed by Aberdeenshire Archaeological Services. The consultation response advises that part of the site affects part of archaeology site NJ15NW0039 a fermtoun dating to the 19th Century. The archaeologist notes that proposals will impact on the ruin of one of the buildings of the fermtoun, which survives as a stone-built gable in poor condition. It is also confirmed that there are no documentary records to indicate that the building was a bakery or that it is any older than any other building in the fermtoun. It is likely that that the building is of comparable age to the existing buildings at Barnhill Farm.

Aberdeenshire Archaeological Services has recommended a condition requiring a photographic survey of the structure prior to its removal from the site in order to record this historical feature. Subject to provision of the photographic survey the removal of this ruin from the site is considered acceptable and the photographic survey will provide an appropriate historical record of the ruin.

Issue: Concerns raised about drainage and flood risk because water run off and drainage will ultimately end up in the Black Burn and increase the risk of flooding further downstream and potentially the new Abbey car park.

The River Board covering the Lossie District which includes the Black Burn runs close to the proposed development. The Black Burn is an important tributary to the Lossie and The River Board has not been consulted The Black Burn was historically an important spawning area for salmon and seatrout, but due to pollution and obstruction this had ceased many years ago. Recently the River Board has committed time and funds to removing the obstructions and observing the state of the Black Burn, and as a direct result seatrout have been seen this year in the upper reaches of the burn. Anything which might now affect the water quality in this area should be avoided.

Comment (PO): The application has been supported by a Drainage Assessment and Flood Statement which provides details of the drainage design for the development. Foul drainage from the site will be dealt with by a single package sewage treatment plant to soakaway and the use of swales with infiltration for surface water. Moray Flood Risk Management and SEPA have raised no objection to the proposal and as such the proposal is considered acceptable in drainage and flood risk terms.

Issue: There are no local services and the development will impact on Milnord where the school is already at capacity, so any children would have to be accommodated elsewhere. There will also be increased demand for the village hall.

Comment (PO): The application has been assessed for developer obligations in line with

the Council's Supplementary Guidance on Developer Obligations. In this case contributions are required in relation to local health care provision. The applicant has agreed to meet the obligation and payment will be secured by a Section 75 Legal Agreement.

Issue: neighbour notification: the Council has to erect or attach copies of the application to various trees and points around the area of the application, this did not happen.

Comment (PO): Neighbour Notification has been carried out by the Council in accordance with the regulations. Neighbour Notification was served on all properties with an address within 20m of the application site boundary (red line) and the application was advertised to account for land with no address falling within the 20m buffer.

OBSERVATIONS

Background

As amended, this application proposes nine residential units within the designated Rural Grouping Settlement Boundary of Pluscarden. The application was initially for twelve houses. However following discussions with the applicant, several revisions to the design were made to alleviate concerns regarding the design, layout and density of the site as proposed in the original application submission. Following these discussions the site layout was amended and the number of units was reduced from twelve to nine.

At the initial registration of the application, the application was advertised as a potential departure against Policies H5, E9 and the Pluscarden Rural Grouping Designation because it was unclear if the all the site area fell within the prescribed Rural Grouping Boundary. This has since been clarified in the application process and it is confirmed that site within the Rural Grouping Boundary.

Principle of Development: Special Landscape Area (SLA's) (Policy EP3)

SLAs have been identified to protect and enhance the special character and qualities of Moray's most valued landscapes as well as promoting a greater understanding of them. The overarching policy for this designation is Policy EP3. The Rural Grouping of Pluscarden is located within an SLA.

However, part a) of Policy EP3 states that the policy only applies to proposals in rural areas outwith defined settlement and rural grouping boundaries. In this case the application site is located within the designated rural grouping settlement boundary and as such Policy EP3 does not apply.

Principle of Development: Rural Housing DP4, Part B Rural Groupings and Pluscarden Rural Grouping Settlement Text

Under the terms of the Rural Housing Policy of the MLDP 2020, a rural development housing hierarchy is identified, whereby new rural housing is directed to Rural Groupings that will accommodate the majority of rural housing development, followed by re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. This rural development hierarchy has been introduced to direct demand for rural housing to appropriate locations. Identified rural groupings create a

sustainable network of rural groupings across Moray. Some Rural Groupings including Pluscarden have identified development opportunities to meet demand for housing within these localities.

All proposals for new houses in Rural Groupings must be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry. Proposals must meet the design criteria for the Rural Housing Policy as well as any requirements set out in the supporting rural grouping settlement text. Proposal must also meet the terms of DP1 – Development Principles and other relevant policies.

The Settlement Text which supports the Pluscarden Rural Grouping identifies that: opportunity exists for the renovation of the existing steadings at Barnhill Farm. An area to the west of the steading has been included within the boundary, to provide land to meet demand for new housing.

Development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution.

Proposals must reflect the traditional styles and scale of the existing buildings at Barnhill. The layout must seek to include a steading/courtyard layout particularly on the south west portion of the site. Buildings must have slate roofs and have a maximum height of 1 ½ storeys. White render is not an appropriate material finish.

In this instance: The site is located in the Pluscarden Rural Grouping Settlement boundary and encompasses land to the west of the existing steadings at Barnhill Farm as well as land to the north and east. All of which falls within white land within the Pluscarden Rural Grouping Settlement boundary.

The application has been supported by a suitable Drainage Assessment and Flood Risk Statement which has been accepted by Moray Flood Risk Management and SEPA.

As amended, the design and layout of the proposal means that the layout of the scheme includes a steading/courtyard layout at the south west portion of the development and the proposed house designs reflect traditional styles and scale with a maximum height of one and a half storey. The material finishes for the dwellings are to be natural slate roofs and a combination of pale cream render and larch cladding for the walls with timber windows and doors.

Placemaking, Siting and Design (PP1, PP3, DP4, DP1 and Pluscarden Rural Grouping Settlement Text)

Housing developments of ten units or more are subject to the Quality Audit (QA) process. The QA approach examines the key criteria considered to contribute to place-making principles. The QA under the MLDP 2015 examined 12 criteria i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping.

Following design revisions to the design and layout of the scheme, the application submission was originally assessed against MLDP 2015 Policy PP3 and Placemaking and Quality Audit (QA) was undertaken and agreed. The results are detailed in the table below:

DESIGN PRINCIPLE	AUDIT
Connections	
Public Transport	
Safer Environment	
Car Parking	
Legibility/Street Hierarchy	
Character & Identity	
Housing Mix	
Access to facilities and amenities	
Natural Features	
Open Space	
Biodiversity	
Landscaping	

As shown by the summary table and related scores the QA demonstrated that the proposal was well designed and complied with Policy PP3 with eleven categories scoring “Green” and one “Amber”.

As the proposal is under 10 units, no Placemaking Statement or revised QA is required under the MLDP 2020, although the proposal must still be assessed against PP1 to ensure that the highest standards of design are met.

Through the application process the number of units was reduced from twelve to nine. This means that the development as now proposed is of a comparable density to the existing dwellings within the Rural Grouping. Furthermore, the reduction in house numbers has allowed for a site layout which is well designed and reflects the settlement text of the MLDP 2020 incorporating a steading/courtyard layout with house designs which are traditional in appearance.

The house types proposed are well designed and display traditional architectural features such as slate roofs, chimneys, and windows with a vertical emphasis. Efforts have also been made to reduce the overall massing of the building with the height restricted to one and a half storey.

The retention of the existing stone dykes, integrated into the development is welcomed and will help provide character to the development.

The plot sizes can comfortably accommodate the house designs proposed and whilst it is noted that parking will be located to the front of plots 5, 6, 7, 8 and 9 in seeking to reflect a steading/courtyard layout this is unavoidable. However, the visual impact of the parking will be reduced by the use of covered parking finished in appropriate materials. The use of landscaping will also help soften the overall impact of the parking. These factors combined mean that the parking will not be a dominant feature at this location.

The development site is small and falls within the existing Rural Grouping Boundary, the street layout is appropriate to the rural location, the development reflects the density found in the existing rural grouping settlement and importantly connections through the site into the surrounding countryside have been retained.

The design and layout of the scheme also incorporates functional open space and landscaping drawn from native species. These factors will ensure that the development will be sensitively integrated into the existing Rural Grouping.

Overall, the development represents a high standard of design for a small rural housing development and incorporates the principles of good placemaking, a requirement which underpins the MLDP 2020.

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

The development has been design such that each plot will have private garden space of a size which is appropriate to the house type proposed. The separation distances and orientation of the dwellings within the plots will ensure an appropriate level of residential amenity within the development.

The revised layout and reduced numbers of units proposed has significantly reduced the scope for detrimental neighbouring amenity impacts, noting that landscaping will be used to provide a buffer between the development and the of existing properties numbers at number 4 and 5 Abbeylands Roads. To the west the neighbouring property is separated from the site by an access lane which is considered sufficient separation to ensure there is no significant detrimental amenity impact.

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

Impact of the Development on the Surrounding Area PP1, PP3 and DP1

The site is located within an existing rural grouping which contains a small cluster of traditional steading like buildings and more modern suburban 20th century buildings. Mature woodland to the north of the site (part of the National Forest Inventory) provides a backdrop to the Rural Grouping and development site. This woodland (and the Black Burn) provides physical and visual separation from the site and Pluscarden Abbey.

The Abbey Grounds are designated Gardens and Designed Landscape which incorporates mature established Broadleaved Woodland along the southern and western boundaries of the Abbey grounds, these trees also fall within the National Forest Inventory. These physical features mean that there is no direct visual connection or inter visibility between the Abbey and the development site.

In terms of wider landscape impacts from the Pluscarden Valley. From the west, due to the winding nature of the road and existing forestry, the new development will only become visible from a short distance before the development with the visual presence coinciding with the Pluscarden roadside sign which gives a visual cue about the presence of built form in the landscape. The physical and visual impact of the development will be further minimised because the development will be seen in the context of the existing houses within the Rural Grouping and also because the development is of a scale and density which is appropriate to the rural location.

When viewed from the south, on the other side of the valley the development site will be read in the context of and integrate into the existing rural grouping. The development and the rest of the rural grouping has the backdrop of the mature established trees. This combined with the restricted height and traditional design and style of the house types in the development will ensure that the proposal will sit comfortably alongside the existing houses and will integrate into the setting as part of the existing Rural Grouping and will not be visually intrusive in the wider landscape.

From the east: the development site is not visible, the first visible properties within the Rural Grouping from this direction are the existing 20th century houses and when the development does become apparent will read as part of a logical extension of the Rural Grouping.

On this basis the proposal is considered an acceptable development which will integrate well into its setting as part of the existing Rural Grouping and will not result in any significant or adverse landscape impacts.

Impact on Trees (EP7)

The application is supported by a Tree Survey (report and schedule inclusive of tree protection measures). A total of 46 trees have been surveyed as part of the Tree Survey. A total of 10 trees will be removed from the site and 11 trees will be removed offsite: 4 as part of the visibility splay requirements, 7 from the north east boundary. The tree report states that several of these trees are in poor condition.

As part of the landscaping arrangement for the site, it is proposed that 15 new Oak trees and 25 Rowan will be planted along with 250 native shrubs which will be incorporated into the development; this exceeds compensatory requirements because the proposed replanting will not only compensate for the loss of these trees but will result in more trees being on the site than currently exists.

The trees to be planted are from native species and are appropriate to the rural location and will add to the attractiveness of the development. The application has been supported by appropriate tree protection measures for trees which are to be retained and for those trees which bound the site. The proposal is therefore acceptable in relation to Policy EP7.

Landscaping, Open Space and Biodiversity (E2 and E5)

The proposal allows for approximately 21% open space within the development, the open space will be planted as part of the landscape scheme. Opportunities for seating have been incorporated into the proposal allowing the landscaped open space to become a pleasant usable feature within the development.

The application has been supported by a Landscape and Biodiversity Report. The planting of native trees, shrubs, boundary hedges and blue/green networks (to be sown with wildflower seeds) will create an attractive development appropriate to the rural setting but also promote and enhance biodiversity across the site. The proposal is therefore acceptable in relation to Policies E2 and E5.

Impact on the Historic Environment (EP8, EP10 and EP11)

The Pluscarden Abbey is a Category A Listed Building. The precinct walls are a Scheduled Monument. The Abbey Grounds are designated Gardens and Designed Landscape. Historic Environment Scotland has been consulted as part of the application and raised no objection to the proposal but has advised consideration must be given to the visual impact of the development in the context of the setting of these nationally important historic assets.

The boundary of the Abbey Grounds is located approximately 80m to the north of the site and is physically separated from the site by mature woodland (National Forest Inventory) and the Black Burn. The southern and western boundaries of the Abbey are planted with mature established Broadleaved Woodland along the southern and western boundaries; these trees also fall within the National Forest Inventory. These physical features mean that there is no direct visual connection or inter visibility between the Abbey and the development site as such the proposal will have no detrimental impact on the Abbey or its setting.

Furthermore during the application process the site layout was amended and the number of units was reduced from twelve to nine with the plots at the north eastern corner of the site removed.

Part of the site around Barnhill Farm is part of the archaeology site NJ15NW0039 – a fermtoun dating to the 19th Century. There is a small ruin within the site boundary to the west of the buildings at Barnhill Farm which remains on the site as a gable in unstable condition. There are also 18th-19th Century drystone stone dykes on the site. The stone dykes will be retained bringing a character element to the development. However, the ruin is unstable and at risk of collapse and is to be removed as part of the proposal. Aberdeenshire Archaeological Services has recommended a condition requiring a photographic survey of the structure prior to its removal from the site in order to record this historical feature. Subject to provision of the photographic survey the removal of this ruin from the site is considered acceptable and the photographic survey will provide an appropriate historical record of the ruin.

Taking account of these factors the proposal is acceptable in relation to Policies EP8, EP10 and EP11.

Protected Species (EP1)

The application is supported by an *Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report*. The survey identifies the following key points:

- That there are no specially protected species using the site.
- There is potential for breeding bird disturbance during their breeding season (April-August) and work that could disturb, damage or destroy the nest sites should be avoided at this time.
- There is low potential for bat use in the stone gable end of the ruin, but, this wall is considered dangerous and could potentially collapse. It is therefore recommended that the wall is dismantled by hand within an endoscopic examination of the wall immediately prior to this work taking place and a licensed bat worker should be present while the wall is dismantled. As a precaution this would only take place after the end of the bat hibernation period (end of March).

A condition is recommended to ensure that the development is carried out in accordance with the Ecological Assessment. Subject to compliance with condition the proposal is acceptable in relation to the requirements of Policy EP1.

Access and Parking (DP1)

The Transportation Section has assessed the proposal and raised no objection to the proposal subject to the recommendation for conditions which will ensure access upgrading and the provision of additional passing places. Subject to compliance with these conditions the proposal meets Transportation Standards.

Drainage and Flood Risk (DP1, EP12 and EP13)

The application has been supported by a Drainage Assessment and Flood Statement which provides details of the drainage design for the development. Drainage from the site will be dealt with by a single package sewage treatment plant to soakaway for foul drainage these features will be located at the north east corner of the site and will be set within landscaping. Swales with infiltration will be used to manage surface water incorporating a blue/green network into the development.

Moray Flood Risk Management and SEPA have raised no objection to the proposal and as such the proposal is considered acceptable in drainage and flood risk terms and complies with Policies DP1, EP12 and EP13.

Accessible and affordable Housing (DP2)

The proposal as amended is for nine units therefore the requirement for accessible housing does not apply. The affordable housing contribution is to be met by a commuted payment towards 2.25 Affordable Housing units as agreed by the Housing Strategy Manager. The proposal is acceptable in relation to Policy DP2.

Developer Obligations (PP1)

The development has been assessed for developer obligations. An obligation of £24,768.00 is sought towards health care facilities. The applicant has agreed to pay these and it is recommended that this is controlled by means of a S.75 legal agreement.

Conclusion and Recommendation

The proposal is a small well design rural housing development to be located on white land within the Pluscarden Rural Grouping Settlement Boundary. The site layout and density is appropriate to the rural location and the restricted houses sizes will help to ensure that the development sits well in the landscape setting. The site can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact. The proposal accords with the Local Development Plan and it is recommended that planning permission is granted subject to conditions.

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

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APPENDIX**POLICY****Adopted Moray Local Development Plan 2015****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.

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 400m², 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. 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 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

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.

DP4 RURAL HOUSING

- a) A rural development hierarchy is identified, whereby new rural housing is directed to rural groupings that will accommodate the majority of rural housing development, followed by the re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside.

Proposals must meet siting and design criteria to ensure development is low impact, integrates sensitively into the landscape, reflects the rural character of the area and is of a high design quality.

b) Rural Groupings

Identified rural groupings create a sustainable network of groupings across Moray, some have identified development opportunities, whilst others restrict development to safeguard the character and appearance of a particular grouping. All proposals for new houses in Rural Groupings must be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry. Proposals must meet the design criteria of this policy. Specific requirements for each grouping and accompanying mapping have been prepared (see volume 3). Proposals must also meet the terms of DP1 - Development Principles and other relevant policies.

c) Re-use and Replacement

The conversion of traditional stone and slate buildings in the countryside to houses will be acceptable if:

- The proposed conversion respects the character of the existing building.
- Any extensions are in keeping with the character and scale of the existing building and surrounding landscape.
- Material finishes are in keeping with the traditional building i.e. slate/corrugated roofing, natural stone/wet harl/ timber lined walls.
- Proposals for new build housing to enable conversion/rehabilitation will be supported provided they reflect traditional design and layout and are in keeping with the scale and proportion of the original building/s. A maximum threshold of 1 new house per converted unit will be applied.

Existing traditional stone and slate buildings must be retained and incorporated into proposals for conversion. Re-use and replacement of existing traditional stone and slate buildings in the countryside with houses will only be acceptable if evidence is provided to demonstrate the building is structurally unsound and incapable of being incorporated into proposals for conversion and proposals meet the criteria below.

Re-use and replacement of existing buildings in the countryside will only be acceptable if;

- There is clear physical evidence of a previous traditional building, equivalent of level 2 (see diagram on page 45), where the full extent of the building is clearly established, and
- The replacement house(s) must overlap the footprint of the original building, unless micro siting elsewhere within the site is sufficiently justified (i.e. flooding) and
- The redevelopment must be proportionate to the scale and visual impact of the original building/s and the form and positioning of the building/s must reflect the rural character. Suburban layouts will not be acceptable. Where site conditions dictate, 15% of the plot must be landscaped to assist the development to integrate sensitively and
- The design and micro siting of the house(s) is compliant with the design and siting criteria for new houses in the countryside.

d) New Houses in the Open Countryside

tab (i) In the open countryside, a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure.

Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be supported.

b ii) Pressurised and Sensitive Areas

Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas see mapping on page 51–.

iii) Areas of Intermediate Pressure

a) Siting Criteria

Proposals for single houses must be well-sited and designed to fit with the local landscape character and will be assessed on a case by case basis taking account of the following siting and design criteria;

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.
4. 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm) to assist the

development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded, a safe distance from buildings and positioned to maximise solar gain.

b) Design Criteria

The design criteria seek to promote traditional rural design and avoid insensitive suburban development that negatively impacts upon Moray's landscape. Contemporary, innovative design will be supported where it can be demonstrated that a building is of contemporary, innovative, high quality design, responds to its setting and uses appropriate high quality materials and sustainable construction techniques. Proposals of this nature must be supported by a design statement setting out how the building meets the identified requirements.

1. The maximum height of any new house must be 6.75m (measured from the corresponding ground level of the building).
2. The main form of the house must be of an appropriate scale and massing and composed from simple well-proportioned symmetrical elements. Excessive detailing involving gable features, balconies etc. that have a suburban appearance must be avoided.
3. Artificial decorative stone must not be used and no more than two primary external wall finishes (such as timber cladding and wet dash harl) must be used.
4. Houses must have a pitched roof of 35° to 50° and meet the requirements of the gable/pitch formula. All roofing shall be finished in natural slate or an alternative profiled cladding. Concrete tiles must not be used.
5. Windows with a horizontal emphasis must be avoided, with the exception of the very limited use of long narrow rectangular windows to frame views.
6. Boundary treatments must be post and wire fencing, low natural stone walls or native hedgerow. Boundary enclosures such as decorative blockwork and panel style timber fencing will not be permitted.
7. Access arrangements must be sympathetic to the rural setting by avoiding over engineered solutions and where possible following field boundaries.
8. To protect rural character, permitted development rights may be removed to ensure appropriate boundaries are safeguarded and to limit the curtilage associated with the house.

All rural housing proposals must make provision for communal waste collection set out in DP1 - Development Principles.

Policy Guidance Note on Cumulative Build Up

Cumulative build up of rural housing is occurring across Moray, this can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings and identifiable clusters of suburban development.

To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of build up indicators have been developed.

Siting Indicators

- The number of new houses overwhelms the presence of older buildings, such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.
- There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build of new housing experienced when travelling along roads in the vicinity of the site.
- New housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

Design Indicators

- The rural character is eroded by suburban features such as accesses built to an adoptable standard (rather than gravel tracks) and large bin storage areas at the end of tracks required to serve the numerous houses.
- The scale and proportion of new houses contrasts to the generally smaller size of older buildings, cottages and farms and results in the development being out of keeping and incongruous in its setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views, in contrast to the traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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

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.

EP10 LISTED BUILDINGS

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale materials and design.

No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where the demolition of a listed building is proposed it must be shown that;

- The building is not of special interest or
- The building is incapable of repair.
- The demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable price.

New development must be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building (s).

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building (s). The resulting development should be of a high design quality protecting the listed building (s) and their setting and be the minimum necessary to enable its conversion and re-use.

EP11 BATTLEFIELDS, GARDENS AND DESIGNED LANDSCAPES

Development proposals which adversely affect nationally designated Battlefields or Gardens and Designed Landscapes or their setting will be refused unless;

- a) The overall character and reasons for the designation will not be compromised, or
- b) Any significant adverse effects can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits.

The Council will consult Historic Environment Scotland and the Regional Archaeologist on any proposals which may affect Inventory 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.

Width to watercourse (top of bank)	Width of buffer strip (either side)
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.

Pluscarden

Opportunity exists for the renovation of the existing steadings at Barnhill Farm. An area to the west of the steading has been included within the boundary, to provide land to meet any demand for new housing.

Development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution.

Proposals must reflect the traditional styles and scale of the existing buildings at Barnhill. The layout must seek to include a steading/courtyard layout particularly on the south west portion of the site. Buildings must have slate roofs and have a maximum height of 1 ½ storeys. White render is not an appropriate material finish.



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 SEPTEMBER 2020**

**SUBJECT: 20/00274/PAN– PROPOSED RESIDENTIAL DEVELOPMENT
LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT
BURNSIDE NORTH, ELGIN SOUTH, ELGIN**

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

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 28 February 2020 on behalf of Springfield Properties PLC
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

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

3. BACKGROUND

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

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

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the prospective applicant (paragraph 4 of the minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc., Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed housing development (with associated infrastructure and landscaping) at Burnside North, Elgin South, Elgin. It is anticipated that the development will consist of around 50 units but this is still to be confirmed. A plan is appended showing the location and extent of the site (**Appendix 1**). The site extends to approximately 1.78ha. The site is bounded to the west by the A941, with existing housing to the north. There is woodland to the south and east of the site. The site is part of the Elgin Long 2 (Elgin South) designation in the Moray Local Development Plan 2020. The existing woodland is covered by the Elgin ENV5 designation. The site also lies just within the northern boundary of the area covered by the Elgin South Masterplan.
- 3.5 It is anticipated that access will be taken from the west via A941. There is also potential for archaeological remains and features to survive across the site. Parts of the site are identified as being at risk of surface water flooding. There are no other landscape, cultural or natural heritage designations affecting the site. Surface Water arrangements will be contained within the site.
- 3.6 Planning Permission is required for this proposal. All proposals for 50 or more units of housing are Major Developments under the Hierarchy of Development Regulations and as such, the proposal would be subject to PAN and pre-application consultation with the local community procedures. The applicant has already made use of the Council's pre-application advice service (20/00916/PEMAJ) which will assist in identifying key issue and information that would be expected to accompany any formal application.
- 3.7 The applicant proposes to consult with Elgin Community Council as part of their pre-application consultation procedures. No additional consultation has been recommended in this case. The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted

before the end of the emergency period (including if it was submitted before the emergency period started as was the case here) and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. In line with the new regulations an online public event was held between 10 & 17 August. This was advertised locally prior to opening and Elgin Community Council was made aware of the arrangements. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

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

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

(b) Policy and Legal

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

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities

None.

(h) Consultations

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

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

5. CONCLUSION

- 5.1 The Council has received a PAN intimating the intention that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a residential development, landscaping and associated infrastructure at land at Burnside North, Elgin South, Elgin. The Committee (and any other member(s)) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

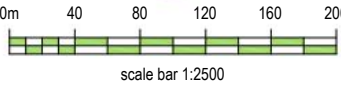
Author of Report: Lisa MacDonald, Planning Officer

Background Papers:

Ref: 20/00274/PAN



Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. "DO NOT SCALE". The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.



Site Boundary

B	28.02.20	Boundary amended	AT	BW
A	26.02.20	Boundary amended	AT	BW
Rev	Date	Remarks	By	Ch.

Revisions



Springfield Properties Plc

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Project
Elgin South
Burnside North

Drawing
Location Plan

Scale	Date	Drawn by	Checked by
1:2500	Dec 2019	BC	BW

Drawing no. EL44_BN_LP_01	Rev B
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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 SEPTEMBER 2020**

SUBJECT: HOUSING LAND AUDIT 2020

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

1. REASON FOR REPORT

- 1.1 This report summarises the housing land supply situation in Moray and asks the Committee to agree the final version of the Moray Housing Land Audit 2020.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee;
 - (i) note the housing land supply in Moray;
 - (ii) agree the responses set out in Appendix 1; and
 - (iii) agree the finalised Moray Housing Land Audit 2020 in Appendix 2.

3. BACKGROUND

- 3.1 Scottish Planning Policy (SPP) requires planning authorities to carry out regular monitoring of housing completions and to programme projected completions to demonstrate the availability of land for housing. The aim is to ensure that an ongoing effective supply of housing land is available. This is achieved through an annual Housing Land Audit prepared in consultation with Homes for Scotland, local developers, landowners and statutory consultees.
- 3.2 SPP requires Local Development Plans (LDP) to allocate land on a range of sites to meet the housing land requirement up to year 10, providing effective sites in the initial phase for at least 5 years from the date of adoption. The aim is to maintain sufficient effective land for 5 years at all times. Beyond

year 10 and up to year 20, the LDP should provide an indication of the possible scale and location of the housing land requirement.

3.3 The audit has three key functions;-

- To demonstrate the availability of sufficient effective land to meet the strategic housing land requirement for a minimum of 5 years into the future;
- To provide a snapshot of the amount of land available for the construction of houses at any particular time; and
- As an information source for a variety of purposes including school roll forecasts, transport infrastructure provision and health care.

4. **PROPOSALS**

4.1 The information contained in the audit is important to monitor the LDP strategy for housing and the process enables adjustments to be made to address any issues arising. The audit and the Housing Need and Demand Assessment (HNDA) provide the baseline for calculating the housing land requirements set out in local development plans.

4.2 The audit includes three main categories of land supply:-

- Effective- land that can be developed for housing within the period under consideration, which is free from constraints in terms of ownership, physical, contamination, marketability, infrastructure and land use.
- Constrained- land that is considered to be constrained within the period under consideration and the constraint cannot easily be overcome in the short term.
- Established- the total housing land supply (effective added to constrained).

4.3 The draft audit was made available for consultation on the Council website and housebuilders and agents were notified, with comments invited by 12 April 2020. Comments were received from Homes for Scotland (HfS), Barratt Homes and a late response, understandably due to Covid-19, from Springfield Properties Plc (SPL). Housebuilders and landowners were consulted during preparation of the draft audit to provide the most up to date build out projections. Comments received and the proposed Council responses are set out in **Appendix 1**. Members will recall that HfS and SPL challenged the housing land supply through the Local Development Plan Examination process with the Reporter finding in the Council's favour. Many of the site specific comments relate to the effectiveness of sites which have constraints or have stalled for other reasons. The Council is progressing a project aimed at addressing constrained sites, particularly in rural areas and within Town Centres. Policy DEL1 and DEL2 in the new Moray Local Development Plan (MLDP) 2020 are also intended to ensure that developers and landowners demonstrate commitment to bring land forward for development which is designated in the Plan.

4.4 The introduction section of the final audit is included as **Appendix 2** and the full audit is available on the members' portal. The audit identifies that there is

a 30.2 year established housing land supply (based on an annual housing land requirement identified in the HNDA of 12,528 units. This consists of a 13.6 years effective housing land (5638 units) and 16.6 years constrained housing land (6890) of which 10.8 years supply is designated as LONG (4505 units). New sites identified in the MLDP 2020 have been included in the 2020 audit.

