



Planning and Regulatory Services Committee

Tuesday, 25 June 2019

NOTICE IS HEREBY GIVEN that a **Special Meeting** of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 25 June 2019** at **09:30**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
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- 3 Planning Application 18/01497/APP** 7 - 70
Report by Appointed Officer
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Report by Corporate Director (Economic Development, Planning and Infrastructure)

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.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

- * **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.

THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor David Bremner (Chair)
Councillor Amy Taylor (Depute Chair)
Councillor George Alexander (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 Louise Laing (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Ray McLean (Member)

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk



**GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE
MEETING OF 26 MARCH 2019**

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 02_17

18/01497/APP
27th November 2018

**Revised residential development and associated
 infrastructure at R6 Banff Road North Banff Road Keith
 Moray
 for Springfield Properties PLC**

Comments:

- A SITE VISIT has been carried out.
- Application is major development as defined under the Hierarchy Regulations 2009 for a housing development with more than 50 houses, and the site area exceeds 2ha.
- Advertised as a departure from the development plan.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.
- One representation received.

Procedure:

- New legal agreement required prior to issue of any consent in order to incorporate developer obligations relating to healthcare provision.

Recommendation **Grant Planning Permission - Subject To The Following:-**

Conditions/Reasons

1. Prior to any works commencing on site, evidence shall be submitted and approved by the Council, as Planning Authority which confirms that a Construction Traffic Management Plan (CTMP) has been submitted and agreed with the Moray Council Transportation Section. Thereafter, construction works shall be completed in accordance with the approved Construction Traffic Management Plan unless otherwise approved in writing by the Planning Authority in consultation with the Transportation Section.

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

2. Prior to any works commencing on site, details (plan at minimum scale 1:500) shall be submitted to and approved by the Council as Planning Authority, in consultation with Transportation Section showing a continuous 3m wide cyclepath along the site frontage onto the A95 and extending west of the site boundary to a point approximately 23m west of the Glenisla Home access onto the A95. These

details shall also include dropped kerb crossings with tactile paving at the Glenisla home access. Thereafter, construction of the frontage path shall be completed in accordance with the approved details prior to commencement of the 5th unit of housing unless otherwise agreed in writing with the Planning Authority in consultation with the Transportation Section.

Reason - To ensure an acceptable infrastructure is provided on the route to/from the development in the interests of road safety.

3. Notwithstanding the details shown on submitted Drawing No. KE03-ENG-700, a visibility splay of 4.5m x 208m to the left (east) and 4.5m by 90m to the right (west) shall be provided and maintained at the site access onto the A95 for the lifetime of the development unless otherwise agreed in writing by the Planning Authority in consultation with the Transportation Section.

Reason - To ensure acceptable access and visibility in the interest of road safety for the proposed development and other road users.

4. 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 Transportation Section.

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.

5. New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.

Reason - To ensure acceptable development in the interest of road safety.

6. Parking provision shall be provided in accordance with the approved site layout plan. No house or flat shall be occupied until parking has been provided and made available for use by that house or flat and the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved unless otherwise agreed in writing by the Planning Authority in consultation with the Transportation Section.

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

7. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, which shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision

and management of all affordable housing provided on the site in perpetuity. Thereafter the development shall be implemented in accordance with the approved details.

Reason - To ensure all of the residential units approved on site are affordable and managed accordingly.

8. That the landscape arrangements and equipped play area for the site shall be carried out in accordance with the approved Landscaping Layout drawing number KE03_SL_PL_003 Rev D, Landscape Management Plan and Phasing Plan drawing number KE03_SL_PL_004 Rev D. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

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

9. That the surface water drainage arrangements for the site shall be in accordance with the approved Drainage Assessment dated November 2018, Drainage Statement dated 2 April 2019, prepared by Mike Gemmell Design Ltd, Ditch Drainage Assessment titled 1/190400 prepared by Cameron and Ross, and associated drainage drawings submitted in support of this application. No dwelling shall be occupied until it is connected to the SUDS scheme as detailed within the approved Drainage Assessment, Statement and drawings.

Notwithstanding the above details, the SUDs detention basin 1 located within the southern part of the site shall be lined to ensure that it is impermeable in design (in accordance with details previously agreed by the Council, as Planning Authority, in consultation with Moray Flood Risk Management), unless otherwise agreed in writing by the Council, as Planning Authority.

Reason - To ensure an acceptable form of development is provided in accordance with the submitted drainage information and drawings, and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development and to ensure no increase in groundwater levels in the locality of the site.

10. Prior to the SUDS arrangements being connected to the discharge outlets the following works shall be completed to ensure that the ground condition/levels within the adjacent drainage ditches/watercourses to the north and south of the site is as indicated in the document entitled, Existing Ditch Capacity Check (I/190400) dated April 2019, prepared by Cameron & Ross.

The works to the north ditch shall include:

- Clearance of debris/vegetation within the north ditch to ensure provision of the cross section is as indicated in the Existing Ditch Capacity Check

(I/190400) document, prepared by Cameron & Ross, for a length of 20 metres upstream (west) of the discharge headwall and downstream (east) of the discharge headwall to the cemetery access footpath culvert.

- Jetting of the cemetery access footpath culvert to ensure full capacity is available.

The works to the south ditch shall include:

- Clearance of debris/vegetation to ensure a cross section as indicated in the Existing Ditch Capacity Check (I/190400) document, prepared by Cameron & Ross document for a length of 25 metres upstream (West) and downstream (East) of the discharge headwall to the culvert access.

Written agreement that the above works have been undertaken to the satisfaction of the Council following an accompanied on-site inspection by the Moray Flood Risk Management (MFRM), (to be arranged between the applicant and MFRM with prior 48 hours notice given of the date/time of the inspection) shall be provided by the developer prior to the SUDS arrangements being connected.

Thereafter, in terms of long term maintenance arrangements, the ditches shall be cleaned and maintained in accordance within the measures and inspection regime outlined within Section 9 'Mitigation' of the Existing Ditch Capacity Check (I/190400) document, prepared by Cameron & Ross for the lifetime of the development.

Reason - To ensure an acceptable form of development is provided in accordance with the submitted Drainage Assessment(s), and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development.

11. No development shall commence until the Scotland Gas Networks (SGN) medium pressure gas main which currently runs through the development site (the location of which is shown on the SGN apparatus plan accompanying this decision notice) has been diverted in agreement/consultation with SGN, and evidence to this effect has been submitted to and approved by the Council, as Planning Authority in consultation with SGN.

Reason – To ensure that the Scotland Gas Networks infrastructure currently on the site is safely diverted prior to commencement of development.

12. No development shall commence until scaled drawings of the proposed pumping station have been submitted to and approved in writing by the Council, as planning authority. The development shall be implemented in accordance with the approved details.

Reason – To ensure a satisfactory form of development and as these details are currently lacking from the application.

13. No development shall commence until the results of a pre-construction badger survey undertaken by a suitably qualified person (as recommended in the accompanying Badger Survey by Rachel Finan Ecology), have been submitted to

and approved by the Council, as Planning Authority, in consultation with Scottish Natural Heritage. In the event that badgers are discovered on or near the site, 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.

14. Prior to the commencement of any works, a full site Construction Environmental Management Plan shall be submitted to and approved in writing by the Council, as Planning Authority; and thereafter all work shall be carried out in accordance with the approved plan.

Reason - In order to minimise the impacts of construction works on the environment.

Reason(s) for Decision

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

The development represents an acceptable departure from the Keith R6 designation in that, the proposed layout does not allow for the full extent of structural planting within the northern half of the site, as required by the designation. However, as the proposed layout broadly reflects that of the extant planning consent LPA reference 17/00009/APP and retains comprehensive structural landscaping across the site which would assist with its integration into the landscape, the departure is acceptable in these circumstances. In all other respects the proposal accords with the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

List of Informatives:

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

Any construction activity beneath the overhead powerlines should be carried out in accordance with the safety guidance issued by the electricity utility providers. This also applies to the planting details, species selection and maintenance arrangements of all landscaping close to the powerlines.

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.

This development is subject to a Unilateral Obligation in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare, with the proposed contribution to be payable in instalments.

SCOTTISH NATURAL HERITAGE has commented that:-

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.

SCOTTISH WATER has commented that:-

See attached consultation response dated 11th December 2018.

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

Regulatory advice for the applicant: We understand that the development of this site will involve a construction site of more than 4 hectares with fairly steep gradients and therefore a Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site, including access tracks. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel: 01343 547663

SCOTTISH AND SOUTHERN ELECTRICITY NETWORKS has commented that:-

Please be aware there is a tower line in the vicinity and no building should be within 15 metres of the tower line. We have also attached a copy of SSEN's apparatus plan showing the approximate location of our plant. When working in the vicinity of underground cables please refer to HS (G) 47 and Health and Safety Guidance Note GS6 when working in the vicinity of overhead cables.

SCOTLAND GAS NETWORKS has commented that:

See attached consultation responses dated 13th December 2018 and 20th February 2019.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. Road Safety Audit requirements will be determined through the Roads Construction Consent process.

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

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

The Road Safety Audit must be carried out in accordance with the requirements set out in the Design Manual for Roads and Bridges HD19/15. For the avoidance of doubt, there will be no planting within the public road (including verges) unless otherwise agreed in writing by the council as Planning Authority in consultation with the Roads Authority.

If street furniture will need to be repositioned or any existing roadside ditch requires a pipe or culvert, these will be at the expense of the developer. Advice on these matters can be obtained by e-mailing road.maint@moray.gov.uk

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

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

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

The applicant shall ensure that their operations do not adversely affect any Public

Utilities, which should be contacted prior to commencement of operations.

The development proposes to discharge development roads drainage to a road drainage ditch to the north east of the site which has known capacity issues. Details for the design of drainage infrastructure to attenuate and discharge to this ditch will need to be agreed with Moray Council Consultancy and Flood Risk Management Teams.

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

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

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

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7343 to discuss the proposals.

The developer must contact the Roads Authority Roads Maintenance Manager at Ashgrove Depot, Elgin - Tel (01343) 557300, road.maint@moray.gov.uk, to discuss the proposals.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
01		Playpark equipment layout
		Playpark equipment details
KE03_LP_PL_01		Location plan
KE03_SL_PL-02		Topographical survey
SKPL-LL-01		1-500 levels layout
SKPL-RD-03		Roads adoption plan
SKPL-RD-04		Roads vehicle tracking
SKPL-SL-01		1-200 levels layout 1 of 4
SKPL-SL-02		1-200 levels layout 2 of 4

SKPL-SL-03	1-200 levels layout 3 of 4
SKPL-SL-04	1-200 levels layout 4 of 4
	A type - green
	A type detached - blue
	B type - blue
	B type - green
	C type detached - blue
	C type detached - green
	CS type detached - blue
	CS type detached - green
	CS type semi-detached - blue
	CS type semi-detached - green
	D type - blue
	D type - green
	F type semi-detached - blue
	F type semi-detached - green
	Y type - blue
	Y type - green
2016/D/PL/01	D type - elevations and floor plans
KE03_SL_PL_007	Material conditions
KE03-ENG-500	Roads layout
SFBR-DL-05	Main drainage basin 2 details
SFBR-DL-06	Mains drainage basin 2 details
SFBR-DL-07	Post development rainfall routing plan