- 4.5 Completions in 2019 were 414 compared with 358 in 2018, 350 in 2017, 335 in 2016, 336 in 2015, 311 in 2014, 295 in 2013, 342 in 2012, 418 in 2011 and 431 in 2010. The majority of completions in 2010-2017 were in Elgin, Forres and Buckie.
- 4.6 While the overall effective supply of housing land is very good and continues to meet the requirements of SPP, the projected house completions reflect the low supply of new housing in Keith and Speyside.
- 4.7 To address any shortfalls in supply, the MLDP 2020 contains a number of LONG term housing sites, which are embargoed from development within the period of the LDP unless specific triggers for their release are met.
- 4.8 The triggers for releasing LONG designations are set out in policy DP3 "LONG Term Land Reserves" in the MLDP 2020.
- 4.9 The projections in this years' audit have been significantly amended to reflect the implications Covid-19 has had on the construction industry, with sites closed during shutdown, followed by a slower re-opening and possible supply chain issues. There has also been limited input from housebuilders and landowners due to lockdown and many staff being furloughed. The projections must therefore be treated with additional care, however, the audit demonstrates a healthy and well managed housing land supply in Moray to meet future needs.

5. SUMMARY OF IMPLICATIONS

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

The annual Housing Land Audit is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring an effective supply of housing land and taking a longer term approach supports economic growth, delivers much needed housing, notably affordable housing and allows for longer term planning for community services and infrastructure including education and health facilities.

(b) Policy and Legal

The preparation of an annual Housing Land Audit is a key requirement of SPP to monitor the effectiveness of the MLDP and ensure an effective supply of housing land is maintained.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

Preparation of an annual housing land audit is part of the workload of the Strategic Planning and Development section.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer, Lissa Rowan (Committee Services Officer), the Senior Engineer Transportation, Paul Connor (Principal Accountant) and the Housing Strategy and Development Manager have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 SPP requires planning authorities to carry out an annual Housing Land Audit to ensure there is a 5 year effective housing land supply available at all times.

6.2 The Housing Land Audit 2020 identifies that there is a 13.6 year effective supply of housing land with a total 30.2 year established land supply. Triggers to control the release of LONG term sites under the terms of Policy H2 have been agreed. An assessment of LONG term sites against these triggers has concluded that there is no need to release additional LONG term sites through the audit to meet the minimum housing land requirements of SPP.

Author of Report: Gary Templeton, Strategic Planning and Development Manager
Darren Westmacott, Planning Officer

Background Papers:

Ref:

Appendix 1

Organisation		Moray Council Response	Changes proposed to audit
Homes for Scotland (HfS)	With many land and planning staff from housebuilding companies on furlough, HfS has provided an initial response on behalf of members and ask that further comments are allowed once companies in the area are in a better position to engage both directly and through HfS.	<p>Noted. Late comments from SPL have been accepted.</p> <p>Housing land supply is a key marker for the annual Planning Performance Framework required by the Scottish Government so the Council can't delay finalising the audit indefinitely.</p>	None.
	The forecast completions rates in the draft are significantly higher than has been achieved in the past and HfS considers these to be very optimistic, especially with only one builder on site in the main town of Elgin.	<p>Further work on refining projected completions between draft and final audit has amended the completion figures. However, HfS must recognise these projection figures are based on submissions from their members and in most cases would result in even higher projected completions.</p> <p>HfS must also recognise that while perhaps only one of their members is actively on site in Elgin, there are numerous other sites coming forward in Moray's main towns and not all housebuilders are members of HfS.</p> <p>The projections also reflect that the Council is actively seeking funding to assist in bringing forward previously constrained sites and if successful, this will boost completion figures.</p>	No further changes as adjustments had already been made prior to receipt of these late comments.

	<p>Looking at sections 6 and 9 of the draft, according to HfS calculation there is a shortfall in the 5 year effective housing land supply if it is measured against targets in the adopted LDP2015 rather than the emerging LDP2020, despite the high completion projections for the next few years. This is due to a shortfall in supply against target shortfall in completions since the base dates of both the 2015 and 2020 plans.</p>	<p>The 2019 audit stated that the 2017 HNDA figures would be used for the 2020 audit which would also include new sites identified in the MLDP2020.</p> <p>Unfortunately the calculation information provided by HfS is incorrect and confuses effective LAND supply with actual completions. This issue has previously been discussed at length with HfS and through the Examination process. The purpose of the audit is to demonstrate that an effective LAND supply is available and to also project how many house completions there will be annually.</p> <p>Having agreed previous annual housing land audits and not submitted any objection to the effective housing land supply it is disappointing and unfortunate that HfS again contest the effective housing land supply. The Reporters for the MLDP2020 Examination supported the Council's evidence that an effective housing land supply has been provided.</p>	No change.
	<p>HfS has not played an active role in the Moray audit in recent years as liaison has traditionally been direct between local stakeholders and the Council. In the</p>	<p>The Council does not accept that HfS has not played an active role in the Moray audit in recent years as the</p>	No change.

	<p>absence of some key HfS members this year, HfS are making this submission on the 5 year effective housing land supply in Moray in order to ensure a conversation takes place, ideally with further input when members have the capacity to engage. Ask the Council not to interpret the lack of engagement from local home builders as a sign of agreement to the audit and HfS would like a wider conversation when members are back at work on the overall completion rates that are being projected.</p>	<p>Council has attended HfS meetings regarding the audit and has attended audit meetings with members such as SPL to run through a list of site specific queries. HfS and SPL are both on record as having agreed previous audits and then both HfS and SPL challenged the effective housing land supply at the LDP2020 Examination, raising significant concerns for the Council regarding future “engagement” on housing land audits.</p> <p>The completion figures are based on initial returns from HfS members and other housebuilders and it is ironic that HfS now challenge these figures. The figures are scaled down by the Council and it is nationally recognised that beyond years 1 and 2 housing land audits are less reliable. To reflect this, the Council amends projections for detailed modelling such as school roll projections and transport studies.</p>	
Springfield property Limited (SPL)	<p>Late comments- The new MLDP demonstrates that a broad surplus of Effective Housing Land is shown across the Moray area, however, wish to query the number of completions suggested. Suggest projected completions for future years need to be reduced to</p>	<p>The Council is delighted that SPL has acknowledged that there is a surplus of effective housing land across Moray, given that SPL and HfS contested this at the LDP2020</p>	<p>No further changes as adjustments had already been made prior to receipt of these late comments.</p>

	<p>reflect Covid-19 and a cautious approach should be sought.</p>	<p>Examination, causing considerable delay, additional work and expense to the Council.</p> <p>The projected completions have been further adjusted between draft and final versions to reflect the impacts Covid-19 has had on the construction section and the Council would hope that all parties concerned would respect the difficulty of projections in the current climate and remember that the baseline is derived from returns from developers and landowners.</p>	
SPL	<p>Late comments- Contest the following sites and consider them to be constrained, owing to marketability or other factors; North Alves; East End, Archiestown; R3 Rathburn(N) and R4 Rathburn(S), Buckie; OPP1 West Foreshore, Burghead; R2 Clarklyhill, Burghead; R1 Edward Avenue, Craigellachie; R3 Brickfield, Craigellachie; R1 Seafield Road, Cullen; R3 Hillside Farm, Dufftown; R1 Morven Crescent, Findochty; R2 West of Primary School, Findochty; R4 Ordiequish Road, Fochabers; R3 Lochyhill, Forres; R15 Dallas Dhu, Forres; R1 Manse Road, Hopeman; R1 Seabraes, Portknockie; R1 Spey Street, Rothes.</p>	<p>These comments do not reflect the inclusion of some of these sites within the Council's Strategic Housing Investment Programme and that some of these sites are being considered through a targeted funding programme and some of them are subject to live planning applications.</p> <p>SPL also has to take into account the new MLDP contains two delivery focussed policies requiring submission of information from landowners and developers as proof that sites will come forward for delivery. This was previously discussed with HfS and SPL.</p>	No changes.

Barratt North Scotland	Revised figures for completions at Findrassie R11, Elgin provided, reducing projected completions in 2020 and 2021.	The Council welcomes these amended figures to reflect the impacts of Covid-19 on the programming for this site.	Amend projected completions for site ref M/EL/E/07/10.
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August 2020

Moray Housing Land Audit



Moray towns and Local Housing Market Areas (LHMA)



For further information, please contact:

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Preface

This schedule of housing land is produced by Moray Council in consultation with local housebuilders and landowners. While every effort has been made to ensure that the information in the audit is accurate and complete, the attention of the user is drawn to the following points:

- The introduction contains advice on the interpretation and analysis of the statistics and this should be carefully studied, to avoid possible misrepresentation.
- The information on housing is presented comprehensively for sites of 4 or more houses, only aggregated annual totals of past completions are given for smaller sites and individual houses.
- Development Plans, Capital Programmes and commitment levels are continually being updated and should be checked with the appropriate source to obtain the current position.

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1 Purpose of Audit

- 1.1 This audit provides details of Moray's housing land supply as at January 2020. The audit explains the different classifications of land within the overall supply and compares supply with the housing land requirement identified through the Housing Need and Demand Assessment.
- 1.2 The audit also examines past and future predicted trends in housing land supply and identifies any action required to address issues arising.
- 1.3 The audit has been produced using the guidance set out in Scottish Planning Policy, Planning Advice Note 2/2010 and Homes for Scotland Advice Note on Housing Land Audits.
- 1.4 Scottish Planning Policy 2014 requires planning authorities to ensure;
 - Local development plans set out the housing supply target (separated into affordable and market sectors) and the housing land requirement for each housing market area up to year 10 from the expected year of adoption.
 - Allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full.
 - Provide a minimum of 5 years effective land supply at all times.
 - Indicate the possible scale and location of the housing land requirement beyond year 10 and up to year 20.

2 Preparation of Audit

- 2.1 The draft audit has been prepared by Moray Council using details of all relevant development sites within the Moray Local Development Plan 2015, sites identified in the emerging Moray Local Development Plan 2020 and other (windfall) sites with planning consent for residential use.
- 2.2 Completions have been recorded through contact with housebuilders and analysis of building warrant completion certificates. Constraints have been identified through the local development plan process and through discussion with statutory consultees.
- 2.3 Details of sites with a capacity of 4 or more houses are recorded and an assessment made of potential future development rates, informed by landowners and developers. This takes account of planning status, infrastructure constraints, building capacity, market demand and financial plans.

3 Land Supply Definitions

3.1 There are three categories of land identified within the audit.

3.2 **Established Housing Land Supply**

3.2.1 This is the total housing land supply, calculated by adding the effective and constrained land together. This includes sites under construction, sites with planning consent and other sites agreed as having potential for development.

3.3 **Effective Housing Land Supply**

3.3.1 This is the housing land supply that is expected to be free from development constraints and available for construction of housing. Most sites with planning consent for residential development and/or identified within the Moray Local Development Plan 2015 and in the emerging Moray Local Development Plan 2020 fall into this category where the site is free of the following constraint:-

- Ownership
- Physical
- Contamination
- Deficit funding
- Marketability
- Infrastructure
- Land

3.4 **Constrained Housing Land Supply**

3.4.1 This consists of sites which at the time of the audit were not assessed as being effective. The principal reason for the site being constrained is identified in the schedules. The identified constraint is considered to be significant and may not be resolved within the “effective” land supply period. This also includes “LONG” designations, which are constrained under the terms of the Local Development Plan.

4 Established Land Supply

4.1 The established land supply for the Moray Local Development Plan is shown in Table 1 below.

	2016	2017	2018	2019	2020
Moray	13,090	13,112	12,848	12,387	12,528

Table 1: Established Land Supply

4.2 The established land supply in 2020 has a capacity of 12,528 units. This includes extensive areas of LONG term land, which act as a reserve and can be released should a shortfall be projected.



5 Constrained Land Supply

5.1 The constrained land supply is shown in Table 2.

	2016	2017	2018	2019	2020
Moray	10,384	8,318	9,210	8,198	6,890

Table 2: Constrained Land Supply

5.2 A total of 6890 units are constrained in 2020, reflecting the more proactive approach being taken to overcome constraints and explore ways of unlocking sites. Table 3 below summarises the constrained sites and the nature of the constraint. The table shows that the majority of these sites are constrained through programming either as "LONG" designations or programmed as unlikely to be built within the 5 year effective period. LONG sites can only be considered effective when the required triggers for release of LONG sites have been met and the site is free of the constraints listed in paragraph 3.3.1.

Constraint	No. of units	No. of sites
Contamination	60	1
Marketability	544	23
Ownership	243	4
Physical	158	8
Programming	1,380	4
LONG	4,505	9
Total	6,890	49

Table 3: Analysis of Constraints

6 Effective Land Supply

6.1 The five year effective land supply for the Moray Local Development Plan area is shown in Table 4.

	2016	2017	2018	2019	2020
Moray	2,706	4,794	3,638	4,189	5,638

Table 4: Effective Housing Land Supply

6.2 The effective housing land supply has a capacity of 5638 units in 2020, significantly higher as the new sites identified in the emerging Moray Local Development Plan 2020 are included in the audit. A site at Elgin South for the proposed Moray Sports Centre, Linkwood Primary School and approximately 150 units was released through the 2016 audit and sites at Bilbohall have also come forward from the constrained supply to the effective supply.

The significant impact of the Covid-19 pandemic on the construction industry has been reflected in the projected completion rates for 2020 and 2021 and as the economic recovery process becomes clearer it may be that further adjustments are required to projected completion rates.

7 Rest of Moray

7.1 In the Rest of Moray there are a number of consents granted for sites with a capacity of 4 units and over, which cumulatively make a significant contribution to the housing land supply. New consents and completions are monitored and added to the schedules as part of the audit. The contribution from small sites and the role of sites in rural communities was discussed and agreed as 50 units with Homes for Scotland as part of the 2009 audit. A figure of 65 units was included in the 2019 unit. However, to reflect the new Rural Housing policy this has been lowered to 40 and will continue to be monitored and reviewed again if necessary.



8 Windfall sites

- 8.1 A windfall site is a site not specifically allocated for development in the Local Development Plan but which becomes available for development or is granted planning permission during the lifetime of the Plan.
- 8.2 The contribution of windfall sites to the number of units completed and projected to be complete will be monitored. Windfall completions can make a significant contribution to the land supply.

	2014	2015	2016	2017	2018	2019
Windfall completions	13	63	42	56	38	16

Table 5a: Windfall sites

	2020	2021	2022	2023	
Projected windfalls	53	43	45	54	

Table 5b: Projected windfall

9 Completions

- 9.1 Table 6 identifies previous completion rates.

	2015	2016	2017	2018	2019
Moray	336	335	350*	358	414

2017* note revised completion figure from figure published in 2018 Audit.

Table 6: Completions

- 9.2 Table 7 identifies projected completion rates for the five year effective housing land period. These are largely based upon returns from housebuilders and landowners and will be subject to further refinement during the consultation period on the draft housing land audit.

	2020	2021	2022	2023	2024
Moray	186	411	478	501	584

**The figures beyond years 1-3 are recognised nationally to be higher than likely completions. For the purposes of other projections such as transport and school roll modelling, completions in years 4 and-5 will be adjusted by a factor of 0.75.*

Table 7: Projected Completion Rates

10 Housing Land Requirement & Effective Housing Land Supply

- 10.1 The Council's Housing Need and Demand Assessment 2017 has informed the housing land supply and housing completions targets set out in the emerging Moray Local Development Plan 2020. These figures have included a 30% generosity figure on top of the baseline figures from the Housing Need and Demand Assessment 2017. The key targets are;

- Annual housing completion target 2018-2035-304 units
- Annual average housing land supply target 2018-2035-395 units

- 10.2 Using these figures gives a 5 year completion target of 1520 units and a 5 year land supply target of 1975 units. An additional table will be included in the final version of this audit to reflect the outcomes of the Examination into the Moray Local Development Plan 2020, including a breakdown by LHMA to assist future monitoring.

	Housing Land Supply	No. of years supply
Established	12,528	30.2
Effective	5,638	13.6
Constrained	6,890	16.6

Table 8: Land supply/ No. of years supply

LHMA	5 year supply target (5x 414)	5 year land supply 2020-2024	5 year completion target (5x318)	5 year projected completions	Comments
Buckie	342	817	1590	269	Surplus effective housing land.
Elgin	1037	2861		1220	Surplus effective housing land.
Forres	362	1471		373	Surplus effective housing land.
Keith	170	173		131	Surplus effective housing land.
Speyside	159	316		167	Surplus effective housing land.
Total	2070	5638		2160	Surplus effective housing land.

Table 9: 5 year housing land/ completion targets by LHMA

10.3 The audit totals of effective, constrained and established housing land supply are set out in Table 10 below.

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Effective	2,142	2,129	2,630	2,474	2,706	4,794	3,638	4,189	5,638
Constrained	4,874	4,885	4,152	3,947	10,384	8,318	9,210	8,198	6,890
Established	7,016	7,014	6,782	6,421	3,090	13,112	12,848	12,387	12,528

Table 10: Moray Housing Land Supply 2017

10.4 Long term designations have been identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/ mitigation. The Council will evaluate the need for early release of long term housing land through the annual housing land audit process and monitoring report. The release of LONG term designations is controlled through the policies of the Local Development Plan.

Additional text will be added to the final version of this audit upon completion of the Examination of the Moray Local Development Plan 2020.

A summary assessment of the triggers against each LONG term site will be included within the 2021 audit, it is not included this year as the effective land supply is significant, having been increased through new designations coming forward in the Moray Local Development Plan 2020.

TOWN	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
ABERLOUR					0	0	0	20	20	12	12	48
ALVES												250
ARCHIESTOWN									3	3	3	26
BUCKIE	65	41	47	31	13	56	38	39	25	35	44	940
BURGHEAD	4	4	4								31	135
CRAIGELLACHIE									5		12	5
CULLEN										5	10	40
CUMMINGSTON		1	0	0	0	0	1	1	1			
DALLAS												10
DUFFTOWN	0	9	15					6		20	0	80
DYKE			0			2	3	5	4	1		5
ELGIN	92	177	170	155	189	200	59	150	212	204	174	6197
FINDHORN				17	3	1	3	10	1	20	18	
FINDOCHTY											15	40
FOCHABERS	4	8	4	3	24	6	5	12	10	10	15	149
FORRES	83	29	13	63	59	48	9	37	61	71	70	1610
GARMOUTH/KINGSTON												10
HOPEMAN							22	10	10	10	10	35
KEITH	7	3	22	25	4	12	6	28	21	20	20	226
KINLOSS	0	0		0	0	1	0	3	6	6	9	13
LHANBRYDE									10	15	25	50
LOSSIEMOUTH	6	14	9	6	16	23	20	35	29	10	10	191
MOSSTODLOCH								10	15	15	25	84
NEWMILL												10
PORTGORDON											10	30
PORTKNOCKIE											12	38
RAFFORD												12
REMAINDER OF MORAY	50	50	50	50	50	65	20	40	40	40	40	40
ROTHES											15	55
ROTHIEMAY			1									29
URQUHART								5	5	4	4	10
Total	311	336	335	350	358	414	186	411	478	501	584	10,368

The following definitions and classification in the schedules apply:

Housing Sites - SITE DETAILS GLOSSARY

Site Ref	Area/Settlement or Parish/Residential/Sequential Reference Number.
Location	Address of Site.
Owner	Current owner of the site.
Developer	Agency responsible for the development and management of the site and not necessarily to the actual construction company.
Tenure	Five tenure types are specified:- HA - Housing Association for rent LA - Local Authority PRIV - Private MOD - Ministry of Defence Other - Other tenure, i.e. housing association shared ownership or low cost home ownership and joint venture between a local authority and a private developer.
Area	Site areas are quoted in hectares and represent the gross area of the site.
Units	The capacity of sites is expressed as a number of house units. For sites where no detailed housing layout has yet been prepared and no density has been specified, then an estimate has been made.
Serviced	Indicates the number of housing units which are serviced.
Not built	Total number of house units on the site which have not yet been built at the date of the update.
Effective	Currently effective (EFF) or constrained (CON)
LPR	Local Plan Site Reference
Land Use	Categorises the main existing or former use of a site before it is re-zoned or developed. The land use categories used are:- AGR 1-7 Agricultural Land by Class (1, 2 & 3. 1 = prime) AG BLDG Agricultural Building WOOD Woodlands (may also be grazed) HORT Allotments and nurseries PRIV/PUB OS Privately or publicly owned open space (e.g. Grounds of a large house or hospital) RESID Residential COMM Commercial EDUC Educational RAIL Railway MOD Ministry of Defence PUB BLD Public Building UNUSED Derelict, Vacant, Backland etc. COMMTY Community IND Industry
Greenfield/ Brownfield	Describes whether the site is within an urban area or previously developed (brownfield) or outwith the urban area and not previously developed (greenfield).

APPLICATION DETAILS

Applic Ref	Reference number of planning applications relating to the development of the site. Note where applications are made for individual plots within a site, these have been grouped together under the Application Reference 'Individs' with no decision date given.
Units	Number of units relating to each planning application.
Type	Describes the type of permission application:- OUT Application for Outline Planning Permission DET Application for Full Permission or Permission of Reserved Matters
Decision	Details of decision on the application. Apart from self explanatory terms – Approved, Refused, Withdrawn, Expired, Pending, it has been necessary to indicate the latest classified either as 'Superseded' or 'Duplicate'.
Dec. Date	Date of final decision on the application.

COMPLETION DETAILS

Built	Take up rates (in house units) for the previous 5 years are listed on an annual basis and assessments of subsequent completions are also listed annually for the next 5 years.
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Linkwood School - Photo - Hub North Scotland



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 SEPTEMBER 2020**

**SUBJECT: MORAY LOCAL DEVELOPMENT PLAN 2020 – DELIVERY
PROGRAMME ACTION PLAN**

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

1. REASON FOR REPORT

- 1.1 This report asks Committee to approve the final version of the Delivery Programme Action Plan prepared to support the delivery of the Moray Local Development Plan (MLDP) 2020.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that committee:

- (i) **approves the Delivery Programme Action Plan set out in Appendix 1 to be submitted to Scottish Government; and**
- (ii) **notes the additional funding required to implement the Moray Local Development Plan 2020 and which creates a new budget pressure of £70,000 from 2021/22 onwards.**

3. BACKGROUND

- 3.1 Section 11 of the Planning (Scotland) Act 2019 requires planning authorities to prepare a Delivery Programme which must be adopted within 3 months of the adoption of their Local Development Plan for Moray the MLDP 2020.
- 3.2 A Delivery Programme Action Plan has been prepared to support the implementation of the MLDP which was formally adopted on 27 July 2020. The document sets out the actions, timescales and partnerships required to implement the policies and proposals contained within the LDP. An infrastructure first approach is being taken to planning, co-ordination and

delivery of strategic infrastructure, masterplan/growth areas and employment uses to support sustainable growth.

- 3.3 The draft Delivery Programme was originally reported to this Committee as part of the MLDP Proposed Plan on 18 December 2018 (para 5 of the minute refers). There has been extensive consultation on the document with input from internal services, delivery bodies and it was issued for public consultation for a 10 week period as part of the consultation on the Proposed Plan.

4. PROPOSALS

- 4.1 The Delivery Programme Action Plan set out in **Appendix 1** has been updated to reflect objections reported to this Committee on 25 June 2019 (para 5 of the minute refers) and further changes arising from the Examination process reported to the Emergency Cabinet on 3 June 2020 (para 6 of the minute refers). Additional actions have also been added to reflect emerging priorities and requirements of the Planning (Scotland) Act 2019.

- 4.2 The key additions from the version published in December 2018 are set out below.

- Preparation of a Regional Spatial Strategy setting out strategic priorities to be reflected in National Planning Framework 4 and the need for Local Place Plans which are both new requirements of the Planning (Scotland) Act 2019.
- Preparation of Planning Policy Interpretation Guidance setting out how to achieve a “green” in the quality audit process. This will also incorporate biodiversity enhancement, multi benefit greenspaces and green and blue networks.
- Expanding the Sports and Recreational Facilities Strategy to include greenspaces and requirements for a play sufficiency assessment.
- Updated retail model to support assessment of retail planning applications.

- 4.3 The Delivery Programme is a fluid document which will be used to monitor implementation of the MLDP 2020 and will be reviewed and reported annually to this Committee. The next review of the LDP will begin in 2023 and will be the start of preparation of the first 10 year LDP prepared under the new Planning (Scotland) Act 2019. The new style LDP's will be more place based and the new National Planning Framework (NPF) 4 which is currently being prepared by Scottish Government will form part of the LDP for future decision making. The programme for review of the LDP 2020 will be set out in the Development Plan Scheme which will be reported to this Committee in January 2021.

- 4.4 There are a number of actions within the Delivery Programme which require additional budget to be delivered. Some of the identified projects support the Moray Growth Deal projects, some support the economic recovery and growth requirements, while others support good community engagement and awareness raising of environmental issues.

5. SUMMARY OF IMPLICATIONS

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

Supporting the delivery of the LDP is a vital aspect of enabling and facilitating the Community Planning Partnership's priorities for growing a diverse and sustainable economy, building a better future for our children and young people and connecting communities.

(b) Policy and Legal

Section 11 of the Planning (Scotland) Act 2019 requires planning authorities to prepare a Delivery Programme.

(c) Financial implications

The Strategic Planning & Development Service has an annual LDP budget of £27,000 towards preparing and implementing LDP related work, which is not sufficient to deliver the LDP. An additional £70,000 per annum is required to deliver the Plan, particularly the work related to town centres, which will support economic recovery, and new requirements from the Planning (Scotland) Act 2019 such as preparation and implementation of a regional spatial strategy and supporting the preparation of local place plans.

Corporate Management Team Additional Expenditure Warning

When the council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the committee should consider:

- *Is there a statutory requirement to incur the expenditure?*
- *Are there any alternative actions available to avoid or reduce the cost?*
- *Are there alternative ways in which the service could be provided?*
- *What are the risks and consequences of not allocating the funding?*
- *Does the expenditure contribute to long term financial stability?*

If in light of these factors the spend is considered essential, Committees should consider how it could be accommodated within the service budget, including what other activity would have to cease or diminish with what impact and risk. Only following these considerations should request be made to the Council for additional budget allocation.

If the additional spend recommended in this report is approved, this will increase the savings targets for 2021/22 by £70,000.

While in isolation these figures may not be significant, the cumulative impact of all new pressures will require to be taken into account for future years. If the committee recommends additional budget to be allocated this recommendation will be considered in the context of the current overall financial position of the council and in particular in the overall context of spend beyond affordable limits that impinges on the Council's reserves policy position.

(d) Risk Implications

Failure to deliver the actions identified may impact upon the successful implementation of the vision, aims and objectives of the MLDP 2020. This could result in a shortage of effective land for housing and employment uses with an adverse impact on the local economy and delivery of Community Planning Partners objectives. Failure to work with partners to progress employment land will have an effect on economic growth and failing to progress Town Centre proposals will stall regeneration.

(e) Staffing Implications

Implementation of the actions within the Delivery Programme requires a significant amount of Strategic Planning and Development staff time and time from other services including Transportation, Education and Housing.

(f) Property

There are no property implications identified.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment (EIA) was undertaken during the preparation of the LDP. The Delivery Programme seeks to support the implementation of the vision, aims and objectives set out within the LDP.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, the Legal Services Manager), Lissa Rowan (Committee Services Officer), the Senior Engineer Transportation, Deborah O'Shea (Principal Accountant), Don Toonen (Equalities Officer) have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 Committee is asked to approve the Delivery Programme Action Plan which identifies actions, timescales and partnerships required to support the implementation of the vision, aims and objectives of the LDP 2020.

6.2 The additional funding required to implement the LDP will be a new budget pressure of £70,000 from 2021/22.

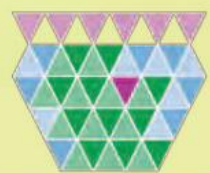
Author of Report: Emma Gordon, Planning Officer, Strategic Planning and Development

Background Papers:

Ref:

Moray Local Development Plan 2020

VOLUME 4 Delivery Programme/ Action Plan



moray
council

Northerly Winter Storms

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- 2 Engagement
- 3 Local Development Plan Delivery Group/Masterplan Delivery Group
- 4 Apply a placemaking approach to development to create sustainable, welcoming, well connected and distinctive places that are safe, healthy and inclusive.
- 5 Provide a generous supply of housing land to meet the needs of various sectors of the market.
- 6 A strong framework for investment that provides sufficient land for development and supports sustainable economic growth (including the tourism economy).
- 7 Identify and provide for new or upgraded social and physical infrastructure to support the expanding population whilst safeguarding existing infrastructure.
- 8 Promote the vitality and viability of town centres.
- 9 Encourage efficient use of land and promote low carbon and sustainable development.
- 10 Protect and enhance the built and natural environment.

Appendix 1

Roads Infrastructure Improvements (TSPs)

1 Introduction

The Delivery Plan/Action Programme has been prepared to support the delivery of the Moray Local Development Plan 2020. Section 21 of the Planning etc. (Scotland) Act 2006 requires Planning Authorities to prepare an Action Programme.

The document identifies various actions to help implement the policies and proposals of the Local Development Plan. This includes who will carry out the action and the timescales for this.

The Delivery Programme Action Plan provides a baseline for measuring progress in implementing identified actions, it is a live document that will be supported by a detailed monitoring framework to assess policy performance. The Delivery/Action Programme and monitoring framework will be reported annually to Planning and Regulatory Services Committee and refreshed at least every two years.

The LDP Vision Aims/Objectives have been used to group the actions to show how the actions contribute to achieving the LDP Vision. Each section is also linked to the relevant Local Outcomes Improvement Plan priorities and also the LDP policies.

ACTION 1

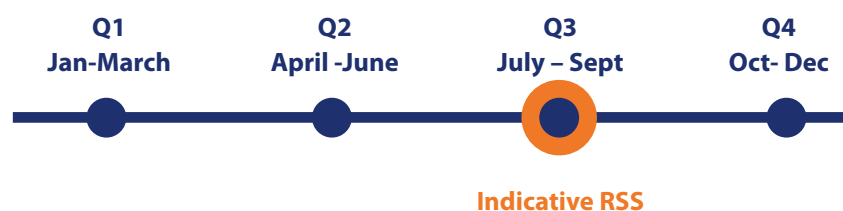
Regional Planning

Develop a Regional Spatial Strategy setting out strategic development priorities to be reflected in National Planning Framework 4.

WHO

LEAD: MC Strategic Planning and Development with wide range of stakeholders including statutory consultees, business interests, infrastructure providers and environmental groups.

TIMESCALE for 2020



TIMESCALE For 2021



2 Engagement

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities

ACTION 2

Develop a long term programme for engagement with young people

Build on work undertaken through consultation on the Main Issues Report 2018 and develop long term programme for youth engagement.

WHO

LEAD: MC Strategic Planning and Development
with Moray College, MC Education

TIMESCALE

for 2020

Q1 Jan-March

Q2 April -June

Q3 July – Sept

Q4 Oct- Dec



3 Local Development Plan Delivery Group / Masterplan Delivery Groups

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Growing, Diverse and Sustainable Economy

LOCAL DEVELOPMENT PLAN POLICIES

- PP1** Placemaking
- PP2** Sustainable Economic Growth
- PP3** Infrastructure and Services
- DEL1** Delivery of Effective Sites and Delivery Programme

ACTION 3

Local Development Plan Delivery Group

An LDP Delivery Group has been established and is made up of key infrastructure and service delivery partners. The focus of the group is the planning, co-ordination and delivery of strategic infrastructure to support growth. The group also has a role in monitoring Developer Obligation funds.

The group is made up of the following members.

WHO

LEAD: MC Strategic Planning and Development

with NHS, Scottish Water, Transport Scotland, MC Transportation, MC Education, MC Housing

TIMESCALE

The Group meets every 6 months.

ACTION 4

Masterplan/Growth Area Delivery Group

Delivery Groups are established to support the delivery of masterplan/growth areas. The role of the group is to work with developers to facilitate progress on delivery of key masterplan/growth areas, including discharge of planning conditions.

WHO

The group will comprise the following

DELIVERY GROUP

Lead MC Planning and Development, Developer(s), MC Development Management, MC Transportation, MC Housing

OTHER MEMBERS DEPENDING ON AREA/ISSUES

MC Flood Risk Management, MC Education, MC Environmental Health, Scottish Environment Protection Agency (SEPA), Highlands and Island Enterprise (HIE), Scottish Natural Heritage (SNH)

TIMESCALE

Groups will be set up after the granting of planning consent and will meet on a regular basis.

Masterplan	Sites	Delivery Progress
Findrassie Elgin	R11, I8	Consent granted for Area 1 (17/00834/PPP). Application for Matters Specified in Conditions (AMC) pending consideration (19/01220/AMC).
Elgin South	R19, R20, LONG2	Consent granted for Phase 1 (16/01244/APP and construction commenced. Moray Sports Centre complete.
Bilbohall Elgin	R2, R3, R4, R6, R7	Masterplan approved 13 November 2018. Bilbohall delivery group established in 2019, progressing to planning application mid 2020.
Dallas Dhu, Forres	R4, R6	Delivery Strategy being developed.



4 Apply a placemaking approach to development to create sustainable, welcoming, well connected and distinctive places that are safe, healthy and inclusive

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities

LOCAL DEVELOPMENT PLAN POLICIES

- PP1** Placemaking
- PP2** Sustainable Economic Growth
- PP3** Infrastructure and Services
- DP1** Development Principles
- DP2** Housing
- DP6** Mixed Use (MU) and Opportunity Sites (OPP)
- EP1** Natural Heritage
- EP2** Biodiversity
- EP5** Open Space
- EP12** Managing the Water Environment

ACTION 5

Prepare and Review Masterplans and Support their Delivery (See maps below for masterplan areas)

The Council will work collaboratively with landowners/developers and their agents in the preparation and delivery of masterplans in the key areas of growth identified below. All masterplans will be subject of a peer review organised by MC Planning and Development at the draft and final stages of the masterplan's preparation. This stage must be incorporated into the Masterplan Project Plan.

Masterplan	Sites	Timescales	Progress
Barhill Road, Buckie	R8, LONG1	Tbc	Core Stakeholder Team to be established
Clarkly Hill, Burghead	R2, LONG	Tbc	Core Stakeholder Team to be established
Central Elgin Masterplan	Including TC, OPP7, OPP8, OPP9, OPP10, OPP11	Q4 2020/ Q1 2021	Consultation
Findrassie Elgin	R11, I8	Complete	Masterplan approved as Supplementary Guidance 1 December 2015
Elgin South	R19, R20, LONG2	Complete	Masterplan approved as Supplementary Guidance 30 May 2017
Bilbohall Elgin	R2, R3, R4, R6, R7	Complete	Masterplan approved as Supplementary Guidance 13 November 2018
Dallas Dhu, Forres	R4, R6	Complete	Masterplan adopted as Supplementary Guidance
Lochyhill, Forres	R3, LONG1	Tbc	Core Stakeholder Team to be established
Kinloss Golf Club	Miltonhill Rural Grouping	Complete	Phase 1a and 1b planning applications submitted.
Elgin North East	LONG1A/B	Tbc	
South of A96 Mosstodloch	LONG1	Tbc	
Alves	LONG	Tbc	



WHO

A Core Stakeholder Team will be established at the outset for each masterplan. The Core Stakeholder Team members will depend on the opportunities and challenges of each site but is likely to include the following stakeholders

CORE STAKEHOLDER TEAM**Lead MC Strategic Planning and Development**

MC Transportation, MC Housing, SNH, MC Flood Risk Management.

OTHER STAKEHOLDER SITE DEPENDENT

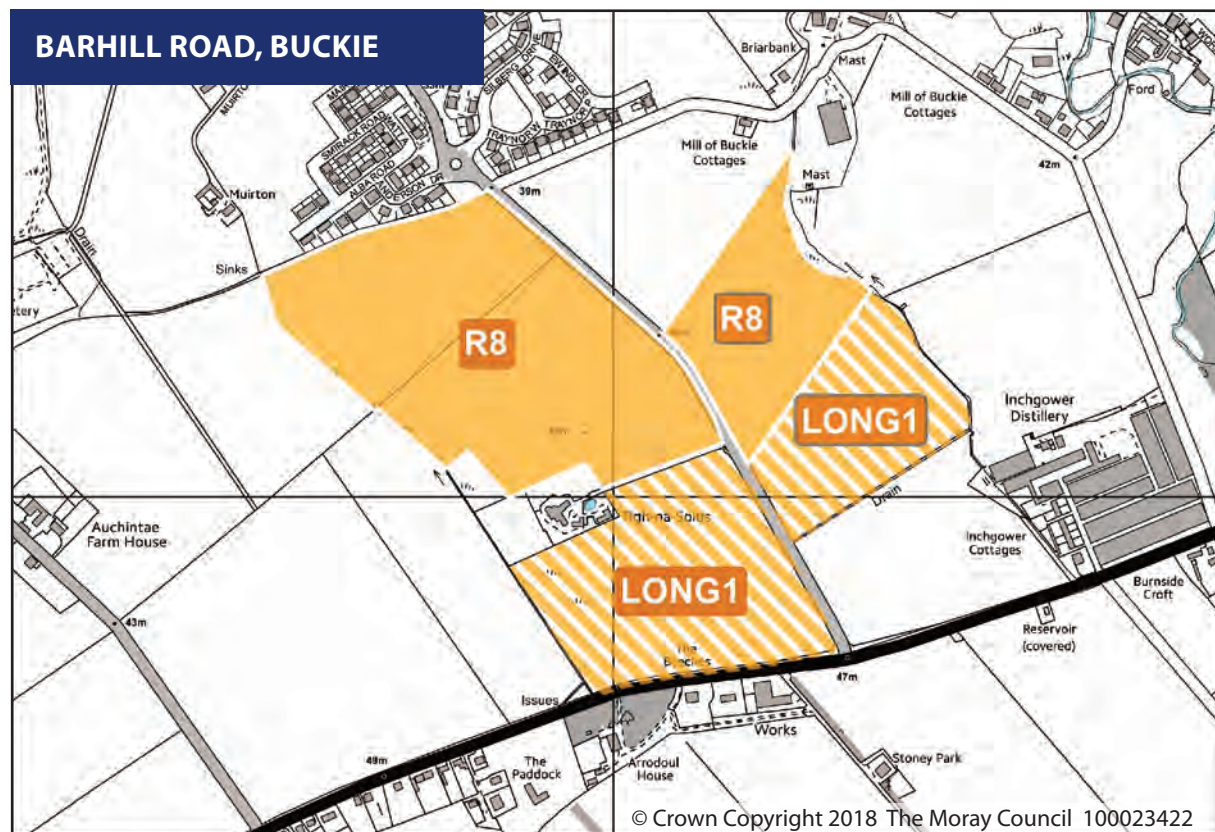
MC Access Manager, MC Education, MC Environmental Health, SEPA, HIE, Regional Archaeologist.

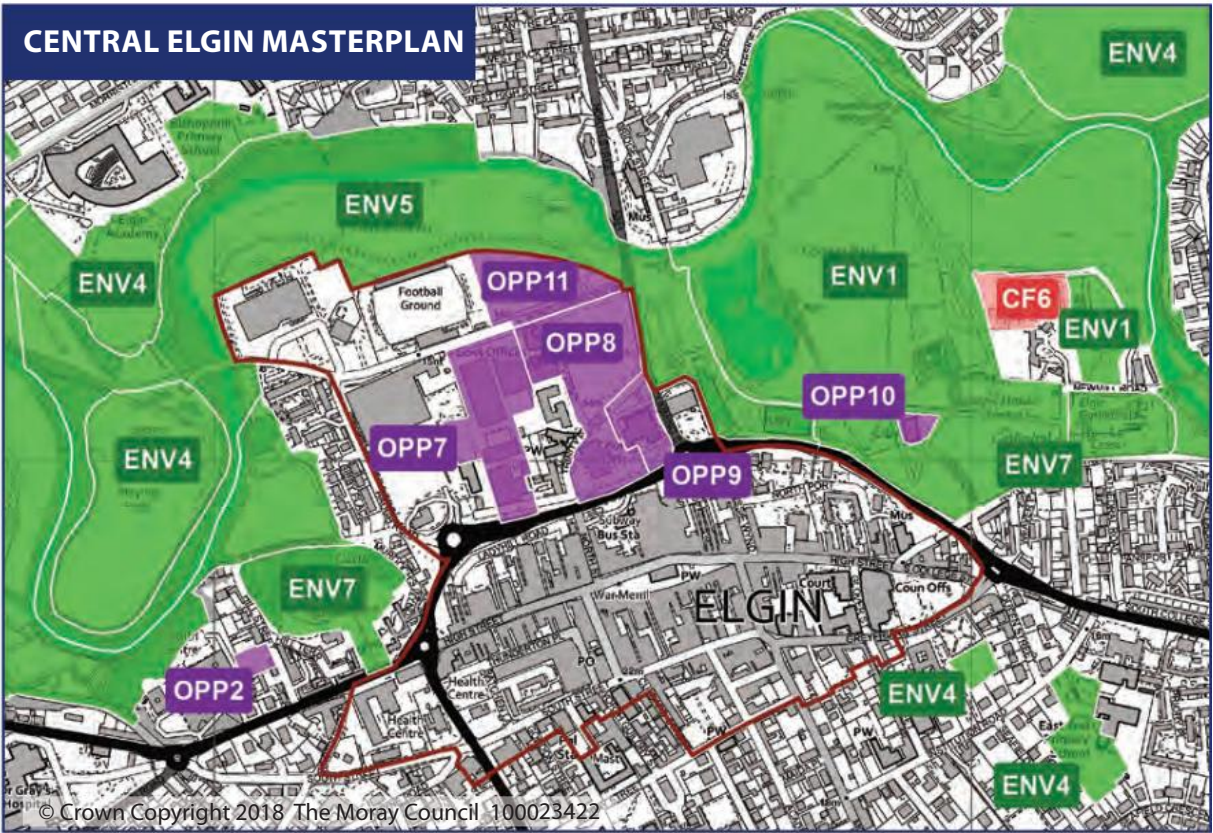
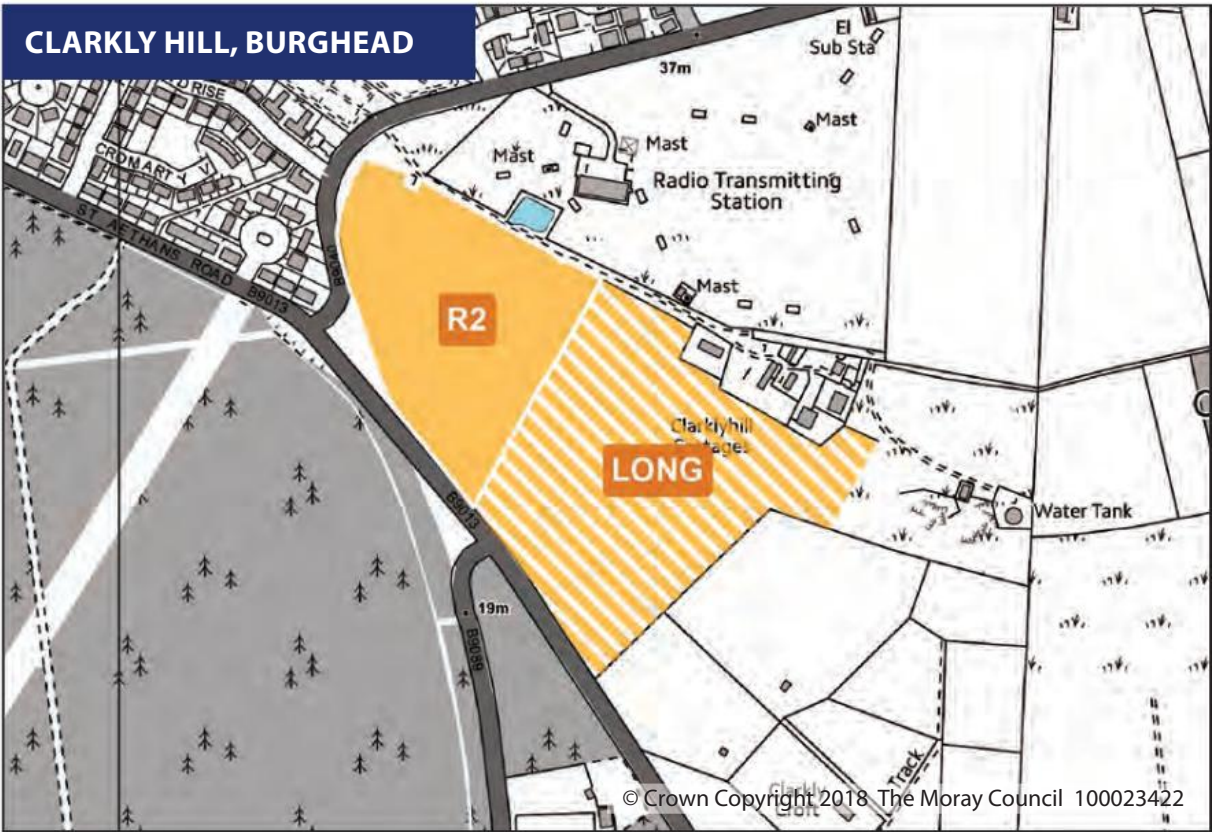
TIMESCALE

A Project Plan and key dates will be agreed with the Core Stakeholder Team at the outset. This will identify

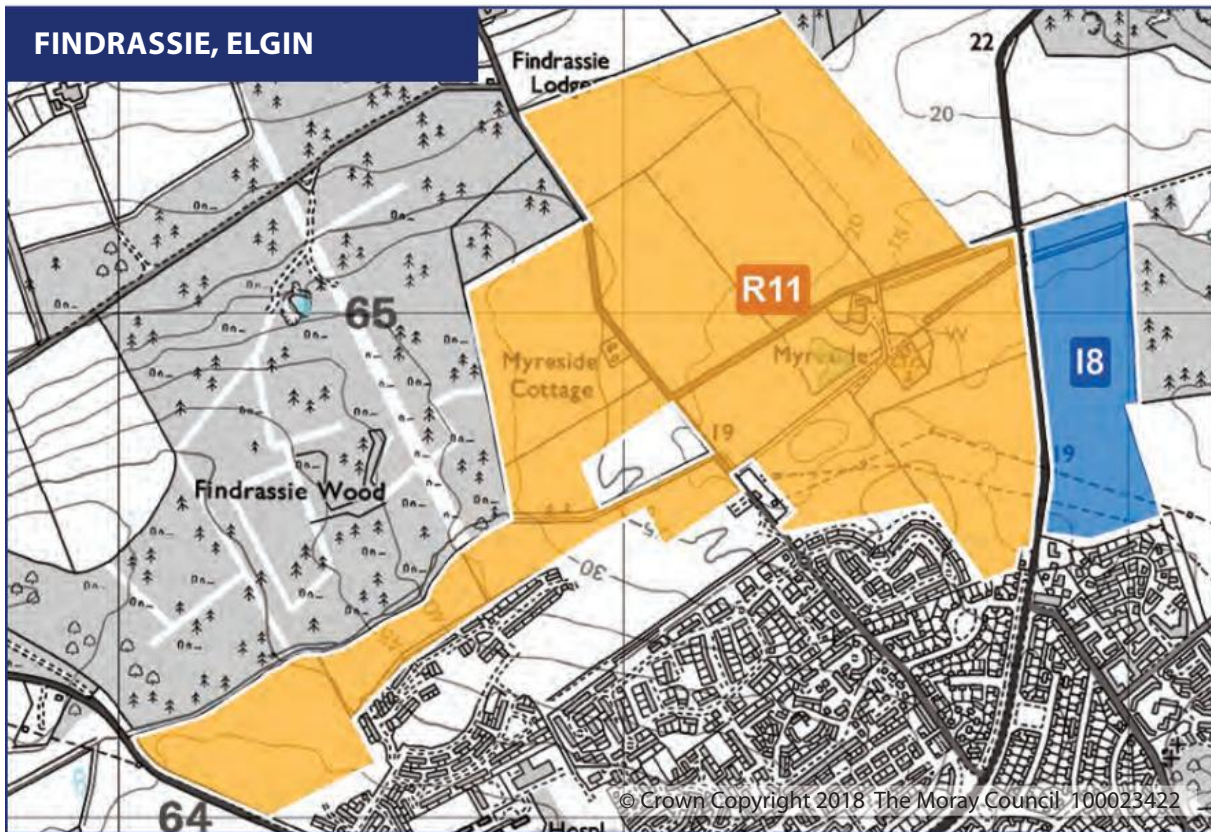
- Key target dates (to include peer review sessions, Committee Meetings, consultation events, key milestones).
- Arrangements for regular Core Stakeholder Team meetings
- Wider stakeholder consultation arrangements
- How and when the public will be involved in development of the masterplan
- Consultation of Draft Masterplan by Moray Council

Once planning consent has been achieved a Masterplan/Growth Area Delivery Group will be established (see action 3 above).