SFBR-SM-01		SUDS management plan
SKPL-DL-01		Main drainage layout
SKPL-DL-02		Mains drainage sections sheet 1 of 2
SKPL-DL-03		Mains drainage sections sheet 2 of 2
MC/2018/FDET/OPP/01		F type detached- elevations and floor plans
MC/2018/C/OPP/01		C type detached - elevations and floor plans
MC/2018/CS001	B	CS type - elevations and floor plans
2016BB_901		Type B semi combination elevations and floor plans
KE03_SL_PL_001	B	Site layout
KE03_SL_PL_002	B	House type allocation
KE03_SL_PL_003	D	Landscaping layout
KE03_SL_PL_004	D	Phasing plan
KE03_SL_PL_005	B	Roads hierarchy
MC/2018/CS/01	B	CS type semi detached - elevations and floor plans
MC/2017/F/01		F type semi detached - elevations and floor plans
KE03/MC/2018/A/01		Cottage Flat A type - elevations and floor plans
KE03/MC/2018/Y/AS/01		Y type - elevations and floor plans
KE03-ENG-700		Visibility layout

Additional information to go with decision:

- Scottish Water consultation, dated 11th December 2018
- Scottish Southern Electricity Networks consultation, dated 16th April 2019 (including asset plan)
- Scotland Gas Networks consultations, dated 13th December 2018 and 20th February 2019 (including apparatus plan)
- SEPA consultations dated, 20th December 2018 and email dated 2nd May 2019
- Drainage Assessment
- Drainage Statement

- Ditch Assessment
- Badger Survey



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
18/01497/APP

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Site Address:

**R6 Banff Road North
Banff Road Keith**

Applicant Name:

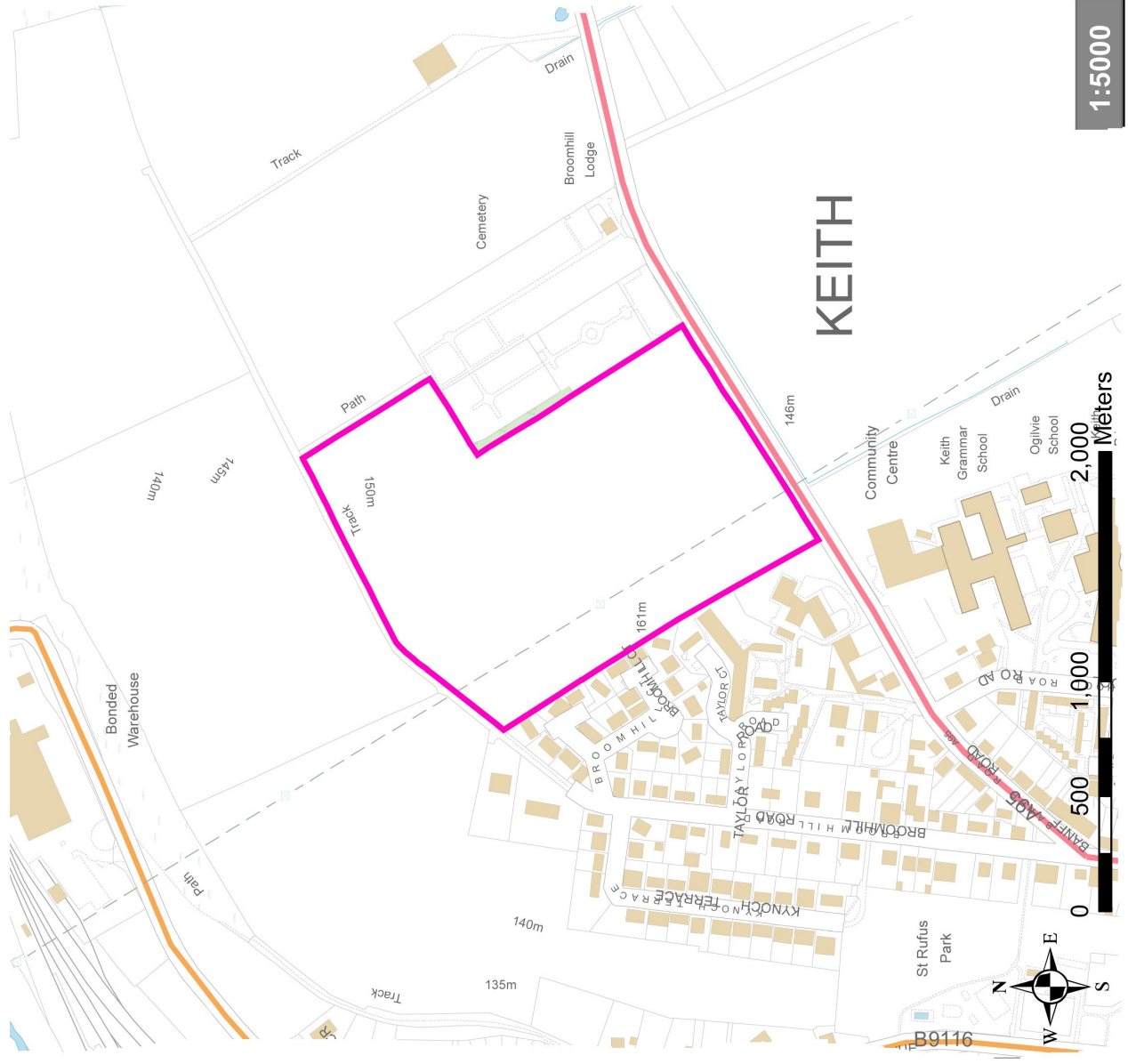
Springfield Properties PLC

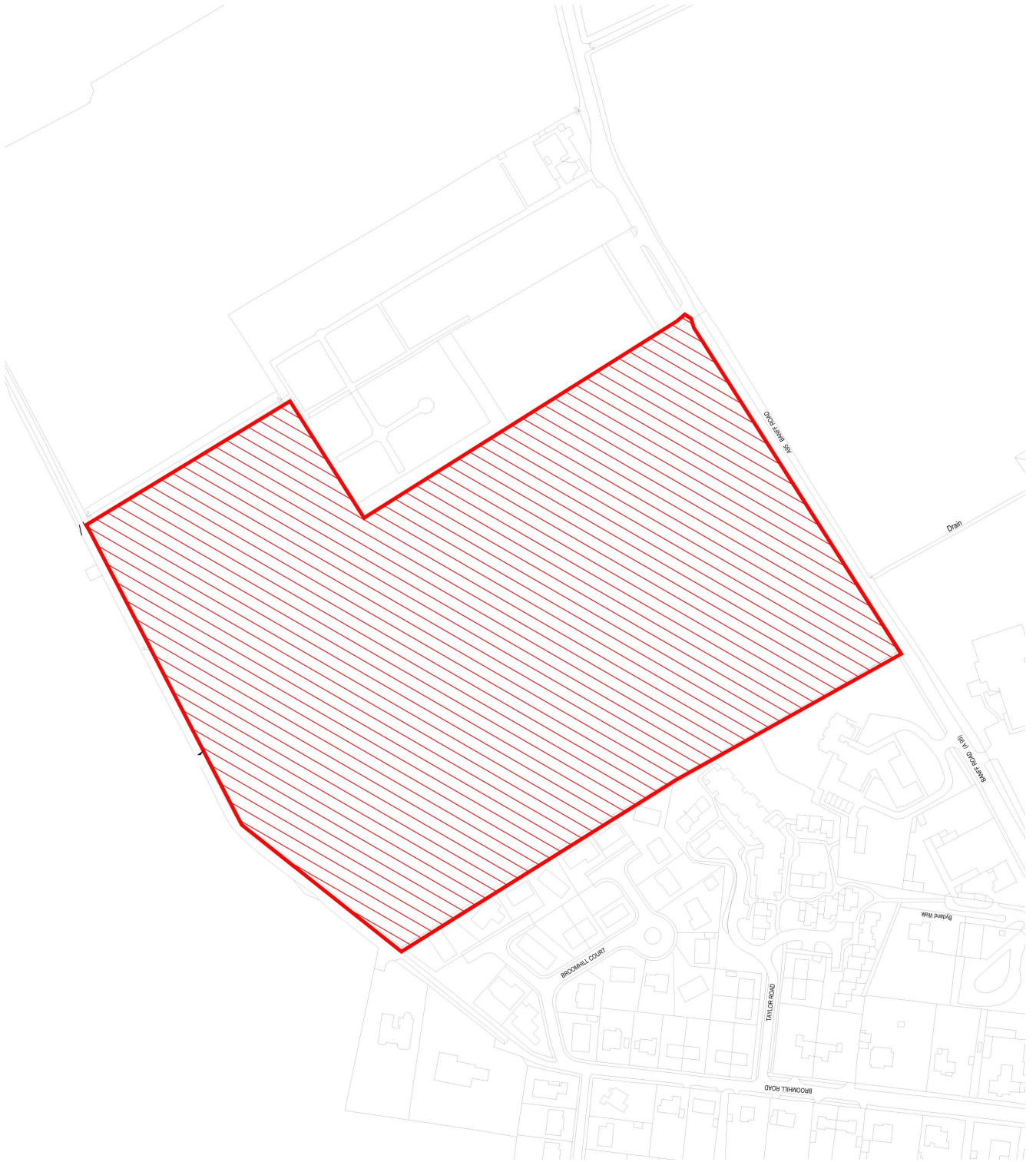
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