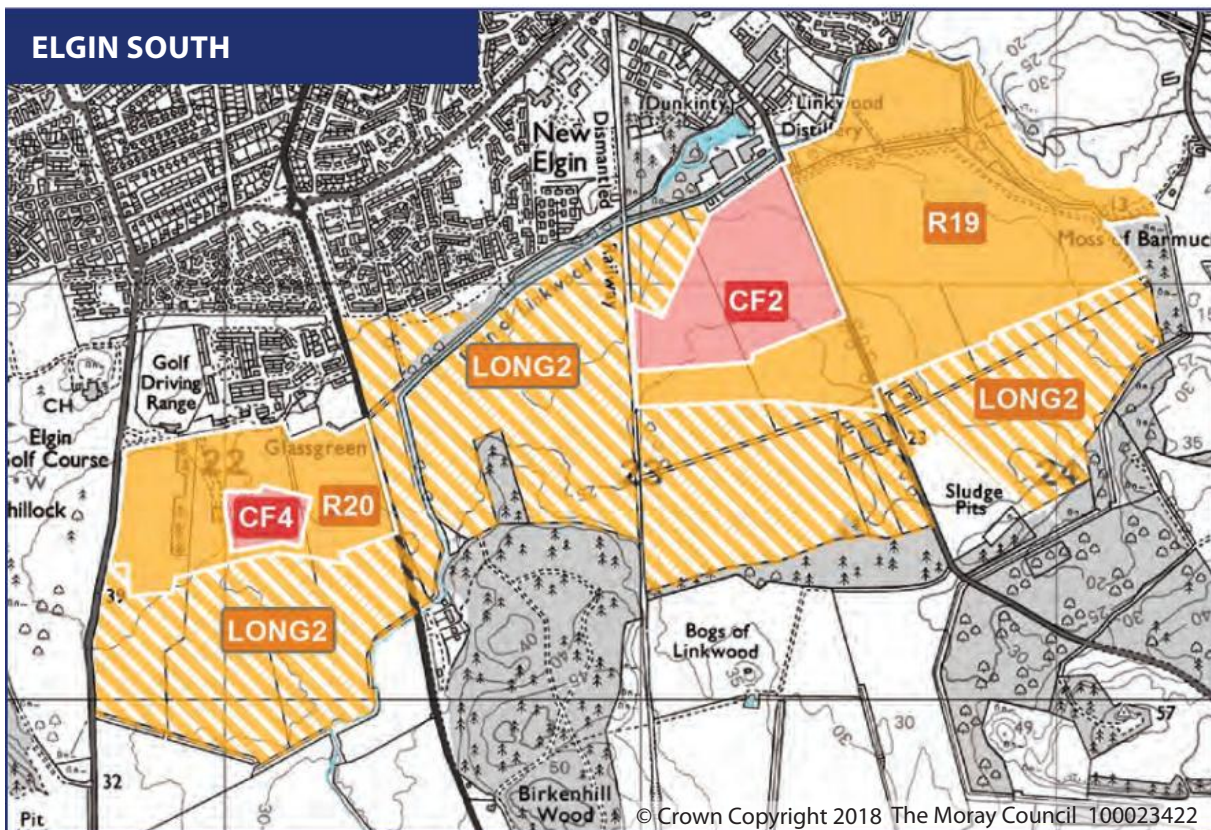




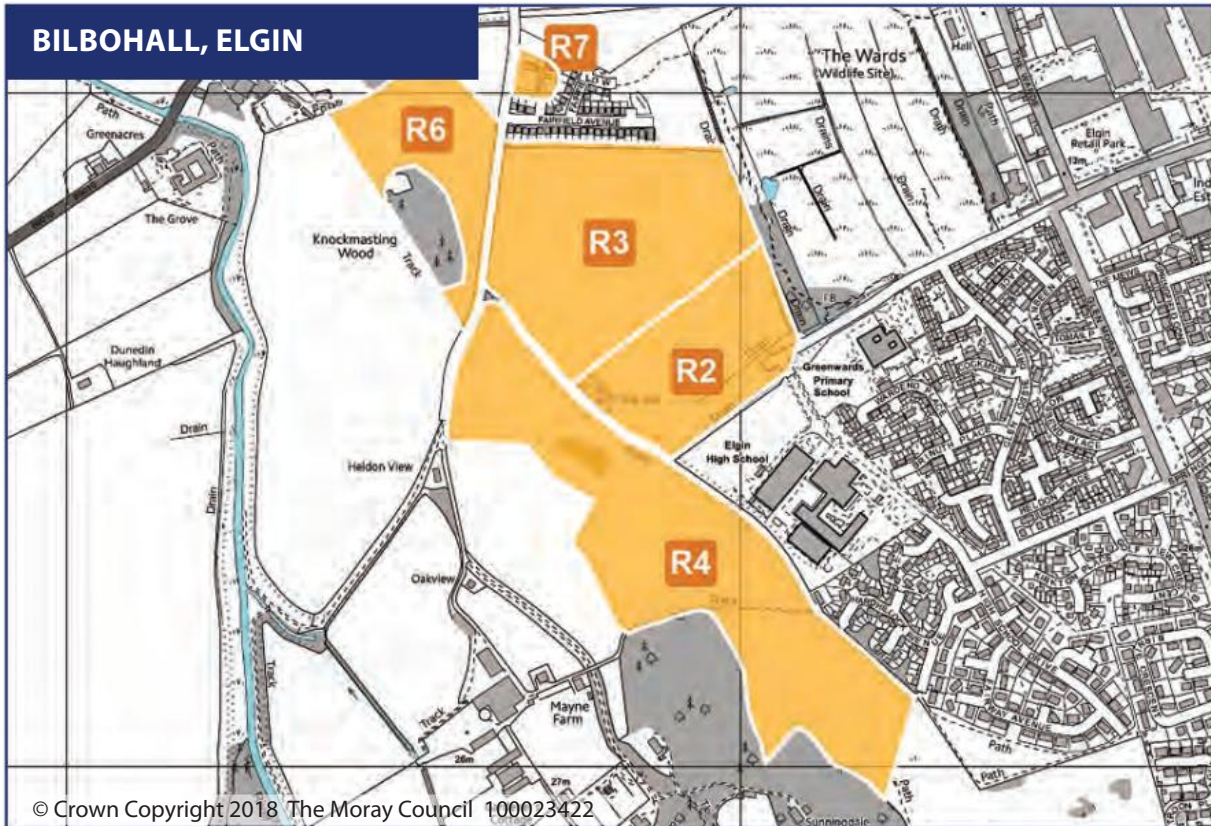
FINDRASSIE, ELGIN



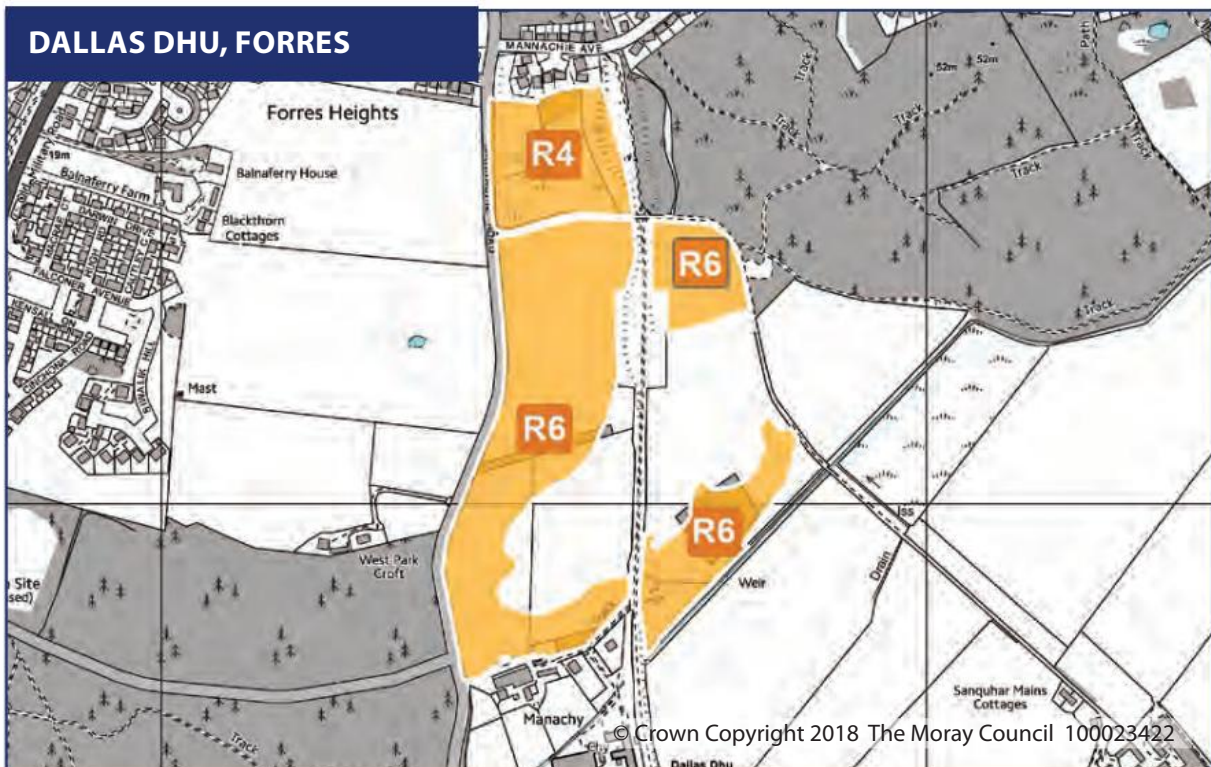
ELGIN SOUTH



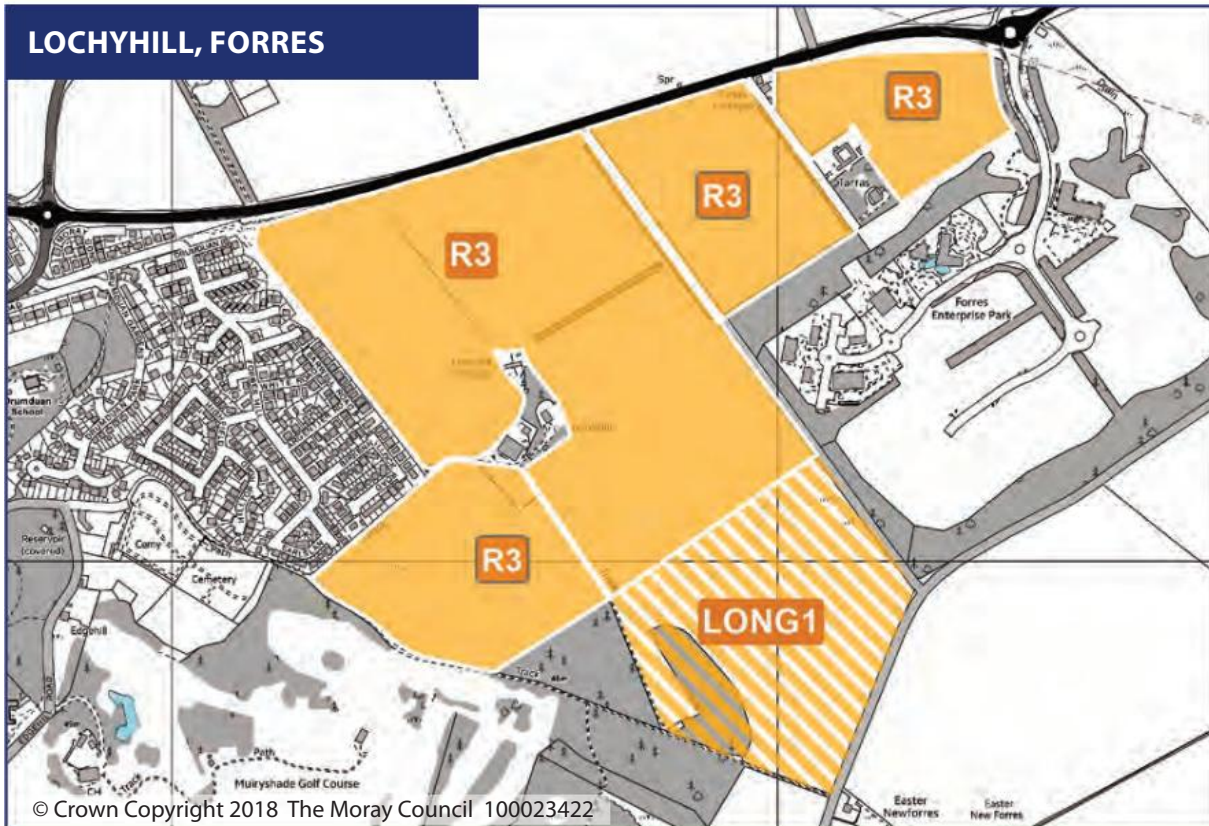
BILBOHALL, ELGIN



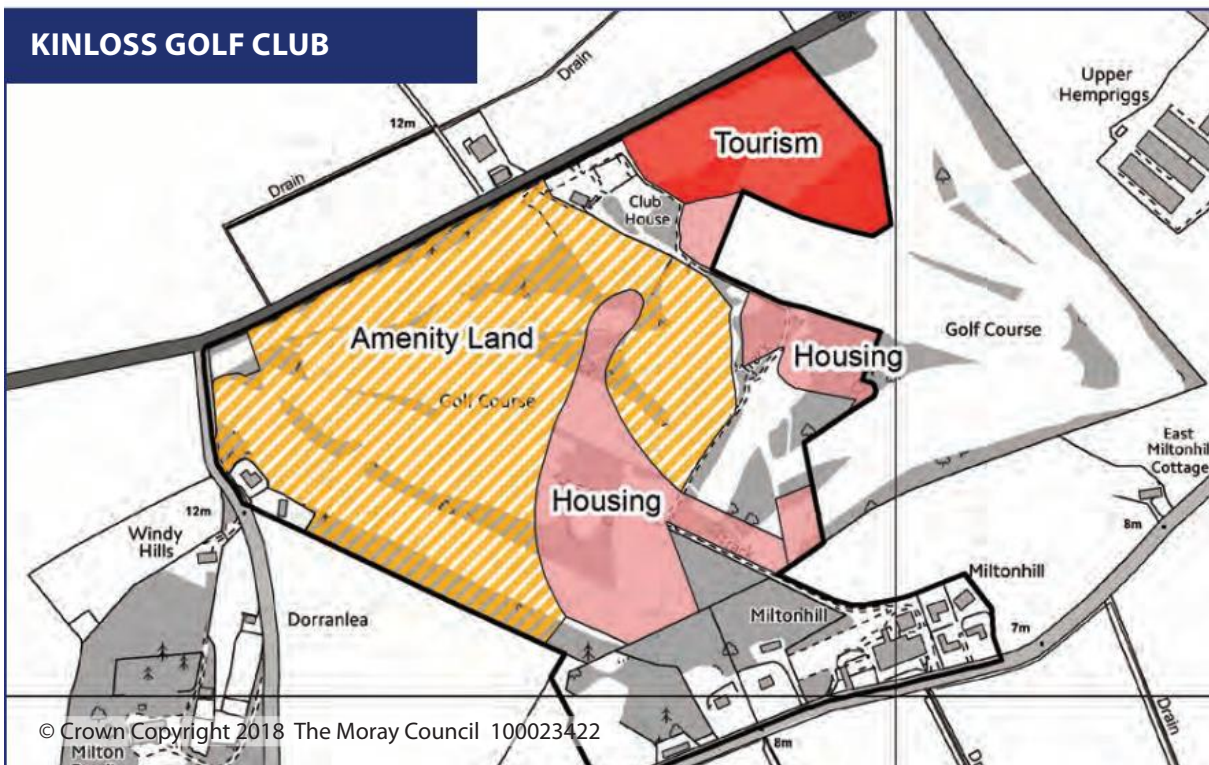
DALLAS DHU, FORRES



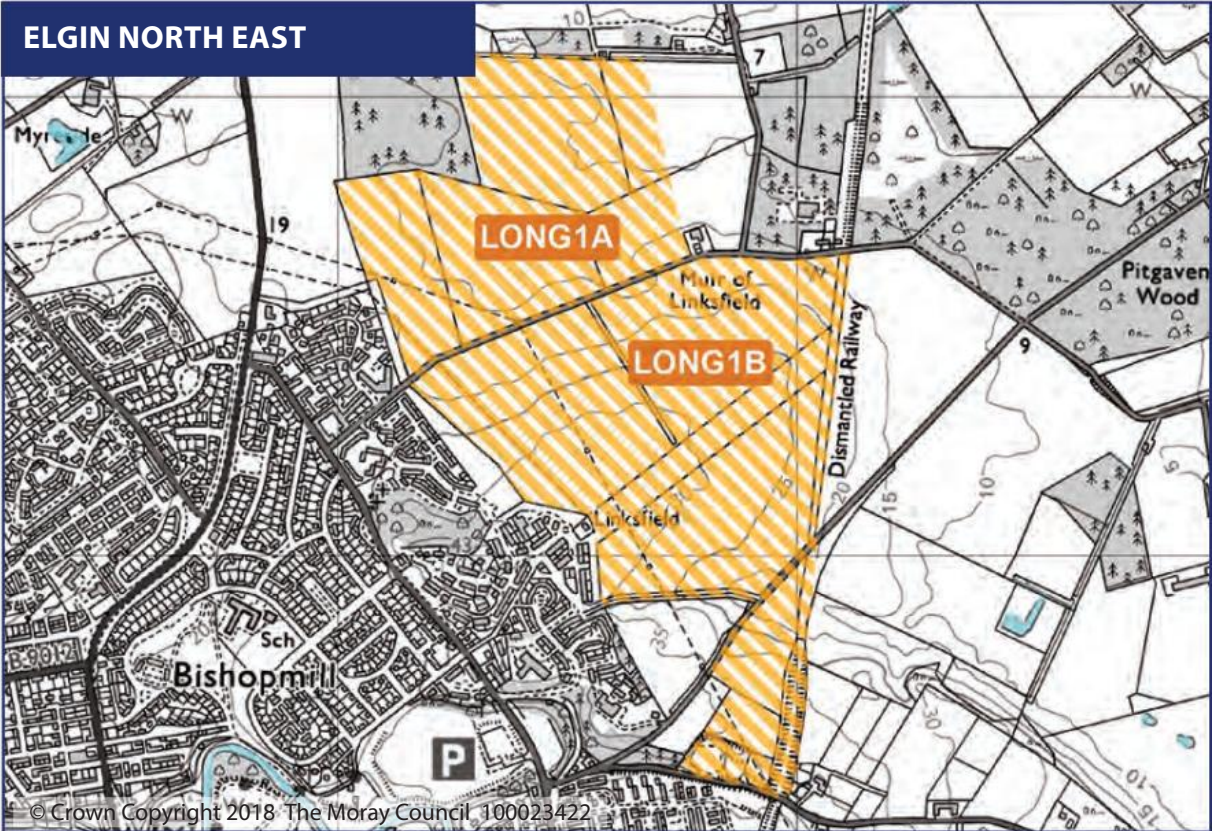
LOCHYHILL, FORRES



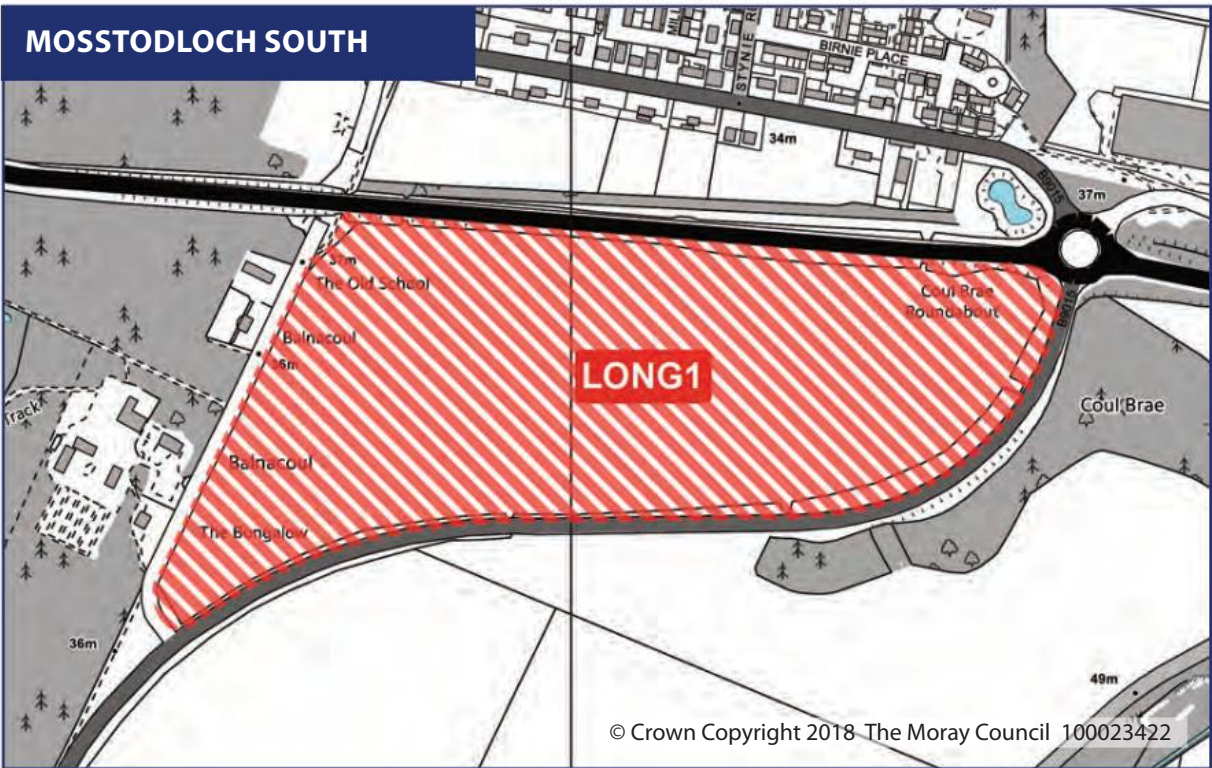
KINLOSS GOLF CLUB

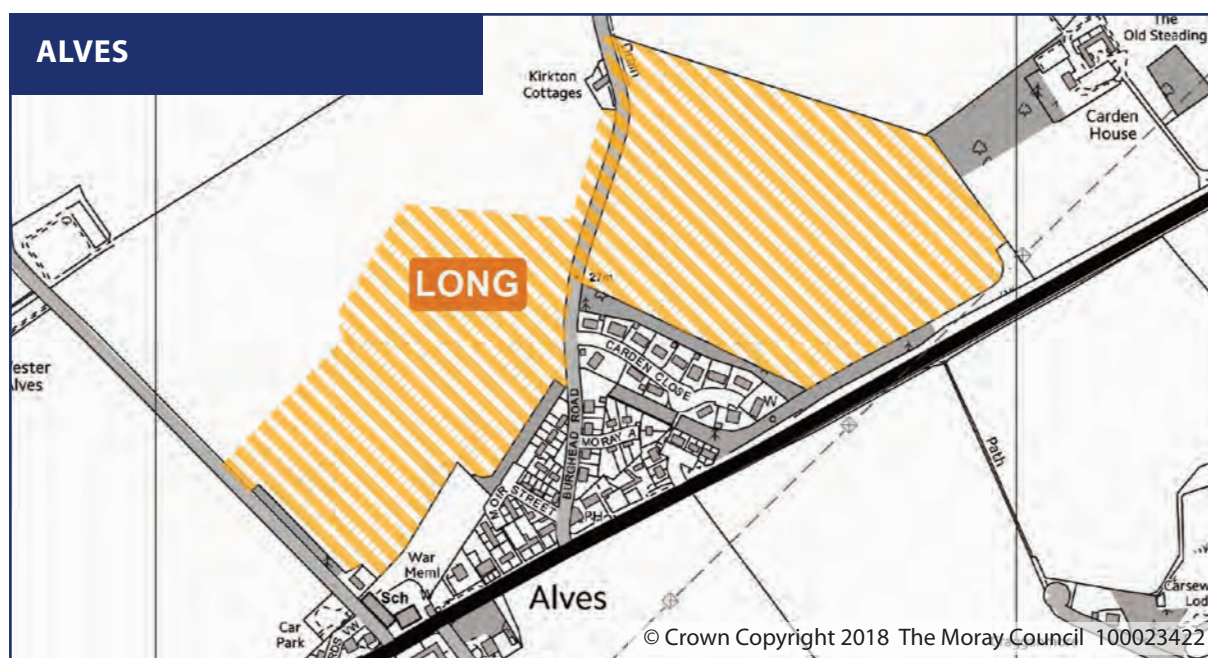


ELGIN NORTH EAST



MOSSTODLOCH SOUTH





ACTION 6

Prepare and Review Development Briefs

The Council will work collaboratively with landowners/developers and their agents in the preparation and delivery of Development Briefs on key sites (see table below).

Town	Development Briefs
Forres	(OPP4) Auction Mart, Tytler Street
	(OPP1) Caroline Street
	(OPP2) Bus Depot
Rothies	(R1) Spey Street
Craigellachie	(R3) Brickfield
	(R1) Edward Avenue

Town	Development Briefs
Dufftown	(R1) Hillside Farm
Buckie	(OPP5) Former Jones Shipyard
Cullen	(R1) Seafield Road
Keith	(R6) Former Caravan Site, Dunnyduff Road
Findochty	(R1) Morven Crescent
Portknockie	(R1) Seabraes

WHO

A Core Stakeholder Team will be established at the outset for each brief. The Core Stakeholder Team members will depend on the opportunities and challenges of each site but is likely to include the following stakeholders

TIMESCALE

2020



TIMESCALE

2021



**ACTION
7**

Complete Quality Audits

A Quality Audit will be carried out on all applications of 10 units and above.

The Quality Audit aims to bring a consistent approach to the assessment of planning applications to achieve better Placemaking.

WHO

LEAD: MC Strategic Planning and Development

with MC Development Management, MC Transportation, MC Housing, SNH, MC Flood Risk Management

TIMESCALE

Dependent on submission of proposals



**ACTION
8**

Planning Policy Interpretation Guidance

Planning Policy Guidance will be prepared to specifically cover Primary Policy 1 (PP1) Placemaking and 'How to Achieve Green in the Quality Audit'. The guide will also address other policy requirements such as compensatory planting, sustainable construction and acceptable low intensity tourism and recreational uses.

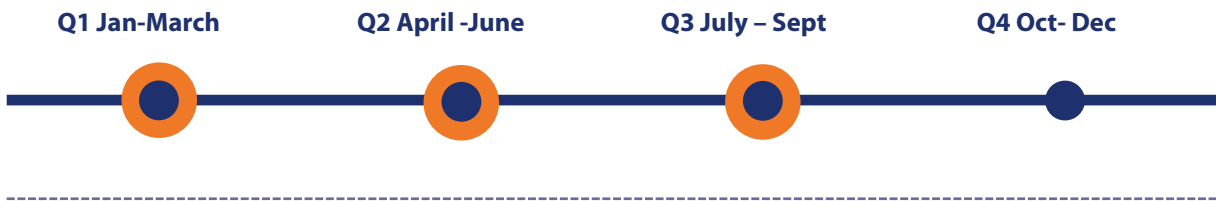
WHO

LEAD: MC Strategic Planning and Development

with SNH, MC Flood Risk Management , SEPA

TIMESCALE

for 2020



**ACTION
9****Preparation of LDP: Invitation to prepare Local Place Plans and preparation of Evidence Report**

The next review of the LDP will begin in 2023 and will start the preparation of the first 10 year LDP prepared under the Planning (Scotland) Act 2019. Before preparing the LDP local communities will be invited to prepare Local Place Plans. *At present it is unclear how these will be prepared, on what scale they will operate and how communities are to be supported through the process.

A detailed evidence report must be prepared demonstrating an understanding of the planning needs of the authority area and will be subject to extensive consultation with key stakeholders. The Evidence Report will be examined by an independent Reporter at the start of the plan process who will then decide if the information in the report is sufficient to start preparation of the Local Development Plan.

WHO

LEAD: MC Strategic Planning and Development
with communities and key agencies

TIMESCALE**2023****ACTION
10****Prepare and implement Food Growing Strategy**

Prepare and consult on a Food Growing Strategy for Moray, including allotments.

WHO

LEAD: MC Strategic Planning and Development
with MC Community Support Unit (CSU), Community Groups

TIMESCALE**2020 Preparation****TIMESCALE****2020 Implementation**

5 Provide a generous supply of housing land to meet the needs of various sectors of the market.

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Growing, diverse and sustainable economy

LOCAL DEVELOPMENT PLAN POLICIES

- PP1 Placemaking
- PP2 Sustainable Economic Growth
- PP3 Infrastructure and Services
- DP1 Development Principles
- DP2 Housing
- DP3 Long Term Land Reserves
- DP4 Rural Housing
- DP6 Mixed Use (MU) and Opportunity Sites (OPP)
- DP12 Gypsy/Travellers/Travelling Showpeople

ACTION 11

Site Delivery Strategies and Monitoring of Site Effectiveness

For each site identified within the LDP the landowner/developer must submit a Delivery Strategy. The Strategy must set out the steps and timescales associated with progressing the site through to development on the ground. Guidance and a template will be produced and consulted on by the Council to assist with this.

The Delivery Strategy must be submitted annually as part of the annual audit process, see below.

Where the effectiveness of a site has not been established removal of the site from the next Local Development Plan will be considered.

WHO

LEAD: MC Strategic Planning and Development
with Landowners/Developers

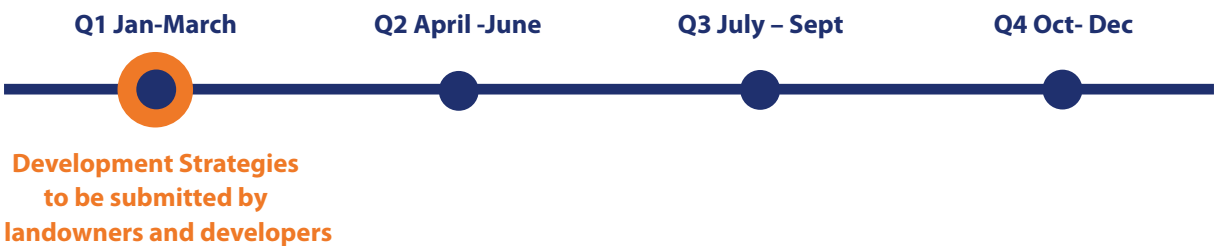
TIMESCALE

for 2020



TIMESCALE

for 2021 (and annually thereafter)



**ACTION
12****Annual monitoring of supply through Housing Land Audit**

The Housing Land Audit is completed annually with a base date of January. The Housing Land Audit is prepared by MC Planning and Development using data collected from housebuilders, site visits and analysis of building warrant completions.

The draft Housing Land Audit is consulted on for a 4 week period. Comments received are reviewed and the finalised Housing Land Audit is reported to committee.

The report to Committee also considers if any triggers have been met that would mean the early release of LONG sites should be considered.

WHO

LEAD: MC Strategic Planning and Development
with Landowners/Developers

TIMESCALE for 2021 (and annually thereafter)**ACTION
13****Develop Programme to support delivery of Stalled Sites and Vacant and Derelict Land**

Identify stalled sites and investigate options to facilitate their delivery. Investigate alternative delivery mechanisms and develop action plan to aid site delivery. This may include purchase or use of Compulsory Purchase powers to secure an effective land supply.

WHO

LEAD: MC Strategic Planning and Development
with Landowners, MC Estates, MC Housing, MC Legal, SEPA

TIMESCALE**ACTION
14****Review of Vacant/Derelict Land and Empty Properties**

Review Vacant/Derelict sites and other empty properties. Consider opportunities and action for redevelopment and bringing back into use.

WHO

LEAD: MC Strategic Planning and Development
with Landowners, MC Development Management, MC Estates, MC Housing, MC Legal, SEPA

TIMESCALE 2021

**ACTION
15**

Investigate options for longer term development beyond LDP2020
Investigate and assess options for longer term development beyond LDP2020, including consideration of options for a new town.

WHO

LEAD: MC Strategic Planning and Development
with MC Transportation, SNH, MC Flood Risk Management, MC Access Manager, MC Education, MC Environmental Health, SEPA, Regional Archaeologist, Landowners/Developers

TIMESCALE



**ACTION
16**

Site search and consultation for new Gypsy Traveller Halting site
Undertake a search for a Gypsy Traveller halting site and consult on options.

WHO

LEAD: MC Strategic Planning and Development
with MC Housing , MC Equal Opportunities Officer

TIMESCALE



6 A strong framework for investment that provides sufficient land for development and supports sustainable economic growth (including the tourism economy).

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Growing, diverse and sustainable economy

LOCAL DEVELOPMENT PLAN POLICIES

- PP2** Sustainable Economic Growth
- PP3** Infrastructure and Services
- DP3** Long Term Land Reserves
- DP5** Business and Industry
- DP6** Mixed Use (MU) and Opportunity Sites (OPP)
- DP8** Tourism Facilities and Accommodation
- DP10** Minerals

ACTION 17

Site Delivery Strategies and Monitoring of Site Effectiveness

See action 8 above regarding submission of annual Delivery Strategy by landowners and developers.

ACTION 18

Annual monitoring of supply through Employment Land Audit

The Employment Land Audit is completed annually with a base date of January. Data is collected on completions from developers, through site visits and analysis of building warrant completions. A liaison meeting with MC Estates and Highlands and Islands Enterprise (HIE) is held to discuss sites and review market demand.

The draft Employment Land Audit is consulted on for a 4 week period. Comments received are reviewed and the finalised Employment Land Audit is reported to committee.

WHO

LEAD: MC Strategic Planning and Development

with MC Estates, HIE, Landowners/Developers

TIMESCALE

for 2021 (and annually thereafter)



ACTION 19

Prepare and Review Development Frameworks

The Council will work collaboratively with landowners/developers and their agents in the preparation and delivery of Development Frameworks on key employment sites (see below).

Strategic Framework	Sites	Timescales	Progress
Barmuckity, Elgin	I7	Complete	
Burnside of Birnie, Elgin	I16, LONG3	Dependent on preferred route of A96 dualling	
Easter Newforres	I5	Tbc	
West Mosstodloch	I3, LONG2	2022	Core Stakeholder Team to be established
Enterprise Park, Forres	BP1	2020/21	Core Stakeholder Team being established.
Lossiemouth Aerospace Campus		Tbc	

WHO

A Core Stakeholder Team will be established at the outset for each framework. The Core Stakeholder Team members will depend on the opportunities and challenges of each site but is likely to include the following stakeholders

CORE STAKEHOLDER TEAM

Lead MC Strategic Planning and Development
MC Transportation, SNH, MC Flood Risk Management.

OTHER STAKEHOLDER SITE DEPENDENT

HIE, MC Access Manager, MC Education, MC Environmental Health, SEPA, Regional Archaeologist.

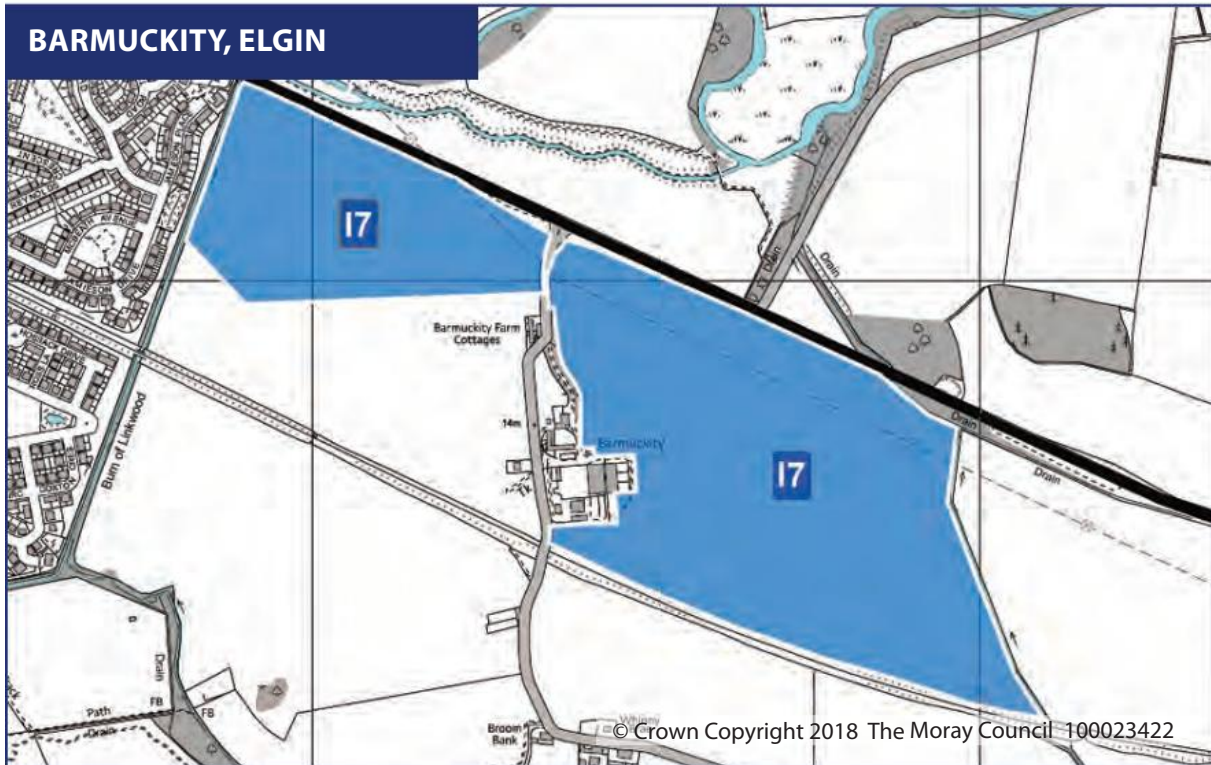
TIMESCALE

A Project Plan and key dates will be agreed with the Core Stakeholder Team at the outset. This will set out

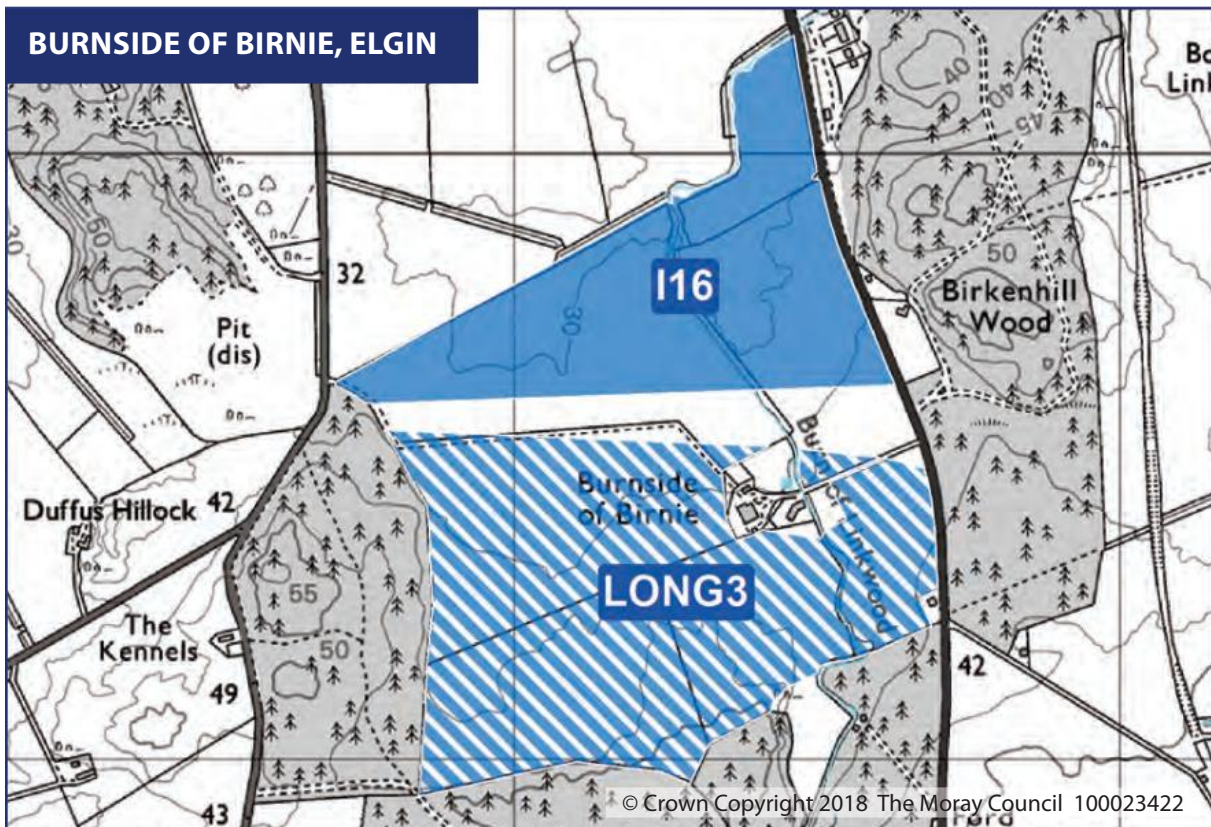
- Key target dates (to include review sessions, Committee Meetings, consultation events, key milestones).
- Arrangements for regular Core Stakeholder Team meetings
- Wider stakeholder consultation arrangements
- How and when the public will be included in development of the framework
- Consultation of Draft framework by Moray Council

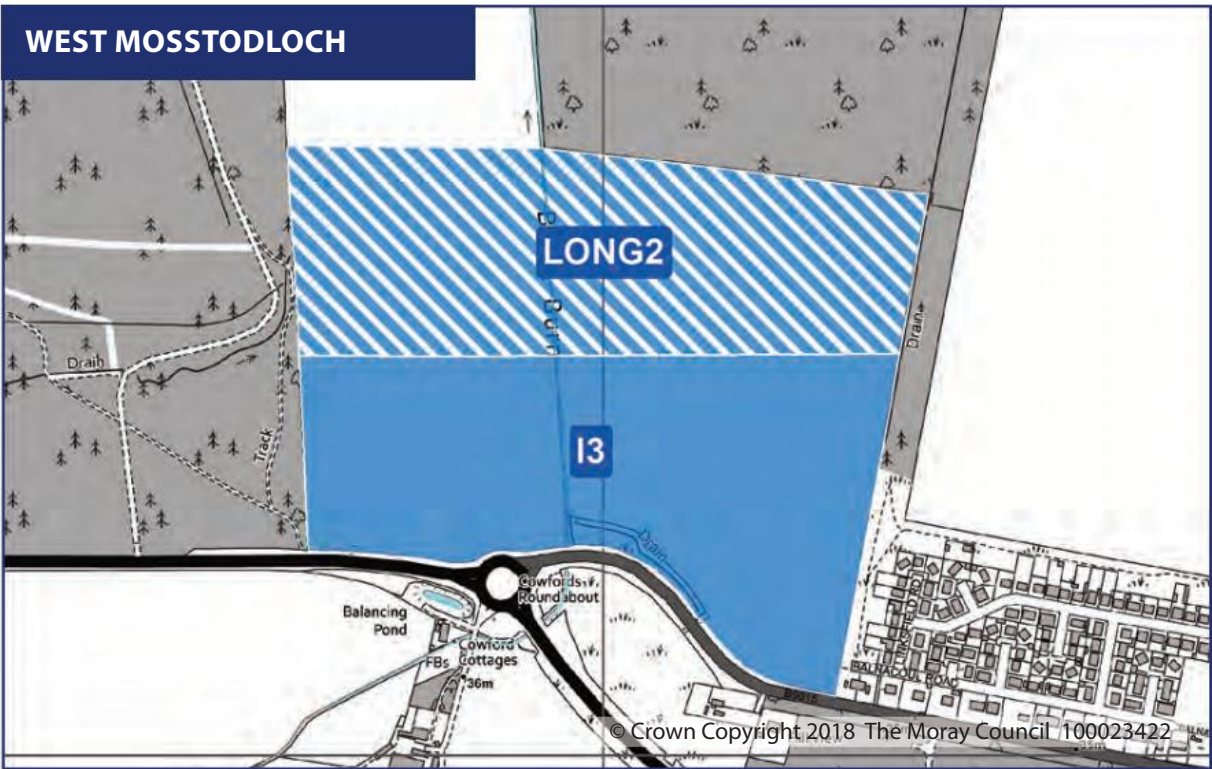
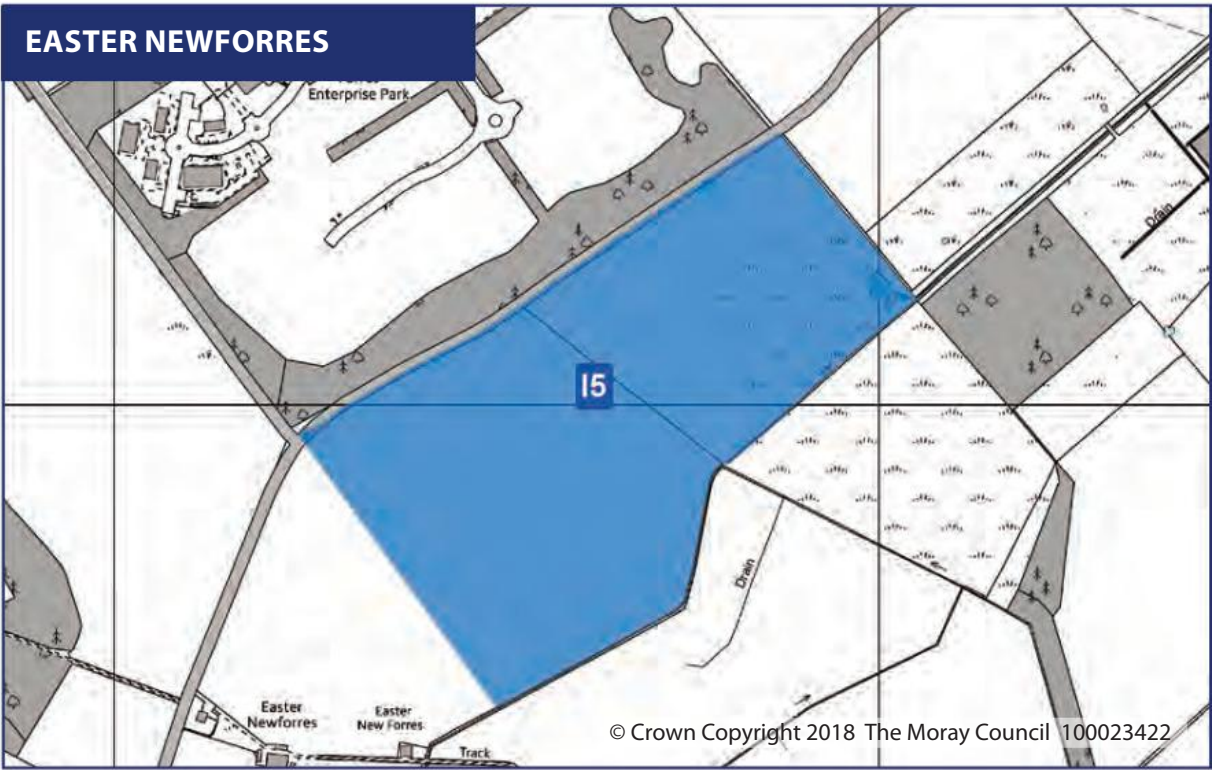


BARMUCKITY, ELGIN



BURNSIDE OF BIRNIE, ELGIN





**ACTION
20****Large Scale Rural Inward Investment Sites Identification**

Identify and assess sites with the potential to accommodate Large Scale Rural Inward Investment.

WHO**LEAD: MC Strategic Planning and Development**

with HIE, Landowners/Developers

Consultation on potential sites with: MC Transportation, SNH, MC Flood Risk Management, MC Access Manager, MC Education, MC Environmental Health, SEPA, Regional Archaeologist

TIMESCALE

for 2022

Q1 Jan-March

Q2 April -June

Q3 July – Sept

Q4 Oct- Dec



7 Identify and provide for new or upgraded social and physical infrastructure to support the expanding population whilst safeguarding existing infrastructure.

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Growing, diverse and sustainable economy

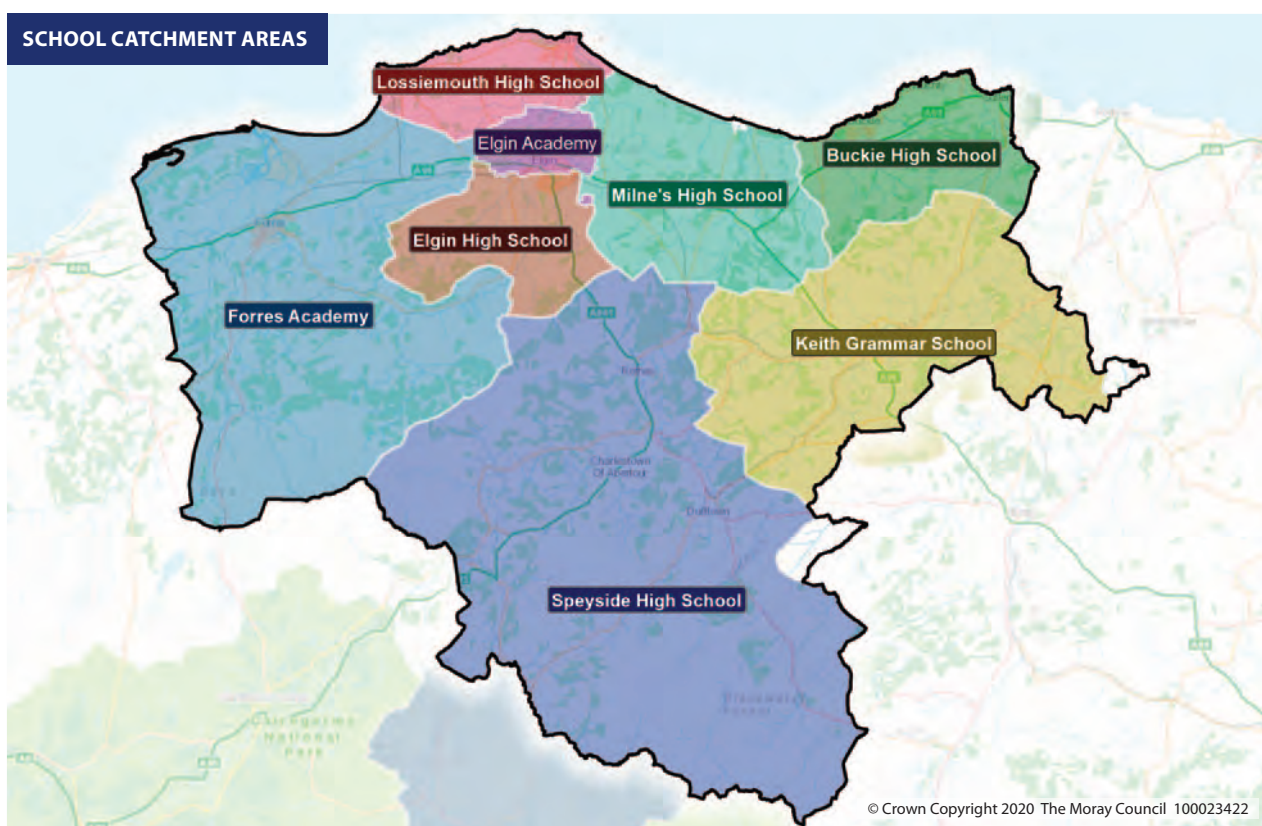
LOCAL DEVELOPMENT PLAN POLICIES

- PP1** Placemaking
- PP2** Sustainable Economic Growth
- PP3** Infrastructure and Services
- DP1** Development Principles
- DP2** Housing
- EP5** Open Space
- EP12** Management of the Water Environment
- EP13** Foul Drainage

ACTION 21

Delivery of Infrastructure

The following tables detail the infrastructure required to support delivery of development.



EDUCATION

INFRASTRUCTURE REQUIREMENT	ASG	ACTIONS	WHO	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
EDUCATION									
New Build	Buckie	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	Buckie R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, MU, OPP1, OPP2, OPP3, OPP4, OPP5, OPP6, OPP7, OPP8, LONG1 Cullen R1, OPP1, OPP2 Findochty R1, R2, OPP1 Portgordon R1 Portknockie R1, OPP1		SES
1 x Primary School – Findrassie Primary School	Elgin Academy	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R11, R12		SES
Extension to Bishopmill Primary School	Elgin Academy	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R9, R14		SES
Extension to Seafield Primary School	Elgin Academy	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R13		SES
Extension to Elgin Academy	Elgin Academy	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R8, R9, R10, R11, R12, R13, R14, R15, LONG1A/B, OPP2, OPP3, OPP4		SES
1 x Primary School – Linkwood Primary School	Elgin High	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	2019	£12,333,000 (estimate)	Moray Council	LONG2, R18, R19	Planning Application submitted- 17/01422/APP	SES
1 x Primary School – Glassgreen Primary School	Elgin High	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R1, R3, R4, R5, R6, R7, R17, R20, LONG2		SES
Extension to Elgin High School	Elgin High	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R1, R2, R3, R4, R5, R6, R7, R16, R17, R18, R19, R20, R21, LONG2, OPP2, OPP5, MU1		SES
Extension at Pilmuir Primary School	Forres	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	R1, R5, R7, OPP7		SES
1 x Primary School	Forres	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	Forres R3, LONG1		SES
Extension to Kinloss Primary School	Forres	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	Kinloss R1, R2, R3, RC, OPP2 Findhorn R1, R2, RC		SES

* SES - School Estate Strategy



INFRASTRUCTURE REQUIREMENT	ASG	ACTIONS	WHO	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
Extension to Forres Academy	Forres	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	Alves LONG Dallas R1, R2, R3 Dyke R1, R2, R3 Findhorn R1, R2 Forres R1, R2, R3, R4, R5, R6, R7, OPP1, OPP2, OPP3, OPP4, OPP5, OPP6, OPP7, LONG1 Kinloss R1, R2, R3, OPP2, RC Findhorn R1, R2, RC Rafford R1		SES
Extension to Hythehill Primary School	Lossiemouth	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	Lossiemouth R1, R2		SES
Replacement Lossiemouth High School	Lossiemouth	Preparation of long term sustainable School Estate Strategy	Moray Council Education Services	Spring 2020	£42,300,000 (estimate)	Scottish Futures Trust/Moray Council	Burghead R1, R2, LONG, OPP1 Cunninghamston R1 Hopeman R1, R2, R3 Lossiemouth R1, R2, R3	Planning Application submitted- 17/01725/APP	SES

Other Infrastructure including sports and recreation

INFRASTRUCTURE REQUIREMENT	ASG	ACTIONS	WHO	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
Enclosed Floodlit Synthetic Turf (4G) Pitch	Forres		Moray Council Education Services	To be confirmed	To be confirmed	To be confirmed	Alves LONG Dallas R1, R2, R3 Dyke R1, R2, R3 Findhorn R1, R2 Forres R1, R2, R3, R4, R5, R6, R7, OPP1, OPP2, OPP3, OPP4, OPP5, OPP6, OPP7 Kinloss R1, R2, R3, RC, OPP2 Findhorn R1, R2, RC Rafford R1		
Enclosed Sports Pitch	Forres		Developers	To be confirmed	To be confirmed	To be confirmed	Forres LONG1		
Floodlit Multi-use Games Area (MUGA)	Forres		Developers	To be confirmed	To be confirmed	To be confirmed	Forres R3		

HEALTH CARE

INFRASTRUCTURE REQUIREMENT	SETTLEMENT	ACTIONS	WHO	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
HEALTH CENTRE									
New Health Centre/ Hub Facility	Elgin	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	R1, R2, R3, R4, R5, R6, R7, R15, R16, R17, R18, R19, R20, LONG2, OPP1, OPP5		
Extension to Maryhill Health Centre	Elgin	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	R8, R9, R10, R11, R12, R13, R14, R21, LONG1, OPP2, OPP3, OPP4, MU1, MU2		
Extension to Elgin Community Surgery	Elgin	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Windfall Sites		
Extension to Forres Health and Care Centre	Forres	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Alves LONG Dallas R1, R2, R3 Dyke R1, R2, R3 Findhorn R1, R2, RC Forres R1, R2, R3, R4, R5, R6, R7, OPP1, OPP2, OPP3, OPP4, OPP5, OPP6, OPP7, LONG1 Kinloss R1, R2, R3, RC, OPP2 Rafford R1		
Extension to Ardach Health Centre	Buckie	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Buckie R1, R2, R3, R4, R5, R9, OPP1, OPP2, OPP3, OPP4, OPP5, OPP7, OPP8, MU Findochty R1, R2, OPP1 Portknockie R1, OPP1		
Reconfiguration to Seafield & Cullen Medical Practice	Buckie	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Buckie R6, R7, R8, R10, LONG1, OPP6 Cullen R1, OPP1, OPP2 Portgordon R1		
New Build Health Centre	Keith	Prepare Initial Agreement	NHS	5-10 years	To be confirmed	To be identified	Keith R1, R2, R3, R4, R5, R6, R7, R8, LONG1, MU, OPP1, OPP2, OPP3 Newmill R1, R2, OPP1 Rothiemay R1, R2, R3	Strategic Assessment completed and approved by NHSG Asset Management Group	
Extension to Moray Coast Medical Practice	Lossiemouth	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Burghead R1, R2, LONG, OPP1 Cunnington R1 Hopeman R1, R2, Lossiemouth R1, R2, R3		
New Build Health Centre	Fochabers	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Fochabers R1, R2, R3, R4, LONG, OPP1, OPP2 Garmouth R1 Mosstodloch R1, R2, OPP1, LONG1 Lhanbryde R1, R2 Urquhart R1, R2, LONG1		
Reconfiguration to Rothes Medical Centre	Rothes		NHS	2018		NHS: Developer Obligations: £326.91	Rothes R1, R2, OPP1	Work completed	



INFRASTRUCTURE REQUIREMENT	SETTLEMENT	ACTIONS	WHO	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
Extension to Rinnes Medical Practice	Dufftown	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Dufftown R1, OPP1, OPP2, OPP3		
Reconfiguration to Aberlour Health Centre	Aberlour	Improvement Grant	NHS	5-10 years	To be confirmed	To be identified	Aberlour R1, R2, OPP1 Archiestown R1, R2, R3, R4 Craigellachie R1, R2, R3		
DENTAL CHAIRS									
5 Additional Dental Chairs	Elgin	Strategic Assessment as part of the New Health Centre/Hub Facility proposed	NHS	5-10 years	To be confirmed	To be identified	Elgin R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, LONG1, LONG2, OPP2, OPP3, OPP4, OPP5, MU1, MU2		
2 Additional Dental Chairs	Forres	Strategic Assessment as part of the extension of Forres Health Centre	NHS	5-10 years	To be confirmed	To be identified	Alves LONG Dallas R1, R2, R3 Dyke R1, R2, R3 Findhorn R1, R2, RC Forres R1, R2, R3, R4, R5, R6, R7, OPP1, OPP2, OPP3, OPP4, OPP5, OPP6, OPP7, LONG1 Kinloss R1, R2, R3, RC, OPP2 Rafford R1		
1 Additional Dental Chair (To be provided in Elgin)	Roths Dufftown Aberlour	Strategic Assessment	NHS	5-10 years	To be confirmed	To be identified	Aberlour R1, R2, OPP1 Archiestown R1, R2, R3, R4 Craigellachie R1, R2, R3		
PHARMACY									
1 Additional Pharmacy	Elgin South	Strategic Assessment as part of the new Health Centre/ Hub Facility proposed in Elgin	NHS	5-10 years	To be confirmed	To be identified	R1, R2, R3, R4, R5, R6, R7, R16, R17, R18, R19, R20, R21, LONG2, OPP5		
Reconfiguration of existing Pharmacy outlets	Forres	Improvement Grant	NHS	5-10 years	To be confirmed	To be identified	Alves LONG Dallas R1, R2, R3 Dyke R1, R2, R3 Findhorn R1, R2, RC Forres R1, R2, R3, R4, R5, R6, R7, OPP1, OPP2, OPP3, OPP4, OPP5, OPP6, OPP7, LONG1 Kinloss R1, R2, R3, RC, OPP2 Rafford R1		

TRANSPORTATION AND ACTIVE TRAVEL

See Appendix 1 for Local Road Infrastructure (TSPs) action.

INFRASTRUCTURE REQUIREMENT	ACTIONS	WHO	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
NATIONAL INFRASTRUCTURE								
A96 Dualling between Inverness and Aberdeen	<p>Preferred Option for the A96 Dualling Hardmuir to Fochabers was announced in December 2018.</p> <p>Transport Scotland will publish Draft Orders and an Environmental Impact Assessment Report once the Design Manual for Roads and Bridges (DMRB) Stage 3 Assessment process is complete.</p>	Lead Transport Scotland/Scottish Government with input and consultation with Moray Council and Key Agencies including SEPA and SNH.	<p>The overall timetable for the dualling programme is set by the Scottish Government's commitment to dual between Inverness and Aberdeen by 2030.</p> <p>The construction phasing of individual elements will take shape during the future stages of design and development work.</p> <p>Construction of the schemes that make up the programme can only commence if each scheme is approved under the relevant statutory procedures and thereafter a timetable for their progress can be set.</p>	At this early stage in development it is difficult to give an accurate estimate of the cost of dualling between Inverness and Aberdeen. However, it is estimated that the cost of dualling will be similar to the dualling of the A9 (in the region of £3 billion). As the design and preparation is progressed a more detailed estimate will be developed.	Through the Infrastructure Investment Plan the Scottish Government has provided a commitment to dual the A96 between Inverness and Aberdeen. The design phase is being funded through the Scottish Government capital budget. In terms of future construction phases the Scottish Government / Transport Scotland will be considering the funding options that will be available and most appropriate.		<p>A96 Dualling Strategic Business Case published September 2014.</p> <p>Preliminary Engineering Assessment & Strategic Environmental Assessment published May 2015.</p> <p>Route options assessment work on A96 Hardmuir to Fochabers scheme underway with preferred option announced in December 2018.</p> <p>Moray public engagement events were held in November 2013, May 2015, October 2016, June 2017, February/March 2018, December 2018, and October 2019.</p> <p>Transport Scotland is currently progressing the Design Manual for Roads and Bridges (DMRB) Stage 3 Assessment process for the scheme and once this is complete, will publish Draft Orders and an Environmental Impact Assessment Report.</p>	
Rail improvements between Inverness and Aberdeen		Scottish Government	<p>First phase: December 2019</p> <p>Whole Project: 2030</p>	£330 million (Phase One)	Scottish Government		<p>West End- New fully accessible station and loop extension at Forres completed in October 2017</p> <p>Extended platforms at Elgin to accommodate longer High Speed Trains</p> <p>Signalling enhancements between Nairn and Elgin</p> <p>East End- Infrastructure to facilitate new station at Kintore</p> <p>Redoubling the track between Aberdeen and Inverurie</p> <p>Extended platforms at Insch to accommodate longer high speed trains</p>	



WATER AND WASTE WATER

Submit a Pre-Development Enquiry (PDE) for Scottish Water to assess the ability to serve development and if further assessment required.

Submission of a Pre-Development Enquiry (PDE) is the initial action for all developments. The PDE may identify further assessments that may require to be undertaken, including Flow and Pressure Tests, Water Impact Assessment (WIA) and Drainage Impact Assessment (DIA).

Further information and application form can be found here <https://www.scottishwater.co.uk/business/connections/connecting-your-property/planning-your-development>

A growth project has been initiated by Scottish Water at the following facilities

Growth projects have been initiated at the following treatment works for the period 2021 -2027

Settlements covered	Treatment Work	Responsible	Timescale	Costs	Funding Source
Fochabers Mosstodloch	Fochabers Waste Water Treatment Work	Scottish Water	2021-2027	To be confirmed	Scottish Water/Developers
Garmouth	Garmouth Waste Water Treatment Work	Scottish Water	2021-2027	To be confirmed	Scottish Water/Developers
Keith Newmill	Keith Waste Water Treatment Work	Scottish Water	2021-2027	To be confirmed	Scottish Water/Developers
Roths	Roths Waste Water Treatment Work	Scottish Water	2021-2027	To be confirmed	Scottish Water/Developers

Strategic Drainage Assessment

Scottish Water are undertaking a Strategic Drainage Assessment and modelling work in the following settlements. The outcomes will identify intervention and mitigation measures required to support development.

Settlements	Responsible	Timescale	Progress	Comments
Buckie	Scottish Water	2021	Stage 1 to be completed in early 2019	
Forres	Scottish Water	2021	Stage 1 to be completed in early 2019	
Elgin	Scottish Water	2021	Stage 1 to be completed in early 2019	



**ACTION
22****Update Elgin Traffic Modelling**

Use updated traffic modelling in Elgin taking account of new development proposals and also take cognisance of the proposed A96 dualling, to determine interventions required for Trunk Road in Elgin.

WHO

LEAD: MC Transportation

with Jacobs

TIMESCALE

for 2020

**TIMESCALE**

for 2021

**ACTION
23****Greenspace and Sports and Recreation Facilities Strategy**

Prepare and consult on a Greenspace and Sports and Recreation Facilities Strategy incorporating sports area, greenspaces and a play sufficiency assessment.

WHO

LEAD: MC Strategic Planning and Development

with MC Education, MC Lands and Parks, Community Councils, Community Groups

TIMESCALE

for 2021



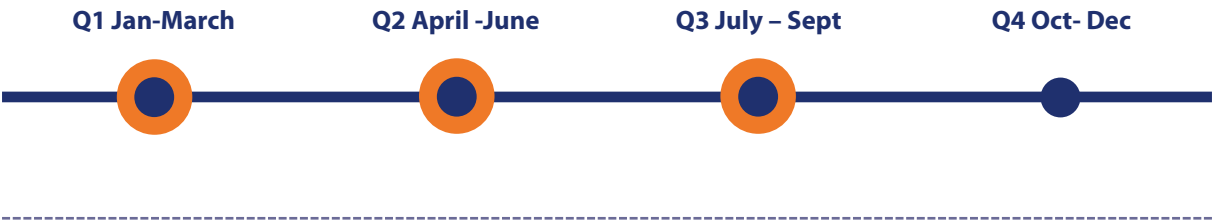
**ACTION
24**

Developer Obligations Supplementary Guidance Review
Review and update the Developer Obligations Supplementary Guidance.

WHO

LEAD: MC Strategic Planning and Development
with MC Legal, MC Finance, NHS, Scottish Water, Transport Scotland, MC Transportation,
MC Education, MC Housing

TIMESCALE for 2022



**ACTION
25**

Developer Obligations Assessment and Management of Funds
Continue to assess development proposals in line with Developer Obligation
Supplementary Guidance and collect funds from developer. Align funds with the Capital
Plan.

Review funds annually with Local Development Plan Delivery Group and report to
Committee.