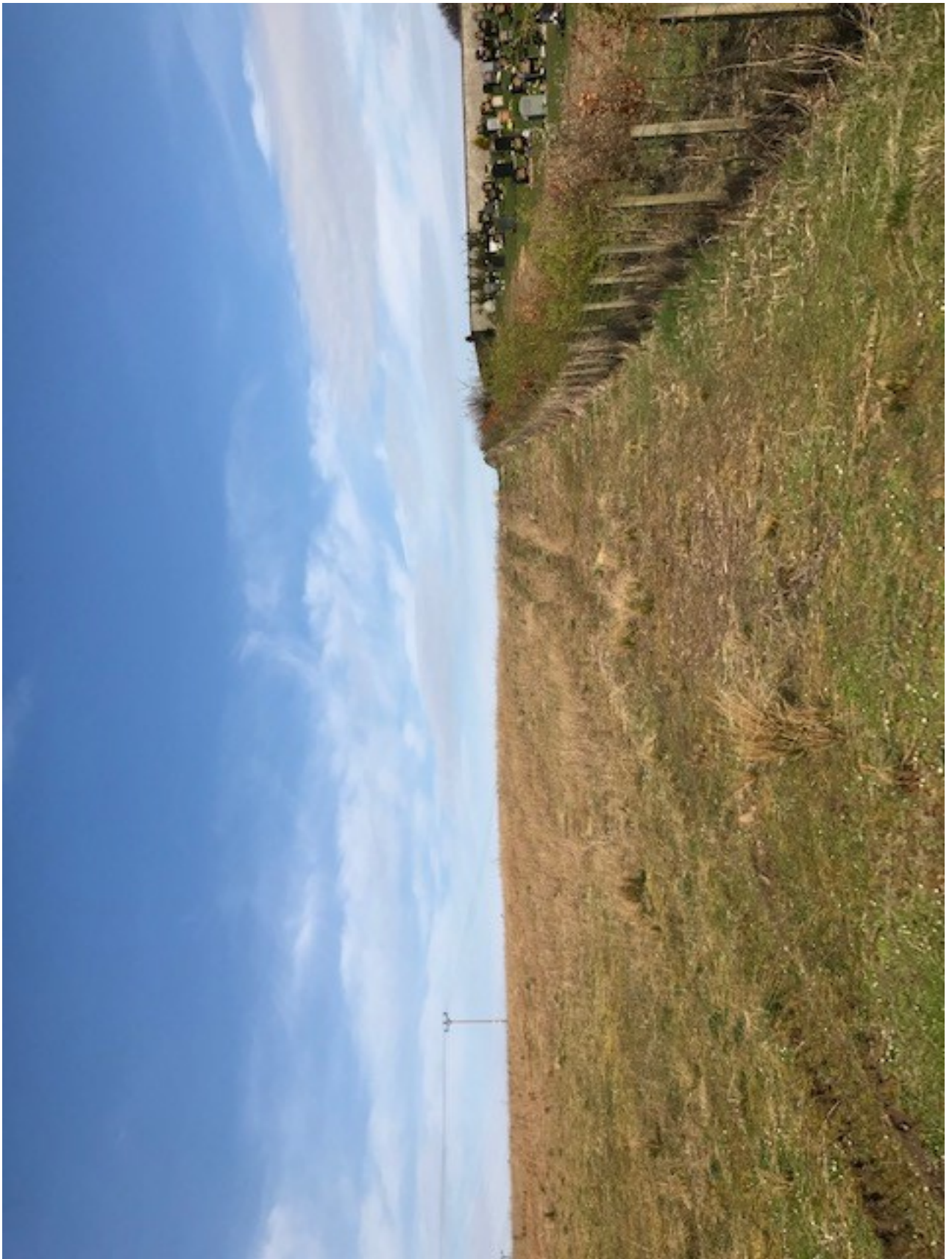
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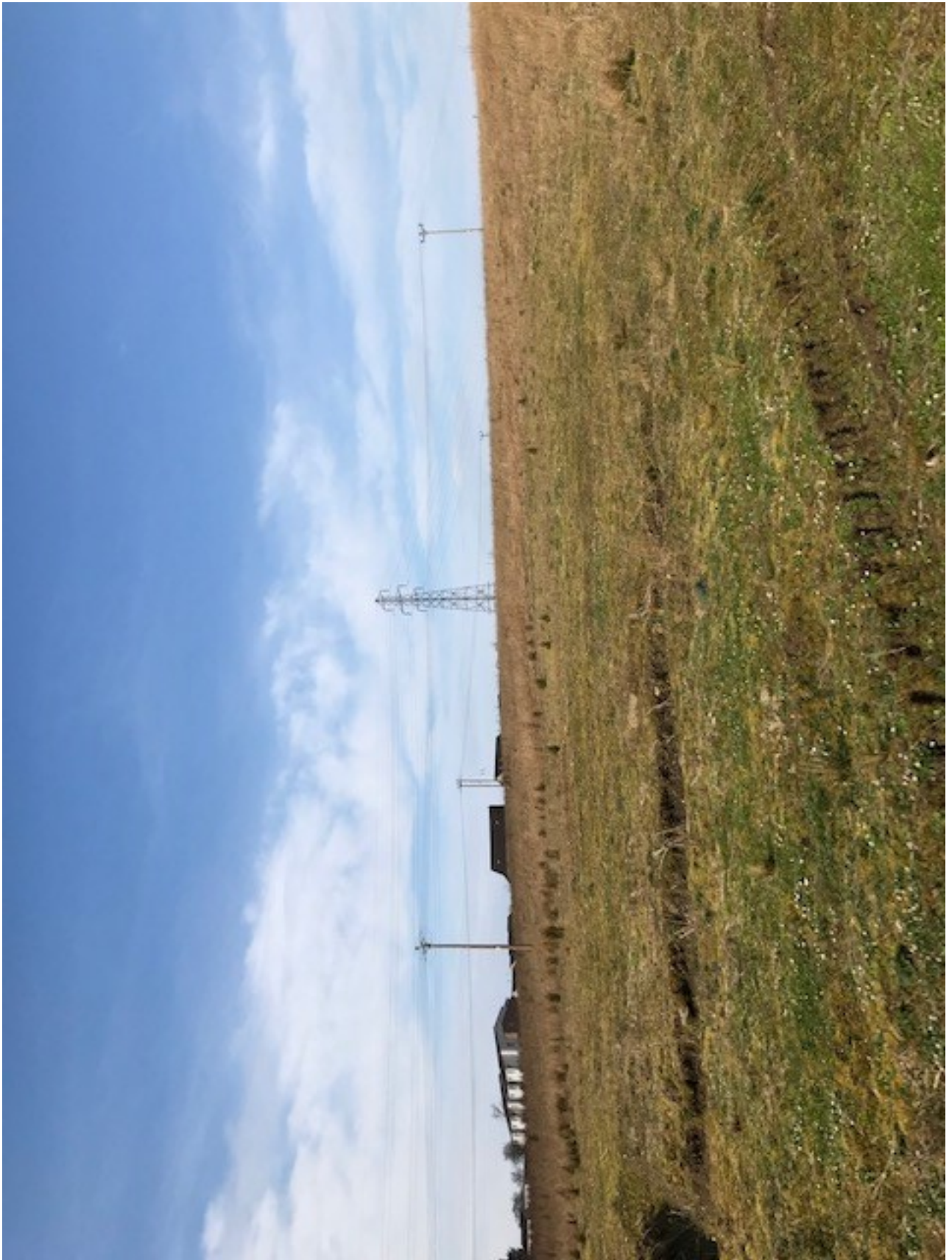
Location Plan