WHO

LEAD: MC Strategic Planning and Development
with MC Legal, MC Finance, NHS, Scottish Water, Transport Scotland,
MC Transportation, MC Education, MC Housing

TIMESCALE Assessments ongoing and dependent on applications

TIMESCALE Report on funds to Committee Annually in Quarter 1 Jan-March



8 Promote the vitality and viability of town centres.

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Empowering and connecting communities
- Growing, diverse and sustainable economy

LOCAL DEVELOPMENT PLAN POLICIES

- PP1** Placemaking
- PP2** Sustainable Economic Growth
- PP3** Infrastructure and Services
- DP6** Mixed Use (MU) and Opportunity Sites (OPP)
- DP7** Retail/Town Centres

ACTION 26

Prepare and implement Elgin Town Centre Masterplan

A masterplan will be prepared for Central Elgin working in partnership with Architecture and Design Scotland (AD&S). This must take forward the key concepts of the Central Elgin Regeneration Public Design Charrette 2015 including

- To plan for Elgin City Centre's growth as a vibrant retail and commercial centre, serving Moray and beyond
- To promote Elgin City Centre as a Carbon Conscious place to live, work and visit, prioritising carbon reduction, active travel, re-use of empty/ vacant buildings, surface water management and biodiversity
- To make Elgin City Centre a green and healthy place which is easy and safe to move around
- To respect, embrace and market Elgin's amazing heritage through lighting, interpretation and public art
- To promote creative industries in the City Centre and support an evening economy
- To increase opportunities for living in the City Centre
- To provide learning, social and recreational opportunities for young people

WHO

LEAD: MC Strategic Planning and Development

with MC Transportation, MC Lands and Parks, MC Estates, MC Development Management, Historic Environment Scotland, Elgin BID, MC Economic Development, SNH, SEPA

TIMESCALE

Preparation 2019 and 2020 new line for Implementation 2021 to 2031



ACTION 27

Town Centre Action Plans Buckie and Forres

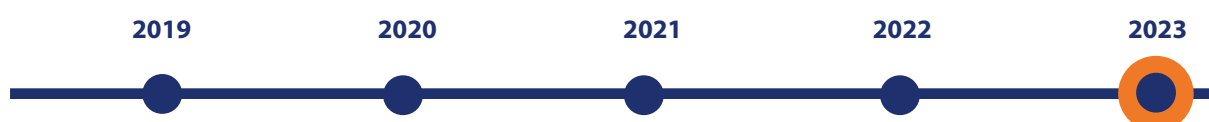
Prepare Town Centre Action plans for Buckie and Forres, including identifying opportunities for vacant buildings and land.

WHO

LEAD: MC Strategic Planning and Development

with MC Transportation, MC Lands and Parks, MC Estates, MC Development Management, Historic Environment Scotland, MC Economic Development

TIMESCALE



ACTION 28

Monitoring the Health of Town Centres

Town Centre Health Checks are carried out every two years and are completed by MC Planning and Development with assistance from MC Economic Development. Health Checks are completed for Buckie, Elgin, Forres, Keith and Lossiemouth. In Aberlour, Dufftown, Fochabers and Rothes only the Space in Use Survey is completed.

WHO

LEAD: MC Strategic Planning and Development

with MC Economic Development

TIMESCALE

for 2021



ACTION 29

Update Retail Model

Prepare an updated retail model to assist in the determination of retail planning applications.

WHO

LEAD: MC Strategic Planning and Development

TIMESCALE

for 2021/2022



9 Encourage efficient use of land and promote low carbon and sustainable development.

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Growing, diverse and sustainable economy

LOCAL DEVELOPMENT PLAN POLICIES

- PP1** Placemaking
- PP2** Sustainable Economic Growth
- PP3** Infrastructure and Services
- DP1** Development Principles
- DP9** Renewable Energy
- DP10** Minerals
- EP5** Open Space

ACTION 30

Planning Policy Interpretation Guidance

Prepare guidance to provide advice on the interpretation of policy requirements. The Guidance will cover a number of policies, specifically Primary Policy 1 (PP1) Placemaking. The Guide will set out 'How to Achieve Green in the Quality Audit' to comply with PP1, and cover other policy requirements such as compensatory planting, sustainable construction and acceptable low intensity tourism and recreational uses. At Examination a requirement for all development to avoid a specified and rising amount of carbon emissions through the use of renewable technologies was added, the guidance will provide further detail on implementation of this policy.

WHO

LEAD: MC Strategic Planning and Development

TIMESCALE

for 2020



ACTION 31

Encourage Active Travel

Several projects are ongoing that support Active Travel. These include Forres Active Travel Routes, Pinefield (Elgin) Active Travel Routes, Linking Communities (Lossiemouth and Hopeman) and Linking Communities (Rothes and Craigellachie) the upgrade of the Speyside Way to the south of Craigellachie and new active travel paths Lossiemouth. Delivery of schemes and behaviour change programmes will be ongoing during the LDP (subject to funding)..

WHO

LEAD: MC Sustainable Travel Officer

TIMESCALE

for 2020



TIMESCALE

for 2025



10 Protect and enhance the built and natural environment

LOCAL OUTCOMES IMPROVEMENT PLAN – MORAY PRIORITY

- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Growing, diverse and sustainable economy

LOCAL DEVELOPMENT PLAN POLICIES

- PP1 Placemaking
- PP2 Sustainable Economic Growth
- PP3 Infrastructure and Services
- DP1 Development Principles
- DP4 Rural Housing
- EP1 Natural Heritage
- EP2 Biodiversity
- EP3 Special Landscape Areas and Landscape Quality
- EP4 Countryside Around Towns
- EP5 Open Space
- EP7 Forestry, Woodlands and Trees
- EP8 Historic Environment
- EP9 Conservation Areas
- EP10 Listed Buildings
- EP11 Battlefields, Gardens and Designed Landscapes
- EP12 Managing the Water Environment
- EP13 Foul Drainage
- EP14 Pollution, Contamination and Hazards
- EP16 Geodiversity Soil Resources

ACTION 32

Tree Preservation Orders

Establish a programme to review existing Tree Preservation Orders and serve new Tree Preservation Orders where appropriate.

WHO

Lead MC Strategic Planning and Development
with MC Legal

TIMESCALE



**ACTION
33****Compensatory Planting Areas**

Prepare schedule of areas suitable for compensatory planting and implement Service Level Agreement (SLA) to deliver planting.

WHO**LEAD: MC Strategic Planning and Development**

with Woodland Trust, Community Councils, Community Groups

TIMESCALE

2020 - Review SLA 2021 - Implementation

**ACTION
34****Compensatory Planting Procedure**

Develop and agree a technical procedure with Scottish Forestry for the implementation of compensatory planting.

WHO**LEAD: MC Strategic Planning and Development**

with Scottish Forestry

TIMESCALE

2020

**ACTION
35****Wards Wildlife Site Management Plan**

Prepare and consult on Management Plan for the Wards Wildlife area.

WHO**LEAD: MC Strategic Planning and Development**

with SNH, Scottish Wildlife Trust, RSPB

TIMESCALE

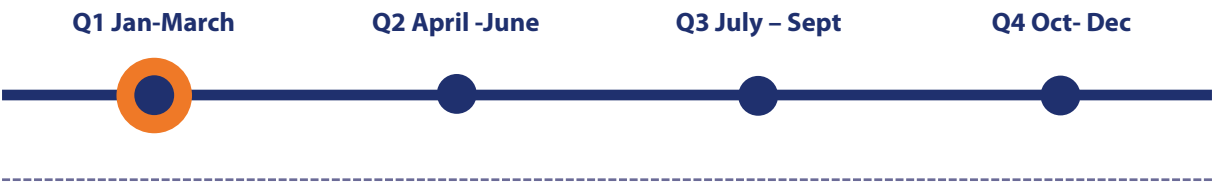
**ACTION
36**

Biodiversity Duty Report
Prepare Biodiversity Duty Report setting out actions undertaken to further the conservation of biodiversity.

LEAD

LEAD: MC Strategic Planning and Development
with Lands and Parks

TIMESCALE 2021 (and every three years thereafter)



**ACTION
37**

Conservation Area Appraisals
Develop programme of Conservation Area Appraisals. Complete and consult on Appraisals in line with programme.

LEAD

LEAD: MC Strategic Planning and Development
with MC Development Management



APPENDIX 1

Roads Infrastructure Improvements (TSPs)



APPENDIX 1

Roads Infrastructure Improvements (TSPs) See Local Development Plan for TSP maps.

INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
ABERLOUR								
TSP 1 - Dowans Road- footway provision from R1 to A95	Design to be progressed by developer. Council to consider potential for Compulsory Purchase of land to achieve link if developer is unable to achieve this.	Developer of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer.	R1	Condition of planning permission for Site R1	
TSP 2 - A95(T)/C59H Ruthrie Road- Improvements required to allow further development via Ruthrie Road junction	Constraint to providing development with access onto Ruthrie Road	Developer	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer.	Various		
TSP 3 - C59H (Aberlour - Edinville Road)- Emergency access to Site R1	Safeguarding	Developer of R1	n/a	n/a	n/a	R1	Condition of planning permission for Site R1	
TSP 4 - U103H Ruthrie Road- Second point of vehicular access required for Site R2	Design to be progressed by developer	Developer of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer.	R2		
TSP 5 - Active Travel connection between Site R2 and Sellar Place	Design to be progressed by developer	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer.	R2		
TSP 6 - A95(T)- New access junction to Speyview	Developer to consult with Transport Scotland	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer.	R2		
BUCKIE								
TSP 1 - Barhill Road-New junction to access Site R8 (East and West of Barhill Road)	Scheme under construction	Developers of R8	To be completed during 2019		New infrastructure to be provided as part of development at cost to developer.	R8		
TSP 2 - Barhill Road- Two new accesses to serve Site R6 and R8	It is required to safeguard for a future roundabout at one of the two access locations	Developers of R6, R8	Dependent on development coming forward		New infrastructure to be provided as part of development at cost to developer.	R6, R8	Planning permission granted-16/00620/APP	
TSP 3 - High Street/A98- Possible junction improvements required	Junction improvement to be developed as part of Transport Assessment	Developers of R5, MU	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R5, MU		
TSP 4 - High Street- New junction onto A942 to serve R5 and MU	Design to be progressed by developer	Developers of R5, MU	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R5, MU		
TSP 5 - March Road North- Improvements required associated with Sites R3 and R4	Design to be progressed by developer	Developers of R3, R4	Dependent on development coming forward	To be determined by developers	Road upgrades to be provided as part of development at cost to developer	R3, R4		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 6 - March Road- Two new points of access to serve industrial areas	Under construction	Developers of I3, I4	To be completed late 2018/early 2019	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	I3, I4	Road layout has been approved (planning ref 17/00193/APP)	
TSP 7 - March Road/A98 junction improvements - possible right turn ghost island	Possible improvements required as a result of I3 & LONG2 developments - Transport Assessment is required to consider	Developer of I3/LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure/ road upgrades to be provided as part of development at cost to developer	I3, LONG2		
TSP 8 - Harbour-Safeguarded	Safeguarding							
TSP 9 - A98/Barhill Road- Junction improvements may be required	To be assessed by development sites via submission of Transport Assessment	Developers of R7, R8, LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R7, R8, LONG1		
TSP 10 -St Andrew`s Square- Double mini roundabout	To be assessed by development sites via submission of Transport Assessments. Potential improvements to pedestrian facilities.	Developers of R7, R8, LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer Potential for funding from Community Links	R7, R8, LONG1		
TSP 11 - March Road roundabout	To be assessed by development sites via submission of Transport Assessment	Developers of I3	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	I3		
TSP 12 - Whispering Meadows- New Junction to access Site R5	Design to be progressed by developer	Developers of R5	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R5		
TSP 13 - March Road- New Junction to access Site LONG2	Design to be progressed by developer	Developers of LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG2		
TSP 14 - Two points of access from Golf View Drive and Alba Road. Road Improvements required	Design to be progressed by developer	Developers of R7	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R7		
BURGHEAD								
TSP 1 - Burghead- Newton Road B9013- New access junction onto B9013 to provide access to Site R2	Transport Statement is required	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2		
TSP 2 - Burghead Harbour-Safeguarded	Safeguarding							



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 3 - Burghead- Newton Road B9013/B9089 junction- New roundabout junction to provide access to Site LONG and pedestrian connection along site frontage	Developer to design access	Developers of LONG	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG		
TSP 4 - Pedestrian connection from Site R2 to existing footway on St Aethans Road and to Headlands Rise	Design to be progressed by developer	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2		
CRAIGELLACHIE								
TSP 1 - A941/R3- New junction onto Hill Street to serve Site R3. Pedestrian footpath along or parallel to the extent of the site frontage onto the A941 and extended northwards to connect to the existing junction at Brickfield.	Design to be progressed by developer	Developers of R3	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3	Planning permission granted	
CULLEN								
TSP 1 - Seafeld Road- New priority junction to access Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 2 - B9018- New junction required to access Site I1	Design to be progressed by developer	Developers of I1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	I1		
DUFFTOWN								
TSP 1 - Hill Street- Improvements (including road width, surfacing, drainage, footways and lighting) to serve Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R1		
TSP 2 - Conval Street/Conval Crescent- New junction arrangements required to support release of Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 3 - Hill Street/Balvenie Street- Junction improvements	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure/improvements to be provided as part of development at cost to developer	R1		
DYKE								
TSP 1 -C7E-Improvements required to serve further development in Dyke, to include localised widening and/or passing place provision on C7E between Dyke and the Barleymill Junction (C7E/U76E)	Design to be progressed by developer	Developers of R1, R2, R3	To be determined	To be determined	New infrastructure to be provided as part of development at cost to developer	R1, R2, R3	Condition of Planning Permission for Site R1	Third party land required
TSP 2 - Barleymill Junction (C7E/U76E)- Junction improvements required to serve further development in Dyke	Design to be progressed by developer	Developers of R1, R2, R3	To be determined	To be determined	New infrastructure to be provided as part of development at cost to developer	R1, R2, R3		Third party land required



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
ELGIN								
TSP 1 - A96/ Morriston Road junction improvement including MU1 Riverview access	Impact on this junction from development sites to be considered via LDP Traffic Modelling and Transport Assessments. Design of any required mitigation measures to be agreed with Transport Scotland taking into consideration design of A96(T) link road.	Developers of R2, R3, R4, R5, R6, R7, R11, R12, R21, R22, I8, MU1, MU2, LONG1A, LONG1B	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer or developer obligations subject to agreement with Transport Scotland.	R2, R3, R4, R5, R6, R7, R11, R12, R21, R22, I8, MU1, MU2, LONG1A, LONG1B		
TSP 2 - A96/Wittet Drive junction	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R2, R3, R4, R5, R6, R7	Dependent on development coming forward	To be determined	Any junction improvement to be provided as part of development at cost to developer.	R2, R3, R4, R5, R6, R7		
TSP 3 - Bilbohall Road/Mayne Road/Fleurs Road/Wards Road improvements to Railway Bridge and junctions to serve Bilbohall development	Transport Assessment required as part of overall Bilbohall Masterplan to determine acceptable means of access and required mitigation/ improvements	Developers of R2, R3, R4, R5, R6, R7	Dependent on development coming forward	To be determined	Access improvements and new infrastructure to be provided as part of development at cost to developer with some funding from Scottish Government as site has significant proportion of affordable housing	R2, R3, R4, R5, R6, R7		
TSP 4 - Bilbohall Road widening to serve Bilbohall development	Transport Assessment required as part of overall Bilbohall Masterplan to determine acceptable means of access and required mitigation/ improvements	Developers of R2, R3, R4, R5, R6, R7	Dependent on development coming forward	To be determined	Access improvements and new infrastructure to be provided as part of development at cost to developer with some funding from Scottish Government as site has significant proportion of affordable housing	R2, R3, R4, R5, R6, R7		
TSP 5 - A96/South Street/Pluscarden Road junction	Impact on this junction from development sites to be considered via LDP Traffic Modelling and Transport Assessments. Design of any required mitigation measures to be agreed with Transport Scotland.	Developers of R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8	Dependent on development coming forward	To be determined	Junction improvement to be provided as part of development at cost to developer or developer obligations subject to agreement with Transport Scotland.	R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8		
TSP 6 - A96/A941 Hay Street/High Street junction	Impact on this junction from development sites to be considered via LDP Traffic Modelling and Transport Assessments. Design of any required mitigation measures to be agreed with Transport Scotland.	Developers of R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8	Dependent on development coming forward	To be determined	Junction improvement to be provided as part of development at cost to developer or developer obligations subject to agreement with Transport Scotland.	R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 7 - A96/Haugh Road/Tesco Access junction	Impact on this junction from development sites to be considered via LDP Traffic Modelling and Transport Assessments. Design of any required mitigation measures to be agreed with Transport Scotland.	Developers of R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8	Dependent on development coming forward	To be determined	Junction improvement to be provided as part of development at cost to developer or developer obligations subject to agreement with Transport Scotland.	R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8		
TSP 8 - A96/A941 Cumming Street junction	Impact on this junction from development sites to be considered via LDP Traffic Modelling and Transport Assessments. Design of any required mitigation measures to be agreed with Transport Scotland.	Developers of R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8	Dependent on development coming forward	To be determined	Junction improvement to be provided as part of development at cost to developer or developer obligations subject to agreement with Transport Scotland.	R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8		
TSP 9 - A96/Pansport Road/Maisondieu Road junction	Impact on this junction from development sites to be considered via LDP Traffic Modelling and Transport Assessments. Design of any required mitigation measures to be agreed with Transport Scotland.	Developers of R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8	Dependent on development coming forward	To be determined	Junction improvement to be provided as part of development at cost to developer or developer obligations subject to agreement with Transport Scotland.	R2, R3, R4, R5, R6, R7, R11, R12, R13, R16, R21, R22, LONG1A, LONG1B, LONG2, I7, I8, I16, MU1, MU2, OPP7, OPP8		
TSP 10 - A96/Barmuckity- New footway/cycleway to connect development to Elgin	Design to be progressed by developer	Developers of R16, I7	Dependent on development coming forward	To be determined	New infrastructure to be provided as part of development at cost to developer	R16, I7		
TSP 11 - Morriston Road/Duffus Road junction improvements required to serve development	Design to be informed by a Stage 1/ 2 Road Safety Audit. Ghost island junction acceptable for Area 1 of Development R11- traffic signals required for Findrassie Masterplan development	Developers of R11, R12, R22	Dependent on development coming forward	To be determined	Junction improvement to be provided as part of development at cost to developer	R11, R12, R22		
TSP 12 - A941 North Street/Morriston Road junction improvements required to serve development	Initial improvement to mitigate impact of Area 1 of R11 development to be designed by developer of R11 Area 1. Design to be informed by a Stage 1/ 2 Road Safety Audit. Further improvements of traffic signals required for Findrassie Masterplan development.	Developers of R11, R12, R22, LONG1A, LONG1B, I8, MU2, OPP7, OPP8	Dependent on development coming forward	To be determined	Initial junction improvement to be provided as part of development at cost to developer. Further improvements to accommodate traffic associated with development in North Elgin to be provided as part of development at cost to developer or developer obligations.	R11, R12, R22, LONG1A, LONG1B, I8, MU2, OPP7, OPP8		Third party requirement to provide full mitigation of R11/I8 development.



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 13 - Westerfolds/Covesea Road junction and road improvements required in association with Findrassie development	Impact on Westerfolds Road and Westerfolds/Covesea Road junction to be assessed as development progresses for wider R11/R12 site	Developers of R11, R12	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, R12	Improvements not required for Area 1 of R11 development. Further consideration required for development of area North of Myreside Road.	
TSP 14 - Myreside Road/Covesea Road junction and road improvements required in association with Findrassie development	Junction and road to be upgraded as part of development of internal road network associated with Site R11. Design to be informed by Stage 1/ 2 Road Safety Audit	Developers of R11, R12	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, R12		
TSP 15 - Covesea Road- New junction required in association with Findrassie development	Road to be upgraded as part of development of internal road network associated with R11. Design to take consideration of proposed access point to R5 (Hamilton Gardens). Design to be informed by Stage 1/ 2 Road Safety Audit.	Developers of R11, R12	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, R12		
TSP 16 - A941 Lossiemouth Road/Covesea Road junction improvements required in association with Findrassie development	Detailed design of signal controlled junction required to accommodate Masterplan development at R11. Design to be informed by Stage 1/ 2 Road Safety Audit.	Developers of R11, R12, I8, MU1	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, R12, I8, MU1		
TSP 17 - A941 Lossiemouth Road/Lesmurdie Road junction improvements required in association with Findrassie development	No intervention required to serve Area 1 of development R11. Full Masterplan development at R11 will require upgrade to provide additional capacity- design of traffic signal junction to be agreed as development progresses.	Developers of R11, R12, LONG1A, LONG1B, I8, MU2	Dependent on development coming forward	To be determined by developers	Junction capacity improvement to be provided as part of development at cost to developer	R11, R12, LONG1A, LONG1B, I8, MU2		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 18 - A941 Lossiemouth Road- New junctions to provide access for Findrassie development	Area 1 of development at R11 to provide priority junctions. Full Masterplan development will require design and delivery of traffic signal junction. Design to be informed by Stage 1/ 2 Road Safety Audit.	Developers of R11, I8	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, I8		
TSP 19 - A941 Lossiemouth Road/Myreside Road closure of junction to vehicular traffic in association with Findrassie development	Developer to design detailed proposal	Developers of R11, I8	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, I8		
TSP 20 - Lesmurdie Road/Linksfield Road- Junction improvements associated with development in North Elgin	Junction improvement to be developed as part of Transport Assessment	Developers of R11, R12, LONG1A, LONG1B, I8, MU2	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, R12, LONG1A, LONG1B, I8, MU2		
TSP 21 - Lesmurdie Road/Calcotts Road- Potential junction improvements associated with development in North Elgin	Junction improvement to be developed as part of Transport Assessment	Developers of R11, R12, R13, LONG1A, LONG1B, I8, MU2	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R11, R12, R13, LONG1A, LONG1B, I8, MU2		
TSP 22 - Linkwood Industrial Estate pedestrian and vehicular access to be provided between Site I1 and I6	Monitor progress on I6 as individual planning applications come forward	Developers of I6	Dependent on development coming forward	To be determined by developers	New pedestrian/vehicle link to be provided as part of development at cost to developer	I6	Development permitted to date does not trigger requirement for link	Final plots of I6 remain undeveloped
TSP 23 - A941 Rothes Road- New junction to serve Burnside of Birnie	Design to be progressed by developer	Developers of I16	Dependent on development coming forward	To be determined by developers	New junction improvement to be provided as part of development at cost to developer	I16		
TSP 24 - A941 Rothes Road- New junction to serve Burnside of Birnie	Design to be progressed by developer	Developers of LONG3	Dependent on development coming forward	To be determined by developers	New junction improvement to be provided as part of development at cost to developer	LONG3		
TSP 25 - Linksfield/Caysbriggs Road- Widening and upgrading with footway/cycleway provision to serve development at LONG1A and LONG1B	Design to be progressed by developer	Developers of LONG1A, LONG1B	Dependent on development coming forward	To be determined by developers	Road widening and new infrastructure to be provided as part of development at cost to developer	LONG1A, LONG1B		
TSP 26 - Edgar Road extension to form primary access to Bilbohall development	Extension of Edgar Road partially complete to serve Elgin High School. Remainder to be provided as part of development of Site R2, R3, R4, R5, R6, R7	Developers of R2, R3, R4, R5, R6, R7	Dependent on development coming forward	To be determined by developers	Extension to Edgar Road to be provided as part of development at cost to developer with some funding from Scottish Government as site has significant proportion of affordable housing	R2, R3, R4, R5, R6, R7	Bilbohall Masterplan Supplementary Guidance	



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 27 - Edgar Road/The Wards/Glen Moray Drive- Junction improvements associated with Bilbohall development and Site LONG2	Junction upgrade will be required as part of development of Sites R2, R3, R4, R5, R6, R7, LONG2	Developers of R2, R3, R4, R5, R6, R7, LONG2	Dependent on development coming forward	To be determined by developers	Junction improvement to Edgar Road to be provided as part of development at cost to developer with some funding from Scottish Government as site has significant proportion of affordable housing	R2, R3, R4, R5, R6, R7, LONG2		
TSP 28 - Glen Moray Drive/Springfield Road/ Sandy Road - Potential junction improvements associated with development to the south of Elgin	To be assessed by development sites in South side of Elgin via submission of Transport Assessment	Developers of LONG2	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	LONG2		
TSP 29 - A941 Main Street/Birnie Road/Thornhill Road junction	To be assessed by development sites in South side of Elgin via submission of Transport Assessment	Developers of LONG2, LONG3, I16	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG2, LONG3, I16		
TSP 30 - A941 New Elgin Road/Edgar Road/Linkwood Road junction (ETS Scheme- I3A)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£1,328,933 (estimate)	Moray Council, Developer Obligations	All Sites		
TSP 31 - A941 New Elgin Road/Station Road/Maisondieu Road junction (ETS Scheme-I3A)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£1,328,933 (estimate)	Moray Council, Developer Obligations	All Sites		
TSP 32 - A941 Hay Street/Wards Road junction	To be assessed by development sites in South side of Elgin via submission of Transport Assessment	Developers of LONG2	Dependent on development coming forward	To be determined by developers	Any junction improvement to be provided as part of development at cost to developer	LONG2		
TSP 33 - Reiket Lane/ Linkwood Road junction improvements associated with development to south of Elgin	Junction improvement to be developed as part of Transport Assessment	Developers of LONG2	Dependent on development coming forward	To be determined by developers	Any junction improvement to be provided as part of development at cost to developer	LONG2		

INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 34 - Reiket Lane/Linkwood Road/Thornhill Road junction	To be assessed by development sites in South side of Elgin via submission of Transport Assessment	Developers of I16, LONG2, LONG3	Dependent on development coming forward	To be determined by developers	Any junction improvement to be provided as part of development at cost to developer	I16, LONG2, LONG3		
TSP 35 - Elgin Bus Station Safeguard, potential re-location (ETS Scheme - M3B)	Part of Elgin City for the Future	Moray Council Transportation Services	Dependent on available funding	£2,545,848	Moray Council, Developer Obligations	All Sites		
TSP 36 - Station Road and Maisondieu Road pedestrian crossing improvements (ETS Scheme-M1B)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£229,126 (estimate)	Moray Council, Developer Obligations	All Sites		
TSP 37 - Market Drive connection from Site OPP5 to existing cul-de-sac	Design to be progressed by developer	Developers of OPP5	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	OPP5		
TSP 38 - Elgin Lorry Park- Potential re-location	Possible part of Central Elgin Masterplan	Developers of OPP8	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	OPP8		
TSP 39 - Moss Street- convert to one-way, widen footways, provide cycle lanes (ETS Scheme- I2A)	Design scheme. To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£661,921 (estimate)	Moray Council, Sustrans/Community Links, Developer Obligations	All Sites		
TSP 40 - Station Road cycle lanes (ETS Scheme- I4F)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£81,467 (estimate)	Moray Council, Sustrans/Community Links, Developer Obligations	All Sites		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 41 - Edgar Road pedestrian crossing improvements (ETS Scheme- M1A)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£66,192 (estimate)	Moray Council, Sustrans/Community Links, Developer Obligations	All Sites		
TSP 42 - Thornhill Road pedestrian crossing improvements (ETS Scheme- M1D)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£229,126 (estimate)	Moray Council, Sustrans/Community Links, Developer Obligations	I16, LONG2, LONG3		
TSP 43 - New Road Link- Ashgrove Road to Maisondieu Road (ETS Scheme- I1B)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£10,188,737 (estimate)	Moray Council, Sustrans/Community Links, Developer Obligations	All Sites		
TSP 44 - New Cycle Link over Railway Line at Ashgrove Road (ETS Scheme- I4B)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	£4,641,082 (estimate)	Moray Council, Sustrans/Community Links, Developer Obligations	All Sites		
TSP 45 - Linkwood Road cycle lanes (ETS Scheme- I4H)	Develop options To be assessed by development sites via submission of Transport Assessment to inform level of developer obligations	Moray Council Transportation Services	Dependent on available funding	To be determined	Moray Council, Sustrans/Community Links, Developer Obligations	OPP1, OPP4, OPP5, LONG2		
TSP 46 - Pinefield to East End Primary School active travel route (ETS Scheme- I4K)	Feasibility Study to be undertaken	Moray Council Transportation Services	Dependent on available funding	To be determined	Moray Council, Sustrans/Community Links, Developer Obligations	Tbc		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 47 - A96/Moss of Barmuckity junction closure to vehicular traffic once new A96 roundabout to access Barmuckity has been completed	Completed							
TSP 48 - Calcots Road/Pitgaveny Road junction improvements required to development to the east of Elgin	Junction improvement to be developed as part of Transport Assessment	Developers of R13, LONG1B	Dependent on development coming forward	To be determined by developers	Improvements to be provided as part of development at cost to developer	R13, LONG1B		
TSP 49 - Pitgaveny Road widening and provision of footway/cycleway in association with development to the east of Elgin	Improvement scheme to be developed as part of Transport Assessment	Developers of R13, LONG1B	Dependent on development coming forward	To be determined by developers	Road widening and new infrastructure to be provided as part of development at cost to developer	R13, LONG1B		
TSP 50 - Calcotts Road/Pitgaveny Road footway/cycleway provision from development to existing infrastructure at Lesmurdie Road	Improvement scheme to be developed as part of Transport Assessment	Developers of R13, LONG1B	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R13, LONG1B		
TSP 51 - Railway Station	Safeguarding							
TSP 52 - New Road Link with footway/cycleway provision from Elgin South to Barmuckity	New Road Link to be developed as part of Transport Assessment	Developers of R16, LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R16, LONG2		
TSP 53 - Linkwood Road replacement bridge over Linkwood Burn with footway/cycleway provision	Design to be progressed by developer	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R19, LONG2	Condition 39 of Elgin South Planning Permission	
TSP 54 - Linkwood Road widening with footway/cycleway on both sides of the road from Reiket Lane to southern extent of Elgin South (LONG2)	Work on site partially completed, further design and works to be progressed by the developer	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	Road widening and new infrastructure to be provided as part of development at cost to developer	R19, LONG2	Condition 39 of Elgin South Planning Permission	
TSP 55 - Linkwood Road- New accesses to serve Elgin South development	Design to be progressed by developer	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R19, LONG2		
TSP 56 - Core Paths EG06 and EG60- Upgrade to provide surfaced and lit pedestrian and cycle access to Elgin South development	Design to be progressed by developer	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R19, LONG2	Condition 25 of Elgin South Planning Permission	
TSP 57 - A941 Rothes Road- New junction to serve Elgin South development and provision of footway/cycleway to connect development to existing network and provision of bus laybys.	Design to be progressed by developer	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R19, LONG2	Condition 42 of Elgin South Planning Permission	