PLANNING APPLICATION: 18/01497/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

- A detailed application for planning permission for a revised residential development of 122 affordable dwellings (82 houses/40 flats) and associated infrastructure on land at site R6 Banff Road North, Keith.
- The site currently has planning consent for 90 affordable dwellings (62 houses/ 28 flats) including land reserved for a future community use, under reference 17/00009/APP, dated 15 September 2017.
- The proposed layout comprises a single main roadway which sweeps up into the site with housing laid out along the road and within small cul-de-sacs/courtyards and a loop arrangement in the northern part of the site. The layout (as before) incorporates proposed substantial structural landscaping and woodland areas, an open space within the western area of the site, street planting, a network of footpath/cycle-ways linking into the wider network and an equipped play area. Associated works to address the topography and changing levels across the site include earthworks and construction of embankments and retaining walls. A stone feature wall is also proposed along the site frontage.
- The house types would be a mix of semi-detached and detached single and two storey designs (providing 2, 3, 4 or 5 bedrooms), with material finishes of wet dash render, painted timber cladding and grey roof tiles. The flats would be one bedroom units in blocks of 4, within two storey buildings of largely the same form and design as the two storey houses. They would each have parking, gardens, hedge boundary planting or low fences and 1.8m high timber fencing to the rear.
- The houses would connect to the public water supply and foul drainage network (the latter via a new foul pumping station at the southeast corner of the site). Surface water from the roofs of the buildings, roads, paths etc. would be disposed of via roadside filter drains/trenches, road drainage and two SUDs detention basins within the north and southern parts of the site, which would discharge to two adjacent watercourses/drainage ditches (controlled by hydrobrake flow control devices).
- The proposal would require diversion of an existing overhead power line and diversion of a gas pipeline.
- The site would be developed in 3 phases of 37, 38 and 47 units, with phase 1 covering the southern part of the site and entrance onto Banff Road, and phases 2 and 3 progressing northwards.
- The application is supported by a Planning, Sustainability and Design and Access Statement, Drainage Assessment/Statement, Transport Assessment and Badger Survey. These address various planning requirements and explain the rationale for the application and increase in units, which are required to address significant site constraints and high site costs (significant ground level changes, increased need for retaining walls and gas pipeline and overhead line diversion costs).

THE SITE

- The site extends to approximately 8.57ha and is located within the north eastern boundary of the Keith settlement, as defined in the Moray Local Development Plan 2015. It forms the entire R6 Banff Road North housing designation and is currently unused land (previously agricultural).
- The site is bounded by housing to the west, the A95 Banff Road to the south and a cemetery and row of trees to the east. A field boundary and farm track bound the site to the north.
- The northern part of the site occupies a ridge running west to east, while the southern half of the site slopes downhill towards Banff Road to the south.
- An existing electricity power line with one pylon dominates the western side of the site and runs north to south parallel with the western boundary of the designation. Two smaller overhead power lines and a medium pressure gas pipeline also run through the site.

HISTORY

For the Site:

10/01492/APP – Detailed planning consent for 60 dwelling houses and planning permission in principle for area for future community facilities at R6, Banff Road, Keith – granted 19 September 2013 (following conclusion of legal agreement).

16/00523/PAN - Proposal of Application Notice (PAN) for amendment of previous planning permission ref 10/01492/APP to provide for revised proposals for residential development and associated infrastructure at R6, Banff Road, Keith. Following consideration, the Council's Planning & Regulatory Services Committee on 14 June 2016 Members confirmed they had no comments to make in relation to the PAN.

17/00009/APP – Detailed planning consent for 90 houses, associated infrastructure and a reserved area for future community uses at R6, Banff Road, Keith – granted 15 September 2017 (following conclusion of legal agreement).

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised as a departure from the development plan and advertised for neighbour notification purposes.

CONSULTATIONS

Planning & Development – MLDP 2015 policy and urban design comments provided. Amendments sought and provided to ensure compliance with quality audit aims and with placemaking policy PP3 (see observations section).

Moray Flood Risk Management – Comments provided regarding surface water drainage arrangements and following further submissions, no objections subject to conditions

regarding drainage infrastructure provision and clearance works to discharge outlets, in accordance with submitted drainage and ditch assessments.

SEPA - No objections and advisory comments provided; management of surface water run-off from the construction site will require to be licenced by SEPA therefore we do not require a condition to address these matters in terms of our interests.

Scottish Natural Heritage – Advice provided regarding protected species. Notes findings of previous badger survey and that these are still likely to be representative of presence or otherwise of badgers on site. As per the survey conclusions/recommendations, SNH also recommends the carrying out of pre-construction survey prior to development commencing and notes that this is to be covered by condition.

Developer Obligations – Developer Obligations assessment carried out in relation to current local development plan policy and associated supplementary planning guidance. Contributions are sought towards provision of healthcare facilities. A new legal agreement will be required to secure these contributions.

Environmental Protection, Lands and Parks Section – Comments regarding initial site layout/plans; inappropriate location of proposed kick-about area adjacent to road; small size of pocket park; lack of detail of boundary treatment between the housing and cemetery; SUDs ponds affecting high water table at cemetery; lack of information regarding long term maintenance arrangements of open space/landscaped areas; and need for additional sowing of wildflower grass seed.

(Officer Note: The above comments/concerns have been addressed with submission of revised plans and information. The kick-about area and small size of pocket park have been replaced by a larger equipped play area and landscaped open space. An updated landscape scheme has been submitted which clarifies boundary treatment and plant species. SEPA has confirmed that it is satisfied that there will be no adverse groundwater issues as the SUDs detention basins will be impermeable, with discharge to the nearby ditches).

Moray Access Manager - No objections.

Aberdeenshire Council Archaeology - No objections.

Scottish Water - No objections. Advisory comments confirming sufficient capacity currently within water treatment works (water and foul), further investigations may be required once a formal application is submitted to Scottish Water.

Environmental Health - No objections.

Contaminated Land - No objections.

Transportation Manager - No objections subject to conditions regarding Construction Traffic Management Plan, provision of 3 metre wide cyclepath along the site frontage (and 23m beyond to the west), visibility splays, a setback distance for fencing from the edge of carriageway, parking and access provision.

Transport Scotland – Does not advise against the grant of permission.

Housing Strategy and Development Manager - No objections.

Scottish and Southern Energy - No objection; informative advice provided regarding the tower line and minimum required distance between this and any buildings

Scottish Gas Networks – No objection subject to condition requiring diversion of gas main through site prior to commencement of works in consultation with SGN.

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).

One letter of representation has been received from:-

Mr Alexander Grant - Cramond Broomhill Road Keith AB55 5GX

Neutral comment made neither objecting to nor supporting the planning application.

Issue: The road to the north of the proposed site is not a track owned by the Council but is private and maintained by contributor. Queries that access would not be granted without consultation with the owners of the track concerned.

Comment (PO): Maintenance of the access track is a private matter between the applicant and owners and does not preclude determination of the current application. The track forms part the Core Path Network which is already readily accessible to pedestrians and non-motorised vehicles.

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 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the “settled view” of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

The application is a major development as defined under the Hierarchy Regulations 2009 as it is for a housing development with more than 50 houses, and the site area exceeds 2 hectares and is therefore subject to Pre-application Consultation report (PAC) procedures. For this application, the PAC report outlines the extent of the applicant's engagement with the local community in accordance with the Proposal of Application Notice (PAN) (16/00523/PAN). Whilst this is the second application to follow this PAC process, it covers the same area and is sufficiently linked to the proposals consulted upon at the pre-application stage and does require repeat PAC. There is also no statutory maximum length of time between carrying out PAC and submitting the related planning application.

As confirmed in the PAC, 28 members of the public attended a consultation exhibition and that the overall tone of feedback at the time was positive. Issues highlighted included

potential impact on private views, the path to the north of the site should be tarred and concerns that all of the housing being affordable. The PAC considers that these issues have been addressed and can be progressed as part of the application. It notes that due to the presence of the electricity pylons there will be an open space buffer of over 60m between existing and proposed houses and as such views will not be affected unreasonably. With regard to the farm track, it is outwith the site boundaries nor under the applicants control and does not form part of the current planning application. In terms of all of the units being affordable, the delivery of affordable homes is a requirement of Local Development Plan policy reflecting the overall priorities of the Council and National Planning Policy. The Pre-application Consultation (16/00523/PAN) was presented to members on 14 June 2016 at the Council's Planning and Regulatory Services Committee, where no issues were raised on the proposals.

Banff Road North (MLDP Policies H1, IMP1, Keith R6, PP1 and PP3) and departure issues

The proposals are supported by PP1 Sustainable Economic Growth as they will bring further investment to the Keith area through construction and provision of new affordable homes.

The R6 designation text states that, as indicated on the settlement map, a significant part of the site should be given over to structural landscaping/tree planting, in order to restrict the amount of development on the upper slopes and crest of the hill, and help with the integration of new development into the landscape. Feature tree planting along the eastern boundary should also be provided. These requirements led to an indicative capacity to 60 houses on what is otherwise a relatively large site.

In terms of the capacity of the site being restricted to 60 units, policy H1 and the designation text states that the designation capacities are indicative only and proposed capacities will be considered against the characteristics of the site and conformity with policies PP3, H8 and IMP1. With this in mind the application is not considered to be a departure in this regard, and this is demonstrated by the current proposed layout which will still provide a generous amount of open space, landscaping and acceptable affordable housing with reasonably sized gardens or communal space.

With regard to the designation requirement to provide structural planting within the northern half of the site, the proposal departs from this aspect of Local Development Plan policy as it includes housing within this part of the site. However, the overall layout is broadly similar to the previous consented 'live' development and retains comprehensive structural landscape proposals including two woodland areas, feature planting to the east and west, and stepped planting between each housing group, which together would assist with its integration into the landscape. On this basis the proposal is considered an acceptable departure to the requirement of the designation.

Other designation requirements relate to access details, planting and a cycleway along the A95 frontage and requirement for a badger survey. The access and A95 frontage requirements have been met. The results of a badger survey submitted with the previous application which found no signs of badger activity or setts are still considered to be representative at this time; as recommended within the report and by SNH a pre-construction survey would be required to ensure that protected species are absent for the onset of construction.

From the above considerations the application is considered to represent an acceptable departure from the structure planting requirements of the R6 Banff Road North designation.

Place-making: Design and Site Layout (PP3, PP2, R6, E5, H8, H9 and IMP1)

During consideration of the application, discussions with the applicant have sought to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the related Supplementary Planning Guidance (SPG). As a material consideration, a Quality Audit (QA) process, covering both design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles.

The QA undertaken for this application identified a number of issues requiring attention and these have been addressed through submission of revised plans and additional information to ensure compliance with policy. These included removal of plots 75 & 76 to enhance the quality of the open space adjacent to the play area and to allow for additional tree planting; improvements to the area of open space which remains overlooked with containment being provided by hedging; provision of further detail for the play equipment; increased planting across the site particularly on the upper slopes which is required to provide integration into the hillside; a detailed landscape plan showing what type of species will be planted and where, including feature tree planting; an improved frontage and entranceway into the site with a stone wall and tree planting along Banff Road; and additional connection being provided from behind plots 121/122 to Banff Road which forms a natural desire line.

The application also includes the necessary Sustainability Statement which sets out how the objectives of policy PP2 Climate Change have been addressed within the development, in terms of its sustainable location, creation of quality of open spaces, utilising sustainable construction techniques and materials and encouraging energy efficiency through orientation (passive solar gain) and design of buildings, utilising low/zero carbon generating technology (Air Source Heat Pumps) etc.