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 58 - Birnie Road- New junctions to serve Elgin South development, including LONG2	Design to be progressed by developer	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R19, LONG2		
TSP 59 - Birnie Road widening to serve Elgin South development and provision of footway/cycleway to connect development to existing network	Works on site partially complete	Developers of R19, LONG2	Dependent on development coming forward	To be determined by developers	Road widening and new infrastructure to be provided as part of development at cost to developer	R19, LONG2	Condition 44 of Elgin South Planning Permission	
TSP 60 - A96 Route of Proposed Dualling	Safeguarding							
FINDOCHTY								
TSP 1 - A942-New junction to provide access to Site R1	Developer to design access	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 2 - A942- Pedestrian/cycle connection along frontage of Site R1 to connect to Sustrans Route T3	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 3 - Burnside Street- Upgrade to provide access to Site R2	Design to be progressed by developer	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure/ required upgrades to be provided as part of development at cost to developer	R2		
TSP 4 - Connection to Sustrans Route for Site R2	Design to be progressed by developer	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2		
FOCHABERS								
TSP 1 - High Street-Potential junction improvements at West Street/High Street, associated with development to the South of Fochabers	Requirements for mitigation/improvements to be confirmed via submission of Transport Assessment	Developers of R1, R2, R4 and LONG	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R1, R2, R4, LONG		
TSP 2 - Ordiquish Road- New accesses to serve Site R1, R2, R4, LONG	Design to be progressed by developer	Developers of R1, R2, R4 and LONG	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1, R2, R4, LONG		
TSP 3 - High Street-Potential junction improvements at Charlotte Street/High Street, associated with development to the South of Fochabers	Requirements for mitigation/improvements to be confirmed via submission of Transport Assessment	Developers of R1, R2, R4 and LONG	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R1, R2, R4, LONG		
TSP 4 - High Street-Potential junction improvements at East Street/High Street, associated with development to the South of Fochabers	Requirements for mitigation/improvements to be confirmed via submission of Transport Assessment	Developers of R1, R2, R4 and LONG	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R1, R2, R4, LONG		
TSP 5 - Lennox Crescent- Access required for potential new healthcare site (OPP2)- including provision for footway on Eastern side of the road	Design to be progressed by developer	Developers of OPP2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	OPP2		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
FORRES								
TSP 1 - A96/B9011 Nairn Road junction	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R1, R2, R4, R6, R7, OPP1, I2, I3, I4	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1, R2, R4, R6, R7, OPP1, I2, I3, I4		
TSP 2 - A96 Controlled Crossing	Developers of Sites to the North of A96 investigate options for enhanced crossing to A96 in consultation with Transport Scotland is	Developers of I3, I4	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	I3, I4		
TSP 3 - Railway Station and Bus Terminus- Safeguard and seek to enhance and improve facilities to encourage use of sustainable transport	Safeguarding							
TSP 4 - A96/A940 Market Street junction	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R1, R2, R4, R6, R7, LONG1, OPP1, OPP7, I2, I3, I4	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1, R2, R4, R6, R7, LONG1, OPP1, OPP7, I2, I3, I4		
TSP 5 - A96/Findhorn Road junction	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R2, R3, LONG1, LONG2, BP1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2, R3, LONG1, I5, BP1		
TSP 6 - Drumduan Road/R3-Potential secondary connection to the development for a limited number of dwellings	Impact of development to be considered via submission of Transport Assessment	Developers of R3	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3		
TSP 7 - A96-R3-New Roundabout junction to access Site R3	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R3	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3		
TSP 8 - A96- Westbound bus layby on A96 to serve Site R3 and BP1	Detailed design and cost estimate	Developers of R3 and BP1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3, BP1	Design accepted in principle by Transport Scotland	



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 9 - A96-Eastbound bus layby on A96 to serve Site R3 and BP1	Detailed design and cost estimate	Developers of R3 and BP1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3, BP1	Design accepted in principle by Transport Scotland	
TSP 10 - U83E Balnakeith- Widening of U83E/ additional passing place provision and extension of footway and cycleway to serve Sites R5, R7 and OPP7	Design to be progressed by developer	Developers of R5, R7 and OPP7	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R5, R7, OPP7		
TSP 11 - Balnakeith/Pilmuir Road West-Footway/cycleway improvements at junction of Balnakeith Road/Pilmuir Road junction and between junction and Pilmuir Primary School	Design to be progressed by developer	Developers of R5, R7, OPP7	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R5, R7, OPP7		
TSP 12 - A940- New junction access to OPP7. Existing U83E to Whiterow access onto A940 to be stopped up the vehicular traffic and new connection to be made through OPP7 between U83E and A940	Existing access road (U83E Mannachie to Pilmuir Road) to be stopped up	Developers of OPP7	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	OPP7	Planning application for first part of development on this site, including new junction onto A940	
TSP 13 - A940/Mannachie-Pilmuir Road-Junction Improvement/closure	Design to be progressed by developer	Developers of R1, R2, R4, R5, R6, OPP7	Dependent on development coming forward	To be determined by developers	Junction improvement/closure to be provided as part of development at cost to developer	R1, R2, R4, R5, R6, OPP7		
TSP 14 - A940/Mannachie-Pilmuir Road-Road improvements to U83E Mannachie/Pilmuir Road	Design to be progressed by developer	Developers of R2, R4, R6	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2, R4, R6		
TSP 15 - A940/R1 - Access from A940 to site R1 and improvements to A940 alongside the frontage including drainage, kerbing and surfacing. Review of speed limit required for any new development proposals	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 16 - Balnakeith Road/A940 junction improvements may be required in association with development in the South West of Forres	Impact of development to be considered via submission of Transport Assessment	Developers of R5, R7, OPP7	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R5, R7, OPP7		
TSP 17 - Mannachie Road/Grantown Road junction improvements in association with development in South West of Forres	Impact of development to be considered via submission of Transport Assessment	Developers of R1, R2, R4, R5, R6, R7, OPP7	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer	R1, R2, R4, R5, R6, R7, OPP7	Signalisation in association with Health Centre development completed.	
TSP 18 - Orchard Road/Thornhill Road/Grantown Road junction improvements required in association with development in the South West of Forres	Impact of development to be considered via submission of Transport Assessment	Developers of R1, R2, R4, R5, R6, R7, OPP7	Dependent on development coming forward	To be determined by developers	Junction improvement to be provided as part of development at cost to developer or by developer obligations	R1, R2, R4, R5, R6, R7, OPP7	Preliminary design prepared, some developer obligations have already been secured. Further developer obligations required to implement works	



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 19 - C14E Mannachie Road/R2/R6- New junction on C14E Mannachie Road to provide secondary access to Sites R2 and R6, extend existing footway/cycleway, widening road from R2 Link Road	Design to be progressed by developer	Developers of R2 ,R6	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2, R6		
TSP 20 - C14E Mannachie Road/R6- Potential new access to Sites R6, extend existing footway/cycleway, widening road from R2 Link Road	Design to be progressed by developer	Developers of R6	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R6	Dallas Dhu Masterplan confirms access to be priority junction	
TSP 21 - C14E Mannachie Road/ R2/R4- New junction on C14E Mannachie Road to provide access to Site R4 and to provide 3 metre wide cycleway on east side of Mannachie Road	Design to be progressed by developer	Developers of R2, R4	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2, R4	Road widening under construction with cycleway on Western side of road	
TSP 22 - Mannachie Road- new cycleway provision associated with Sites R2, R4, R6	Design to be progressed by developer	Developers of R2, R4, R6	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer or developer obligations	R2, R4, R6		Third party land required
TSP 23 - Orchard Road/St Leonards Road junction improvements may be required in association with development in the South of Forres	Impact of development to be considered via submission of Transport Assessment	Developers of OPP6, LONG1, LONG2	Dependent on development coming forward	To be determined by developers	Any junction improvement to be provided as part of development at cost to developer	OPP6, LONG1, I5		
TSP 24 - Forbeshill/R3/ LONG 1- Potential connection to Earlsland Crescent (U173E) to access Site R3 and LONG1	Design to be progressed by developer	Developers of R3, LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3, LONG1		
TSP 25 - Rafford Road/ (B9010)/Brodies Hill-Califer Road (U94E) junction improvements may be required in association with development South and East of Forres	Impact of development to be considered via submission of Transport Assessment	Developers of LONG1, LONG2	Dependent on development coming forward	To be determined by developers	Junction improvements to be provided as part of development at cost to developer	LONG1, I5		
TSP 26 - U94E/U96E junction improvements may be required in association with development South and East of Forres	Impact of development to be considered via submission of Transport Assessment	Developers of LONG1, LONG2	Dependent on development coming forward	To be determined by developers	Junction improvements to be provided as part of development at cost to developer	LONG1, I5		
TSP 27 - R3/LONG1- Southern Access onto Tarras Road	Design to be progressed by developer	Developers of LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG1		
TSP 28 - LONG2-Access onto Scotsburn Road- New Forres Road (U96E)	Design to be progressed by developer	Developers of LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG1		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 29 - Scotsburn-New Forres (U96E)- Road closure to vehicles to east of LONG2 access	Design to be progressed by developer	Developers of LONG1, LONG2	Dependent on development coming forward	To be determined by developers	Works to facilitate road closure to be provided as part of development at cost to developer	LONG1, I5		
TSP 30 - Upgrades to Waterford Road- Widening pedestrian and cycle access	Design to be progressed by developer	Developers of I2, I3, I4	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	I2, I3, I4		
TSP 31 - A96 Route of Proposed Dualling	Safeguarding							
HOPEMAN								
TSP 1 - B9040- New junction to provide access to Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
KEITH								
TSP 1 - A96/A95 Banff Road/Mid Street Crossroads- Junction improvement required associated with development in the North East of Keith	Impact of development to be considered via submission of Transport Assessments, in consultation with Transport Scotland	Developers of R2, R4, R9, MU, I4, I5, I11, LONG2	Dependent on development coming forward	To be determined by developers	Improvements to be provided as part of development at cost to developer	R2, R4, R9, MU, I4, I5, I11, LONG2		
TSP 2 - A96/Drum Road- Junction improvements may be required associated with development in the North East of Keith	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R2, R4, R9, MU, I4, I5, I11, LONG2	Dependent on development coming forward	To be determined by developers	Improvements to be provided as part of development at cost to developer	R2, R4, R9, MU, I4, I5, I11, LONG2		
TSP 3 - A96/Union Terrace- Junction improvements may be required associated with development in the North East of Keith	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R2, R4, R9, MU	Dependent on development coming forward	To be determined by developers	Improvements to be provided as part of development at cost to developer	R2, R4, R9, MU		
TSP 4 - Keith Railway Station- Safeguard and seek to enhance and improve facilities to encourage use of sustainable transport	Safeguarding							
TSP 5 - Keith Railway Sidings- Safeguard and seek to enhance and improve facilities to encourage use of sustainable transport	Safeguarding							

INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
TSP 6 - Banff Road- New junction onto A95/Banff Road to serve Site R4 and MU- to include extension of footway/cycleway and relocation of speed limits once the roundabout has been constructed	Design to be progressed by developer	Developers of R4, MU	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R4, MU	Planning permission has been granted for Site R4- initial priority junction agreed to serve that site, with safeguarding of land for future roundabout provision for both sites	
TSP 7 - Edindiach Road- Improvements to include road widening, footway provision and street lighting	Works under construction	Developers of R5, R9	Progress on site halted due to developer insolvency. Dependent on development restarting.	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R5, R9	Planning consent for 55 houses. Works completed October 2019 Progress on site halted due to developer insolvency.	
TSP 8 - Drum Road- Additional access to serve Site MU	Design to be progressed by developer	Developers of MU	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	MU		
TSP 9 - Auchoynergie Road- New junction to access Site R9	Design to be progressed by developer	Developers of R9	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R9		
TSP 10 - A96/Bridge Street junction improvements may be required to mitigate the impact of sites in East Keith	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R2, R9, LONG2, I4, I5, I11, MU	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R2, R9, LONG2, I4, I5, I11, MU		
TSP 11 - Seafeld Park and Land Street- Upgrades required to serve Site LONG1 (road widening, footway provision)	Design to be progressed by developer	Developers of LONG1	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	LONG1		
TSP 12 - A96/Den Road/Seafeld Road junction improvements may be required to mitigate the impact of sites in South and East Keith	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R8, LONG1	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R8, LONG1		
TSP 13 - A96/Dunnyduff Road/Broad Lane junction improvements may be required to mitigate the sites in East Keith	Impact of development to be considered via submission of Transport Assessment, in consultation with Transport Scotland	Developers of R2, R6, R9	Dependent on development coming forward	To be determined by developers	Any improvements to be provided as part of development at cost to developer	R2, R6, R9		



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
LOSSIEMOUTH								
TSP 1 - B9135/Kinnedar- New junction to serve Site R1	Construction to commence	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1	Planning permission has been granted. Access partially completed	
TSP 2 - Connection to Boyd Anderson Drive	Construction commenced	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1	Secondary access points to Site R1 agreed- Fisher Place and Halliman Way	
TSP 3 - Elgin Road- New junction to serve Site OPP1 (and for future connection through to R1)	Design to be progressed by developer	Developers of R1, OPP1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1, OPP1		
MOSSTODLOCH								
TSP 1 - Garmouth Road-Access/junction required onto Garmouth Road to serve Site R2	Design to be progressed by developer	Developers of R2	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R2		
TSP 2 - B9015- Two new points of access required to access Site I3	Design to be progressed by developer	Developers of I3	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	I3		
TSP 3 - Stynie Road- Improvements (including road widening, provision of footways/cycleways, relocation or provision of new speed limits) associated with Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1	Site has planning permission.	
TSP 4 - Stynie Road- Two new points of access/junctions required to access Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1	Site has planning permission	
TSP 5 - B9015 Rothes to Kingston Road- Two access points to serve Site LONG1	Design to be progressed by developer	Developers of LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG1		
TSP 6 - U11E Balnacoul Road- Access point to serve Site LONG1	Design to be progressed by developer	Developers of LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	LONG1		
TSP 7 - Provision of footway/cycleway between Main Street (B9015) and underpass, and between underpass and Sites R3/LONG1	Design to be progressed by developer	Developers of R3 , LONG1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R3, LONG1		
TSP 8 - A96 Route of Proposed Dualling	Safeguarding							



INFRASTRUCTURE REQUIREMENT	ACTIONS	RESPONSIBLE	TIMESCALE	COSTS	FUNDING SOURCE	RELEVANT SITES	PROGRESS	RISKS
PORTGORDON								
TSP 1- Reid Terrace-Upgrade existing road and provide footway to serve Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
PORTKNOCKIE								
TSP 1- Wood Place- Access Point 1 of 3 to serve Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 2 - Addison Street- Access Point 1 of 3 to serve Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 3 - Craig View Road- Access point 1 of 3 to serve Site R1	Design to be progressed by developer	Developers of R1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	R1		
TSP 4 - Patrol Road- footway widening to 2 metre provision of missing section of footway	Design to be progressed by developer	Developers of OPP1	Dependent on development coming forward	To be determined by developers	New infrastructure to be provided as part of development at cost to developer	OPP1		





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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 SEPTEMBER 2020**

SUBJECT: INDICATIVE REGIONAL SPATIAL STRATEGY FOR MORAY

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

1. REASON FOR REPORT

- 1.1 This report asks the Committee to agree the indicative Regional Spatial Strategy (iRSS) for Moray to be submitted to the Scottish Government and to note the next steps in preparing the Strategy.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee;
 - (i) note the requirement and deadline for preparing an indicative Regional Spatial Strategy;
 - (ii) agree the indicative Regional Spatial Strategy in Appendix 1; and
 - (iii) agree the next steps and timescales for preparing the final Regional Spatial Strategy.

3. BACKGROUND

- 3.1 The Planning (Scotland) Act 2019 introduces a new requirement for RSS to be prepared. Authorities can decide whether they want to do this individually and or with other authorities. The strategies are intended to be a long term vision to 2050 and to identify the outcomes, need, priorities and proposed locations of strategic development.
- 3.2 A Call for Ideas to inform National Planning Framework 4 was reported to the meeting of this Committee on 25 February 2020 (para 12 of minute refers). A Position Statement on NPF4 will be published in Autumn 2020 and to assist this process the Scottish Government has requested planning authorities to

provide indicative RSS by Friday 18 September 2020. NPF4 will have enhanced status as part of the statutory development plan guiding spatial development, aligning infrastructure investment, setting national planning priorities, designating national development and highlighting regional spatial strategies

- 3.3 There is no formal description of what an iRSS must comprise, however discussions suggest that it would consist of an illustrative diagram accompanied by some brief supporting narrative.
- 3.4 Planning authorities have been encouraged to work together and form regional groupings, however, many authorities are developing their own. It is essential that cross boundary issues are recognised and the aim of the iRSS is to look ahead to 2050 and consider what the key strategic land use challenges are.
- 3.5 The Scottish Government has held a number of events for planning authorities to assist development of iRSS which officers have participated in. Officers have also attended recent workshops hosted by Highland Council to inform the Highland iRSS. Events planned for the end of March 2020 to develop the Moray iRSS were cancelled due to Covid-19. The absence of a reliable stakeholder engagement software platform delayed and has limited workshops with key stakeholders to events held on 17 and 24 August 2020.
- 3.6 NPF4 will be laid before Parliament in September 2021. The duty to produce RSS has still to be enacted through guidance/ regulation which is programmed over the next 12 to 18 months. The iRSS in **Appendix 1** should be seen as a “starter for 10” highlighting strategic issues to be followed by much greater stakeholder engagement to inform the final RSS.

4. PROPOSALS

- 4.1 The basis for the iRSS comes from the existing Spatial Strategy in the new Moray Local Development Plan (MLDP) 2020, with additional thinking around the Council’s response to addressing and adapting to Climate Change, addressing infrastructure needs, economy recovery and future growth and recognising the role Moray plays in the bigger national and international context. A number of candidate National Developments have been identified for the Scottish Government to consider including in NPF4.
- 4.2 Some of the key issues identified are;
 - Planned and future infrastructure requirements such as trunk road and rail improvements.
 - Moray’s key role in national defence through the significant investment at RAF Lossiemouth and the long term role of Kinloss Barracks.
 - The opportunities for significant new employment land sites at Mosstodloch; Burnside of Birnie, Elgin and at the Moray Aerospace Campus, adjacent to RAF Lossiemouth.

- The importance of addressing the future of our Town Centres and an action programme on Carbon Conscious Towns, including greening and Town Centre regeneration.
- The opportunities the Moray Growth Deal projects bring in terms of employment, skills, investment and innovation with key Growth Deal projects highlighted.
- The importance of Moray as a food growing area.
- The importance of Moray's environment in terms of biodiversity and also in attracting tourism through proposals for a Natural Heritage Coastal Park to safeguard Moray's incredibly diverse coast, manage and promote for tourism and take a strategic approach to tourist infrastructure and visitor management..
- The importance of the Spey and Findhorn river corridors as key gateways between the Coast and Cairngorms National Park.
- The need to decarbonise the distilling industry and the opportunities for solar energy and hydrogen.
- The contribution Moray's woodlands and deep peat make to carbon reduction and in supporting biodiversity.
- Opportunities to regenerate areas and improve local environments and life chances with targeted actions to address areas with the greatest inequalities.

4.3 The iRSS has been shaped with input from a limited number of stakeholders given the time available. The next steps following publication of guidance/regulations on RSS requirements will be to develop the RSS through workshops with members, neighbouring authorities, key stakeholders including community councils, businesses and the general public. A timetable for preparing the RSS will be included in the annual Development Plan Scheme report to this Committee in early 2021. In the short term discussion with neighbouring authorities on alignment will continue.

4.4 The RSS will take the form of a spatial diagram and supporting text, but will also be produced in GIS storyboard format, an interactive method of allowing users to zoom in and find out more information about proposals within the Strategy.

5. **SUMMARY OF IMPLICATIONS**

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

The RSS will help take a long term strategic view of a wide range of social, economic and environmental issues which need to be addressed and which will highlight and support Corporate and Community Planning objectives.

(b) Policy and Legal

The preparation of RSS is a statutory requirement under the Planning (Scotland) Act 2019, however it is still to be enacted and there is currently limited guidance to inform content at this stage.

(c) Financial implications

None

(d) Risk Implications

None.

(e) Staffing Implications

Preparation of the iRSS is a new legal requirement and has been particularly challenging given other priority workloads. Staff resources will need to be reviewed when the full extent of the new legislative changes are known.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report. An EIA will be carried out for the RSS when the legislative requirement has been enacted.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer, Lissa Rowan (Committee Services Officer), the Senior Engineer Transportation and Debra O'Shea (Principal Accountant) have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 Preparation of RSS is a new statutory requirement introduced by the Planning (Scotland) Act 2019. The Scottish Government has asked regional groupings to submit iRSS by 18 September to inform a Position Statement on NPF4.

6.2 RSS offer an opportunity for long term strategic planning around infrastructure and climate change and an opportunity to align objectives between community planning partners and other organisations.

Author of Report: Gary Templeton, Strategic Planning and Development Manager

Background Papers:

Ref:



**Strategic carbon conscious growth areas
with town centre regeneration**



Primary Settlement



Secondary Settlement



Tertiary Settlement



New Town Search Area



Strategic Trunk Road Improvement



A96 dualling preferred option



Strategic Rail improvements



Principal Roads



Strategic Employment Land Sites



Strategic Access Route



Moray Aerospace Campus



Strategic approach to rural areas



Strategic Land Management
River corridors



Strategic tree nurseries



Opportunities at Buckie harbour
relating to Offshore Renewable
Developments



BH- strategic Business hub



CQ- cultural quarter



Strategic Health Facility



Regional Education Centre



Moray Coast Natural Heritage Park



Existing Woodland



Prime agricultural land



Solar Farms



Native woodland expansion,
management of deep peat and
open habitat and safeguarding
wildness qualities.



Glenlivet Mountain Bike Trails



Tourism Gateway



Strategic Energy Centre



Improved Access links



Areas of highest inequalities



Strategic Port



Decarbonise business energy
needs/ hydrogen corridor



Strategic Ministry of Defence
base



Strategic Charging
Interchanges

The proposals in the Moray indicative Regional Spatial Strategy have been grouped under 4 headings with strong linkages between many of the projects. A number of cross boundary issues have been highlighted and will be discussed with neighbouring planning authorities.

A number of candidate National Developments (cND) are identified for consideration within National Planning Framework 4 which will be published by the Scottish Government in Autumn 2021.

People

- Strategic Health Facility identified at Dr Gray's for investment and improvement of facilities
- Addressing areas of highest inequalities through targeted programmes
- Programme of carbon conscious growth areas (as above) access to green space, access to biodiversity, active travel and access to facilities will be embedded.
- Regional Cultural Quarter located in central Elgin, forming part of a carbon conscious Town Centre (cND)
- Regional Education Centre identified at Moray College, supported by new business and aerospace campus adjacent to RAF Lossiemouth (cND)
- Strategic Access Route- upgrading and marketing of the Moray Way
- Strategic approach to rural areas infrastructure- on demand public transport, broadband connectivity, access to services, mobile healthcare, affordable housing in rural villages as per LDP.

Work

- Buckie Harbour improvements and potential to support Offshore Renewable industry
- Strategic Business Hub for Moray located in Central Elgin
- Strategic Trunk road improvements for the A96 and A95 (cND)
- Strategic rail improvements and increased freight movement.
- Strategic new employment sites identified at Barmuckity, Mosstodloch, Forres and Burnside of Birnie.
- Safeguarding of Ministry of Defence bases
- Strategic Energy Centre at Blackhillock, exploring new renewable technologies.
- Decarbonise business energy needs and potential to develop a hydrogen corridor.
- Promoting solar energy
- Expansion of Glenlivet mountain biking centre.
- Tomintoul acting as a gateway into Moray with improved active travel links between Glen Avon and Tomintoul.
- Strategic charging interchanges along the dualled A96

Place

- Safeguarding and expanding Moray's woodland resource.
- In upland areas, expanding native woodland, improved management of deep peat, promoting biodiversity, open habitat and safeguarding wildness qualities
- Safeguarding and expansion of nationally important tree nurseries (cND)
- Safeguarding prime agricultural land and recognition of its importance as a food source
- Strategic land management river corridors- safeguarding and joined up land use management, promoting biodiversity and visitor management of these significant links between the Cairngorms National Park and the Moray Coast
- Natural Heritage "Park"- safeguarding the diversity of landscapes and cultural heritage, taking a strategic planned approach to new tourism infrastructure and promotion/ marketing, promoting biodiversity, coastal protection and coastal erosion.(cND)
- Safeguarding and expanding woodlands and safeguarding prime agricultural land (as per Climate and Carbon)
- Programme of carbon conscious growth areas, including Town Centre Masterplanning to be developed and inform the next Local Development Plan.
- Strategic charging interchanges along the dualled A96



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 SEPTEMBER 2020**

SUBJECT: SUPPLEMENTARY GUIDANCE

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

1. REASON FOR REPORT

- 1.1 This report asks the Committee to delegate authority to the Head of Economic Growth and Development to amend and then adopt some of the suite of statutory supplementary guidance which supported the Moray Local Development Plan (MLDP) 2015 as non- statutory supplementary guidance to support the MLDP 2020.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee agree;
 - (i) to delegate authority to the Head of Economic Growth and Development to make the necessary changes and subsequently adopt the suite of non- statutory supplementary guidance set out in para 4.1, with the Moray Onshore Wind Energy Guidance to be adopted on 21 September 2020; and
 - (ii) that a suite of statutory Supplementary Guidance is progressed and reported to future meetings of this Committee.

3. BACKGROUND

- 3.1 The MLDP 2015 was supported by a suite of statutory Supplementary Guidance which provided further advice and guidance to support the policies in the Plan. There are two tiers of supplementary guidance;
 - (i) Statutory supplementary guidance- this forms part of the Local Development Plan and has to have the necessary "hooks" (cross

references) within the policy and also has to have been through public consultation and have been submitted to Scottish Ministers for approval.

- (ii) Non statutory supplementary guidance- this has a lower status and does not form part of the Local Development Plan, however it is still a material consideration.

4. **PROPOSALS**

- 4.1 The Council has included the necessary hooks within the MLDP 2020 to carry forward the suite of supplementary guidance, however, this has been legally challenged. Officers have sought clarification from the Scottish Government and in their opinion the Council has to take the suite of supplementary guidance back through public consultation and the Scottish Ministers approval process for it to enjoy statutory status. This will take considerable time and officers have taken legal advice which recommended that for the avoidance of doubt the Council formally adopt the suite of supplementary guidance as non-statutory while working through a programme of replacement statutory guidance. Taking account of the latest opinion from the Scottish Government, the table below summarises the current status of supplementary guidance and the proposals for their review.

Topic	Status	Recommendation
Flood Risk and Drainage	Adopted as statutory Supplementary Guidance to support MLDP2020	No action required.
Developer Obligations	Currently being considered by Scottish Ministers, awaiting approval as statutory Supplementary Guidance to support the MLDP 2020.	No action required.
Moray Onshore Wind Energy Policy Guidance, including Moray Wind Energy Landscape Capacity Study (LCS)	In Scottish Government opinion this Guidance “falls” and has no status. The Landscape Capacity Study was approved as technical appendix to the Guidance and as a standalone material consideration, which will continue to be the case.	Delegate authority for minor changes such as new cover, update policy references, ensure consistent referencing with landscape capacity study and include spatial framework following SPP para 161. Approve as non- statutory supplementary guidance as of 21/9/20. September 2020/ January 2021- report updated Guidance to this

		Committee, followed by public consultation and submission to Scottish Ministers for adoption as statutory Supplementary Guidance.
Elgin South Masterplan	In Scottish Government opinion this Guidance “falls” and has no status. Elements of the Masterplan are not consistent with the new MLDP 2020, including placemaking and size of the primary school site.	Contact developer and discuss amendments to the Masterplan and report updated Guidance to this Committee, public consultation and submission to Scottish Ministers for adoption as statutory Supplementary Guidance.
Findrassie Masterplan	In Scottish Government opinion this Guidance “falls” and has no status. Elements of the Masterplan are not consistent with the new MLDP 2020, including elements of the placemaking policy.	Contact developer and discuss amendments to the Masterplan and report updated Guidance to this Committee, public consultation and submission to Scottish Ministers for adoption as statutory Supplementary Guidance.
Dallas Dhu Masterplan	In Scottish Government opinion this Guidance “falls” and has no status. Guidance is considered to be consistent with the new policies of the MLDP 2020.	Delegate authority to make minor changes such as update policy references and approve as non- statutory guidance as of 1 October 2020.
Kinloss Golf Course Masterplan	In Scottish Government opinion this Guidance “falls” and has no status. Guidance is considered to be consistent with the new policies of the MLDP 2020.	Delegate authority to make minor changes such as update policy references and approve as non- statutory guidance as of 1 October 2020.
Moray Forestry and Woodland Strategy	In Scottish Government opinion this Guidance “falls” and has no status. Guidance is considered to be consistent with the new policies of the MLDP 2020.	Delegate authority to make minor changes such as update policy references and approve as non- statutory guidance as of 1 October 2020
Bilbohall Masterplan	In Scottish Government opinion this Guidance	Delegate authority to make minor changes

	<p>“falls” and has no status.</p> <p>Guidance is considered to be consistent with the new policies of the MLDP 2020.</p>	<p>such as update policy references and approve as non- statutory guidance as of 1 November 2020.</p>
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5. **SUMMARY OF IMPLICATIONS**

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

The suite of supplementary guidance helps support delivery of the Local Development Plan which supports the Corporate Plan and 10 Year Plan.

(b) **Policy and Legal**

The status of the suite of supplementary guidance has been challenged and the Council has been advised that for the avoidance of doubt, the guidance should go back through the formal process for adoption as statutory Supplementary Guidance and in the meantime some of the guidance should be adopted as non- statutory guidance, pending full review.

(c) **Financial implications**

There will be costs incurred in terms of advertising and consultation when full reviews are undertaken and the costs will be reported at that time. Cost will be covered by existing budget.

(d) **Risk Implications**

There is a risk that if the supplementary guidance has no status then the Council’s planning policy position is not as strong as it could be.

(e) **Staffing Implications**

Some re-prioritisation of workloads is required to address short term actions identified in the table above.

(f) **Property**

None.

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

There are no equalities issues arising from this report.

(h) **Consultations**

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

6. CONCLUSION

- 6.1 The status of the Council's supplementary guidance has been challenged and after taking further advice from the Scottish Government, it is proposed that short term actions are implemented to approve some supplementary guidance as non-statutory while the longer process is followed to achieve statutory status.**
- 6.2 Some of the Masterplans are considered to require updating to be consistent with the MLDP 2020 and discussions with relevant developers will be progressed.**

Author of Report: Gary Templeton, Strategic Planning and Development Manager

Background Papers:

Ref:



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 SEPTEMBER 2020**

**SUBJECT: PLANNING POLICY GUIDANCE - MORAY LOCAL
DEVELOPMENT PLAN 2020**

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

1. REASON FOR REPORT

- 1.1 This report asks the Committee to approve the planning policy guidance which will be used to clarify various policy aspects in the recently adopted Moray Local Development Plan (MLDP) 2020.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **approves the planning policy guidance for the MLDP 2020 as set out in Appendix 1; and**
- (ii) **agrees the planning policy guidance will be used as a material consideration in the determination of planning applications.**

3. BACKGROUND

- 3.1 At a meeting of the Emergency Cabinet on 3 June 2020 a report summarising the Examination of the LDP 2020 was considered. The Emergency Cabinet agreed the modifications arising from the Examination Report and following subsequent confirmation from the Scottish Government the MLDP 2020 was formally adopted on 27 July 2020 replacing the Moray Local Development Plan 2015.
- 3.2 The report stated that additional policy guidance would be provided to clarify certain policy aspects in the MLDP 2020 (paragraph 6 of the minute refers).

The guidance seeks not only to help with the implementation of certain policies but also to provide clarity as to what is expected from agents, developers, and members of the public in terms of meeting the new policy requirements.

4. PROPOSALS

4.1 The guidance set out in **Appendix 1** will provide clarification on the following policy areas;

- EV Charging Points and Car Sharing Spaces;
- Trees and Woodland Removal;
- Cycle Parking and Storage
- Private Water Supplies;
- Low Intensity Recreational and Tourism Uses; and
- Restoration and Aftercare of Excavated Mineral Sites

4.2 Further guidance will be presented to the November meeting of this Committee on Primary Policy PP1 Placemaking. This document will have an emphasis on what will be expected to achieve a “green” in the Quality Audit (QA) 2, Zero and Low Carbon Technologies, and advice on sustainable construction techniques. Once both documents have been approved by the Committee, they will be combined into one document.

4.3 In terms of zero and low carbon technologies, this requirement was introduced by the Reporter following the Examination of the LDP. However no further advice on how to implement this policy has been forthcoming from the Reporter or Scottish Government. Officers are exploring options with other planning authorities and will report back on this matter at the November meeting of this committee.

5. SUMMARY OF IMPLICATIONS

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

The LDP is a vital aspect of supporting and facilitating the Council’s priority for economic growth. The Plan also aims to deliver other key aspects of Moray 2026 including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment. The additional guidance aims to support these key aims.

(b) Policy and Legal

None.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

Quality Auditing involves staff from a number of services across the Council.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Corporate Director (Economic Development, Planning & Infrastructure), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer, the Senior Engineer Transportation, Deborah O'Shea (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

The new Moray Local Development Plan 2020 was recently adopted on 27 July. The planning guidance seeks to provide clarification and guidance on a number of policy areas to help with their implementation.

Author of Report: Eily Webster, Principal Planning Officer, Keith Henderson, Planning Officer

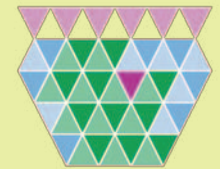
Background Papers:

Ref:

Moray Local Development Plan 2020

PLANNING POLICY GUIDANCE

PART 1



moray
council



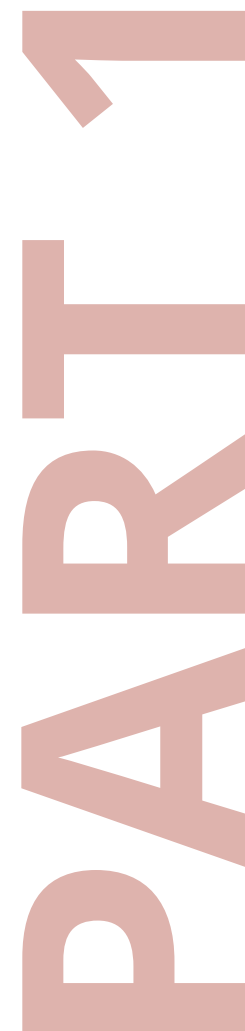
The Moray Local
Development Plan 2020
was formally adopted
on 27th July 2020

Introduction

This Guidance sets out how to interpret Moray Local Development Plan 2020 (MLDP2020) policies on:

- Electric Vehicle (EV) Charging Points & Car Sharing Spaces
(PP3 Infrastructure & Services); 2
- Cycle Parking & Storage
(PP1 Placemaking); 6
- Low Intensity Recreational & Tourism Uses
(DP8 Tourism Facilities & Accommodation & EP4 Countryside Around Towns); 8
- Trees and Woodland Removal & Compensatory Planting
(EP7 Forestry, Woodlands & Trees); 10
- Private Water Supplies
(EP13 Foul Drainage); and, 14
- Restoration and Aftercare of Excavated Mineral Sites
(EP10 Minerals). 15

Further Guidance will be prepared on PP1 Placemaking specifically on how to achieve 'green' in the Quality Audit (QA) and meet the requirements of other relevant policies such as EP2 Biodiversity and EP5 Open Space. The Guidance as a whole will form one 'live' document that will be updated to include additional guidance should this be required during the course of the LDP2020. This Guidance is available to view at www.moray.gov.uk/PlanningPolicyGuidance.



POLICY PP3 INFRASTRUCTURE AND SERVICES

Electric Vehicle Charging Points

Electric Vehicle Charging Guidance

The following technical guidance is intended to assist developers with the requirements for the provision of Electric Vehicle (EV) charging for developments being determined under the Moray Local Development Plan 2020. The guidance is based on guidance from the Scottish Government and that in use by other Local Authorities in Scotland.

Moray Local Development Plan 2020 PP3 Infrastructure and Services

- a. (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.



EV Charging Facility in Public Parking Area



Residential EV Charger on Property Wall



Terminology

Electric vehicle charging is sometimes discussed in terms of the speed of the charger. For the purposes of this guidance based on current (2020) generally accepted terminology the following shall apply:

Fast Charging =	Charge point or tethered cable capable of delivering a minimum power output of 7Kw - 22Kw
Rapid Charging =	Charging Station with tethered connectors capable of delivering a minimum power output of 22Kw – 43Kw
In-Curtilage Parking =	Parking spaces for a dwelling which are provided 'on-plot' on a driveway or within an appropriately sized garage
Remote Parking =	Parking spaces for a dwelling which are provided at a location remote from the dwelling e.g. within suitably sized garage, a car park, parking court, parking block or on-street
Communal Parking =	Parking spaces for commercial and other non-residential developments where parking is provided for employees, students or other members of the public.

Developer Requirements

Residential In Curtilage EV Charging provision (Minimum Requirements)

For properties with in curtilage parking provision applicants must provide the following details:

- Detailed Plan(s) (Scale 1:200 min) showing the location within the curtilage of each plot where a future Fast Charging unit installation is recommended for connection to an appropriate electricity supply.
- Details (written proposals and or plans (Scale 1:200 min) to confirm the provision of cabling, ducting, and consumer units capable of supporting a fast charging unit.



Residential EV Charging in Communal Parking Area

The charging unit location must be accessible to a minimum of one parking space (however it is recommended that where possible it is sited to serve as many spaces as possible). This can be external to the building or within a garage (if the garage has minimal internal clear dimensions of not less than three metres by seven metres).

A maximum cable length of 5m shall be used to determine the suitability of parking and charging unit locations. The applicant shall demonstrate the proposals on a detailed layout plan (min scale 1:200) which indicates both the future charging unit location and the parking spaces marked as bays 2.5m x 5.0m.

All parking and future charging unit locations must be easily accessible and swept path analysis may be required to demonstrate the suitability of parking spaces for this.

¹UK Electric Vehicle Supply Equipment Association (UKSE) - <http://ukevse.org.uk/charge-points-chargers/charge-point-compatibility-2/>



Residential Remote Parking EV Charging provision (Minimum Requirements)

For privately owned properties:

EV charging infrastructure must be provided to enable the future connection of an EV charging unit with a minimum output of 7Kw (Fast). The infrastructure required shall include an appropriate electrical supply, metering, ducting, cabling and space for a charging unit/connection point to be installed (including any cabinet, housing or structures). The charging point location must serve a minimum of one allocated parking space per property based on a maximum charging cable length of 5 metres.

For managed residential properties (e.g. housing association or rented properties):

EITHER

EV charging infrastructure must be provided to enable the future connection of an EV charging unit(s) with a minimum output of 7Kw (Fast). The infrastructure required shall include an appropriate electrical supply, metering, ducting, cabling and space for a charging unit/connection point to be installed. The charging point

location must serve a minimum of one allocated parking space per property based on a maximum charging cable length of 5 metres.

OR;

Shared EV charging facilities must be provided with the development at a rate of one shared Rapid Charging Station (Minimum output 22Kw) for every ten residential allocated spaces. (Each Rapid Charging Station must be provided with a minimum of two EV allocated parking spaces and provide two tethered connections). These spaces may also be counted towards the visitor parking provision within the development.

All parking and future charging unit locations must be easily accessible and swept path analysis may be required to demonstrate the suitability of parking spaces for this.



Residential EV Charger on Post

For properties with remote parking provision applicants must provide the following details:

- Detailed Plan(s) (Scale 1:50 min) Showing the proposed design of signage, markings and surfacing for EV spaces (where proposed).
- Detailed Plan(s) (Scale 1:200 min) showing the residential unit(s)/plot(s) and associated parking spaces on a single plan. The parking spaces shall be numbered according to the residential unit/plot they relate to (where proposed).
- Detailed Plan(s) (Scale 1:200 min) showing the recommended installation location for a future Fast EV charging unit(s) to an appropriate electricity supply, including details (written proposals and or plans (Scale 1:200 min)) to confirm the provision of cabling/ducting, and consumer units for future connection (where proposed).
- Detailed Plan(s) (Scale 1:200 min) showing the location of all Rapid Charging Stations (where proposed).
- Detailed Plan(s) (scale 1:200 min) to demonstrate how future charging units would be connected to vehicles (within the maximum 5 metre cable length) without crossing or obstructing shared footways/paths or access to vehicles.
- Details (Statement of Intent) for the provision of ongoing management/maintenance of rapid charging station and shared infrastructure.



Range of different Residential EV charging units

Car Share Parking EV Charging provision

Where a requirement for the provision for car share parking is identified by the Transportation Manager (See Policy DP1 ii, Transportation (i)) provision will also be required for all supporting infrastructure and a Rapid Charging unit with at least 2 tethered cables.

For Car Share parking provision applicants must provide the following details:

- Detailed Plan (Scale 1:50 min) showing the proposed design of signage, markings and surfacing for EV spaces.
- Detailed Plan(s) (Scale 1:500 min) showing the location of all proposed or safeguarded car share parking spaces.
- Detailed Plan(s) (Scale 1:200 min) showing Rapid Charging Stations (Proposed and Safeguarded spaces).
- Detailed Plan(s) (Scale 1:200 min) to demonstrate how charging units would be connected to vehicles (within the maximum 5 metre cable length) without crossing or obstructing shared footways/paths or access to vehicles.
- Details for the provision of ongoing management/maintenance of charging units and shared infrastructure.

Exemptions for Residential Developments

The requirement for the infrastructure to enable future provision of EV Charging Units applies to the erection of new dwellings and flats. There is no requirement for EV charging provision for extensions to dwellings, garages or annexes. The change of use of an existing building to a dwelling(s)/flats only requires details of how a future EV Charging Unit(s) could be provided where in curtilage parking is provided.

Within settlements the requirement (or otherwise) for any on-street EV Charging Unit(s) for new developments of more than one dwelling or flat will be determined by the Transportation Manager and will take into account, constraints to provision, the availability and level of existing public charging facilities. In these cases a commuted payment may be requested towards the provision of new public charging facilities.

There may also be instances where the provision of EV Charging Units will not be possible due to physical constraints within the site. These instances, and any other exemptions, shall be identified by the Transportation Manager.

Commercial/Other Development Parking EV Charging provision (Minimum Requirements)

For commercial and other types of development communal electric charging facilities are required at a rate of 1 EV charger for every 10 parking spaces (see Appendix 2 Parking Standards page 108). The minimum provision would be for Rapid Charging with a minimum of two tethered cables.

For communal EV charging provision applicants must provide the following details:

- Detailed Plan (Scale 1:50 min) showing the proposed design of signage, markings and surfacing for EV spaces.
- Detailed Plan(s) (Scale 1:500 min) showing the location of all proposed or safeguarded EV spaces.
- Detailed Plan(s) (Scale 1:200 min) showing the EV Charging Stations.
- Detailed Plan(s) (Scale 1:200 min) to demonstrate how charging stations would be connected to vehicles (within the maximum 5 metre cable length) without crossing or obstructing shared footways/paths or access to vehicles.
- Details for the provision of ongoing management/maintenance of charging stations and shared infrastructure.



Public EV Charging Facility with Multiple Cable Options



POLICY PP1 PLACEMAKING

Cycle Parking & Storage

Cycle parking is required at places of residence, short stay destinations such as shops and cafes and at long stay destinations such as places of work and education establishments. Cycle parking should be easy to use, accessible, safe, fit for purpose, attractive, well maintained and durable.

The fear or direct experience of cycle theft or vandalism can be a deterrent to cycle use and ownership. Personal security within cycle parking areas may also be a concern if the parking is remote and not overlooked by adjacent buildings. Cycle parking, and the routes to and from it, should be clearly marked, overlooked, well maintained, well lit and integrated into the built environment.

Different types of development will have different user requirements and solutions for cycle parking. At locations where cycles will be parked for a short length of time the parking should be located close to building entrances to minimise delay to cycle users and highlight the availability of parking to new cycle users.

The following table sets out the type of required cycle parking by user type and parking duration.

*Open Cycle
Shelter for
Medium Term
Parking*



Open Cycle Shelter for Medium Term Parking

Origin / Destination	User	Short Term < 2 hours	Medium Term 2 – 12 Hours	Long term > 12 hours
		Stand / Wall Loops	Stands / Store / Lockers	Store / Lockers
Place of Work	Employee		●	●
	Visitor	●		
Shopping	Employee		●	●
	Visitor	●		
Education	Student/Teacher		●	●
	Visitor	●		
Residential	Resident			●
	Visitor	●		
Recreation	All		●	
Health	Employee			●
	Visitor		●	
Transport Interchange	All		●	●



Above - Cycle Locker for Long Term Cycle Storage at work or home



Simple 'Sheffield' Cycle Stands for Short Stay Parking

For further details on the cycle parking requirements for developments, contact the Transport Development team transport.develop@moray.gov.uk and refer to the Scottish Government guidance document Cycling by Design (2020).

Low Intensity/Impact Recreational & Tourism Uses

Proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless the development complies with one of the exemptions set out within Policy EP4. Low intensity recreational or tourism use is one such exemption. In respect of hutting, Policy DP8 supports proposals where it is low impact.

Low intensity/impact use in this context is deemed to be development which does not have a significant unacceptable impact on the environment and amenity. These include – but not limited to – outdoor learning area, camping/glamping, golf courses and mountain bike trails. Development must be of a high quality design, appropriate scale, be visually unobtrusive and use high quality materials such as timber and natural slate or alternative profiled cladding to adequately integrate the proposal into the environment. Proposals must demonstrate a locational need for a specific site and minimise any adverse impacts on the environment and amenity.



POLICY DP8 TOURISM FACILITIES & ACCOMMODATION POLICY EP4 COUNTRYSIDE AROUND TOWNS



In respect of hutting, proposals must comply with the criteria in policy DP8 and Reforesting Scotland's '**New Hutting Developments – Good Practice Guidance on the Planning, Development and Management of Huts and Hut Sites**'.

Scottish Planning Policy defines a 'hut' as:-

A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.

For hutting proposals to be low impact, huts must have limited infrastructure and be easily removable. By restoring the site to its natural state, this ensures that sites where the hutting use comes to an end are not considered brownfield land.

The design and informal layout of huts must ensure good landscape fit and enhance the unique qualities of the site to ensure there is a minimal impact on the natural environment. Consideration must be given to locating sites in areas accessible by sustainable transport modes, thereby encouraging low carbon living. Generally, huts should not be connected to mains water, electricity or sewerage.



**POLICY EP7
FORESTRY,
WOODLANDS
& TREES**

Trees and Woodland Removal/Compensatory Planting

There is a strong presumption in favour of protecting woodland resources. Tree and woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. Where appropriate, compensatory planting may form part of this balance.

“Woodland removal” is defined as the permanent removal of 0.1 hectares of woodland for the purposes of conversion to another type of land use. “Tree removal” refers to the permanent removal of single trees or woodland with an area less than 0.1 ha.

Policy EP7 Forestry, Woodlands and Trees of the Moray Local Development Plan (MLDP) 2020 seeks to protect the amenity, landscape, biodiversity, economic and recreational value of Moray’s woodlands. Proposals must retain healthy trees and incorporate these unless it is technically unfeasible. Policy PP1 Placemaking also requires proposals to retain, incorporate and/or respond to the natural environment.

The Scottish Government’s **Control of Woodland Removal Policy (CWRP)** sets out criteria for determining the acceptability of woodland removal. Woodland removal, without a requirement for compensatory planting, is most likely to be appropriate where it would contribute significantly to:-

- Enhancing priority habitats and their connectivity;
- Enhancing populations of priority species;
- Enhancing nationally important landscapes, designated historic environments and geological Sites of Special Scientific Interest (SSSI);
- Improving conservation of water or social resources; or
- Public safety.

Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:-

- Helping Scotland mitigate and adapt to climate change;
- Enhancing sustainable economic growth or rural/community development;
- Supporting Scotland as a tourist destination;
- Encouraging recreational activities and public enjoyment of the outdoor environment;
- Reducing natural threats to forests or other land; or
- Increasing the social, economic or environmental quality of Scotland's woodland cover.

In operating this policy, Moray Council does not include housing development within the definition of public benefits, sustainable economic growth or rural/community development.

There is a strong presumption against removing trees or woodland with high biodiversity and historic interest such as ancient woodland and sites designated for the woodland features. Further guidance on these woodland types, the key features and where to find more information is provided below under 'Woodlands with a Strong Presumption Against Removal'.

The CWRP requires approval for woodland removal to be on condition of significant and clearly defined net public benefits being demonstrated by the Applicant. Provision of compensatory planting is not a sufficient justification for woodland removal.

The following process must be followed where a development proposes tree or woodland removal. Consultation on proposals, including pre-application advice, must be sought from Moray Council's Strategic Planning & Development Section initially, who will be solely responsible for escalating cases to Scottish Forestry when required. Scottish Forestry will advise on the suitability of any

Compensatory Planting Plans and whether an Applicant requires an Environmental Impact Assessment (EIA) for the afforestation of a compensatory planting site.

This process should be read in conjunction with the **CWRP, Implementation Guidance** (IG) and Policies PP1 and EP7:-

1	Has the Applicant provided a Tree Survey, Tree Protection Plan and Mitigation Plan?	Yes [Move to 2] No Return to Applicant. [Repeat Step]
2	Has the Strategic Planning & Development Section been consulted on the proposal?	Yes [Move to 3] No Consult Strategic Planning & Development. [Repeat Step]
3	Is the tree/woodland identified on the Ancient Woodland Inventory (AWI) or Native Woodlands identified as a feature of sites protected under MLDP 2020 Policy EP1 Natural Heritage Designations?	Yes Tree/woodland removal is not supported, irrespective of provision of compensatory planting. No [Move to 4]
4	Has the Applicant satisfactorily demonstrated that the proposal cannot be accommodated without resorting to tree/woodland removal (i.e. by design)?	Yes [Move to 5] No Return to Applicant. [Repeat step]
5	Has the Applicant justified and evidenced significant and clearly defined additional public benefits (such as social, economic and environmental [inc. carbon]) that the tree/woodland removal would achieve?	Yes [Move to 6] No Return to Applicant. [Repeat step]



6 Does the Applicant's justification and evidence meet the criteria for determining the acceptability of tree/woodland removal, as per Annex C of the CWRP and Annex 2 to 4 of the IG?	Yes [Move to 7] No Tree/woodland removal is not supported.	12 Has the Applicant satisfactorily justified why on-site compensatory planting is not possible?	Yes [Move to 13] No Return to Applicant. [Repeat step]
7 Is the tree/woodland identified as a type where its intrinsic environmental value indicates a strong presumption against removal, as per Annex 2 of the IG, and the Applicant has provided a high level of supporting evidence to satisfactorily demonstrate exceptional circumstances for removal of the tree/woodland?	Yes Tree/woodland removal is supported. Compensatory planting is required for an area which must exceed the area removed. [Move to 11] No [Move to 8]	13 Has the Applicant provided an alternative site under their control in Moray to provide off-site compensatory planting?	Yes [Move to 14] No Applicant to make commuted payment to Council for the delivery of compensatory planting within Moray.
8 Is the removal of tree/woodland for an area less than 0.1ha?	Yes Tree/woodland removal is supported. Compensatory planting is required on a one-for-one basis. [Move to 11] No [Move to 9]	14 Has the Applicant provided a Compensatory Planting Plan, including details of the proposed planting and its maintenance over the entire lifespan of the development, to the approval of Scottish Forestry and Strategic Planning & Development?	Yes Compensatory planting secured by stand-alone condition. No Return to Applicant. [Repeat step]
9 Is the removal of woodland appropriate without a requirement for compensatory planting, as per Annex 3 of the IG?	Yes Woodland removal is supported without compensatory planting. No [Move to 10]		
10 Is the removal of woodland appropriate with a need for compensatory planting, as per Annex 4 of the IG?	Yes Woodland removal is supported and compensatory planting is required for at least equal the net area of woodland removed. [Move to 11] No Strategic Planning & Development to escalate and seek advice from Scottish Forestry.		
11 Has the Applicant provided compensatory planting on-site?	Yes [Move to 14] No [Move to 12]		



APPENDIX 1

Woodlands With A Strong Presumption Against Removal

Ancient Semi-Natural Woodland

Key features: Diverse range of native tree species, a range of age classes including deadwood, a diverse range ground flora species including lower plants.

Likely to be designated (SAC, SPA, RAMSAR, SSSI, NNR, LNR), Supporting Priority Habitats and species listed in the UKBAPs.

Check: Native Woodland Survey Scotland (GIS WebMaps), **Ancient Woodland Inventory**



Wood Pasture

Key features: May be limited range tree species due to selection by owner, significant proportion of mature / veteran trees, deadwood, a diverse range of associated fauna and flora including lower plants. Likely to be designated (SAC, SPA, RAMSAR, SSSI, NNR, LNR), Supporting Priority Habitats and species listed in the UKBAP.

Check: Native Woodland Survey Scotland (GIS WebMaps), Ancient Woodland Inventory



Plantation Ancient Woodland Site (PAWS) or LEPO with significant biological diversity

Key Features: Remnants of original woodland usually amongst a limited number of plantation conifer species. Remnants include mature / veteran native broadleaved species and ground flora.

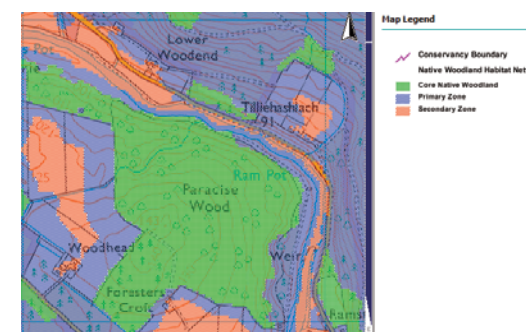
Check: **Ancient Woodland Inventory** for locations, Native Woodland Survey Scotland (GIS WebMaps) for details.



Forest Habitat Networks

Key Features: Identifies key habitat links that allow native woodland species (flora and fauna) to move throughout the landscape, strengthening their populations. Breaking the links results in isolation and increases the risk of local extinction.

Check: **SF Map Viewer; FGS Target and Eligibility Areas; FGS Eligibility Native Woodland Habitat Network.**



Inventory of Gardens and Designed Landscapes

Key Features: Landscape scale, pattern of enclosure, not usually native species but mature / veteran trees and long history of being wooded.

Check: Inventory of Gardens and Designed Landscapes; Aberdeenshire Archaeologist



Other:

Woodland integral to designated sites, National Scenic Areas (NSA's) and Scheduled Ancient Monuments (SAM's), Woodland critical to water catchment management or erosion control.

Check: Designated sites & NSA's; SAM's; water management.

POLICY EP13

FOUL DRAINAGE

Private Water Supplies

All proposals to use a private water supply must demonstrate that a wholesome and adequate supply can be provided. Whether connecting to an existing registered supply or proposing a new water source, applicants will be required to provide a National Grid Reference for each supply source and mark all associated infrastructure (e.g. source, holding tanks and supply pipe) accurately on the application plan.

A professional yield test report and recent laboratory analysis of the source water will typically be required, and information about the source and other properties on the supply may also be requested. This information is necessary to enable the appropriate authorities to advise on adequacy and wholesomeness of the supply for existing and proposed users, as well as pollution risks and treatment requirements.



**POLICY DP10
MINERALS
POLICY DP1
DEVELOPMENT PRINCIPLES**

Restoration & Aftercare of Excavated Mineral Sites

Policy DP10 aims to ensure that mineral reserves, the availability of which provides jobs and supports the local economy, are safeguarded from development that may sterilise them. To ensure that there are no adverse significant effects on the amenity of local communities, natural or cultural heritage interests, extractions will only be permitted where impacts can be adequately controlled or mitigated.

The design of mineral extraction sites must have a positive approach to the landscape and must ensure good landscape fit with minimal impact on the natural environment and amenity. The integration of the development into the surrounding landscape must safeguard existing trees and any notable topographical and water features. The applicant must demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources.



Details of their proposed programme of restoration, including the necessary financing, phasing and aftercare of the site, must be provided by applicants. Proposals for restoration must take account of the specific characteristics of the site and its locality and restore and/or enhance the landscape character of the area. Biodiversity must be maintained and enhanced. Applicants should engage with key agencies such as Scottish Natural Heritage (SNH) and the Royal Society for the Protection of Birds (RSPB) in the development of the restoration design.



Example of a Restoration Plan



Restoration must be designed and implemented to the highest standard and result in improvements to the cultural, recreational or environmental assets of the area. Where core paths (including aspirational), rights of way and other tourist routes exist in the immediate vicinity of the site, restoration must enhance public access to site and provide permissive footpaths within the site boundary.





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