The proposed development of well-connected internal streets and footpaths/cycle-ways, with strong pedestrian links within and outwith the site would provide good accessibility and permeability. The proposed houses and flats fronting onto the streets and open spaces, together with associated gardens and parking (predominantly to the sides) would represent an appropriate form of development. The range of style and finishes of houses and flats are suitably varied and comparable in style to other properties recently constructed within Keith. Low hedge planting and landscaped amenity areas would provide a welcoming development and substantive areas of planting along the northern and western edge of the houses would provide containment. The proposed playpark positioned centrally within the site would benefit from passive surveillance from the adjacent properties and be overlooked from the access road running through the site. A condition covering the provision of the landscaping and equipped play area, and long-term maintenance arrangements is recommended as detailed in the submitted plans.

Sufficient separation distances of approximately 70 to 85 metres between the proposed houses and existing housing to the west would also maintain acceptable amenity levels (i.e. privacy and light) for existing residents.

Based upon the above, the proposals would comply with the requirements of the R6 designation and policies PP3, PP2, E5, H8, H9 and IMP1.

Affordable/Accessible Housing (H8 and H9)

All of the houses and flats proposed are to be affordable housing and following consultation with the Housing Strategy & Development Manager, the proposed housing mix is considered to meet the needs of the area. A condition shall be attached covering the delivery and management of the affordable housing to ensure compliance with policy H8. As the scheme comprises entirely affordable housing the requirements of policy H9 accessible housing are not applicable.

Transportation (Keith R6, T1, T2, T5, T7, PP3, IMP1, IMP2 and IMP3)

The proposed housing layout with associated roads, footpath/cycleway and drainage infrastructure providing good connectivity and a defined street hierarchy has been assessed by the Transportation Section and is considered acceptable, subject to conditions and informatives regarding construction traffic, visibility splays, parking and access provision. With compliance with these conditions the proposals accord with the abovementioned transport related policies.

Designation requirements in relation to various transport matters have also been addressed. These include consideration of road access in association with the site R7 Banff Road South immediately to the south to comprise an initial priority T junction or ghost island, and safeguarding of land for a roundabout to serve both sites. The current layout includes sufficient space at the front of the site to accommodate a future roundabout, and this is supported by additional information demonstrating scope for this infrastructure and provision of a footpath/cycleway along the A95 site frontage. In terms of the potential requirement for a contribution, based on information submitted in the Transport Statement, and following consultation with the Transportation Section and Transport Scotland, there is no requirement for improvements in conjunction with this development. The designation requirement to reposition the 30mph signs to the east of the site is not considered appropriate or required as the proposed site layout and frontage onto the A95 would not support a self-enforcing 30mph limit at this time.

Drainage and Water Supply (EP5, EP10 and IMP1)

In order to meet the requirements of policies EP5 and IMP1 proposed surface water drainage arrangements would involve provision of two large SUDs detention basins and drainage within the proposed roadways/roadsides, which would discharge to two adjacent watercourses/ditches (controlled by hydrobrake flow control devices). The outfall from these basins will have an attenuated outflow to below the pre-development runoff rate before discharging to the drainage ditches. These arrangements supported by Drainage Assessment(s), calculations and additional information have been assessed by the Moray Flood Risk Management Section and been confirmed as acceptable, subject to conditions as recommended requiring adherence to the submitted drainage details and assessments.

Following consultation SEPA has raised no objection to the proposal on flood risk grounds or in terms of potential impact on groundwater (for the latter, noting that the soil ground conditions on the site are mainly impermeable clay and the SUDs basins will be impermeable, as confirmed by the applicant). As a precautionary measure, in order to ensure that the southern detention basin will not impact upon the water table of the adjacent cemetery, a condition is recommended requiring the basin to be lined to ensure that it is impermeable in design (in accordance with details to be approved), unless otherwise agreed. This has been agreed with the applicant.

SEPA has further confirmed that due to the size of the development exceeding 4 hectares, management of surface water run-off from the construction site will require a licence to address this issue.

The houses would also connect to the public water supply and foul drainage network, in line with policy EP10. Scottish Water has raised no objection in this regard and has provided advisory comments regarding detailed connection arrangements.

Accordingly the proposals comply with policies EP5, EP10 and IMP1.

Impact upon Cultural Heritage (BE1 and IMP1)

There are no built heritage assets near the site, but given the presence of archaeology in close proximity to the site, consultation was carried out with the Aberdeenshire Archaeological Service who has raised no objection to the development.

Impact on Natural Heritage (E1, E3, IMP1 and R6)

The site itself is not subject to any international, national or local environmental designations, although there are natural heritage interests present within the wider area, in this case the Mill Wood SSSI located approximately 1.8km to the east.

The R6 designation text identifies the requirement for a badger survey in support of any application. The results of the survey submitted with the previous application (re-submitted for this application) found no signs of badger activity or setts and concluded that the site had low potential to support badgers. Land-use on the site has remained unchanged since the survey and following consultation with SNH (and recent walkover survey by officers), the findings are considered to still be representative at this time; as a precautionary measure and recommended within the report a pre-construction survey would be required to ensure that protected species are absent prior to construction. This shall be covered by a planning condition.

Developer Obligations (IMP3)

A Developer Obligations assessment has been carried out in accordance with current Local Development Plan policy and associated supplementary planning guidance and has identified the need for contributions towards healthcare. The applicants have confirmed that they are agreeable to the contribution, which will need to be secured via a legal agreement prior to the grant of permission.

Conclusion

Subject to the conditions as recommended the proposal is acceptable and will make a substantial contribution towards the provision of affordable housing in Moray. Approval is recommended.

REASON(S) FOR DECISION

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

The development represents an acceptable departure from the Keith R6 designation in that, the proposed layout does not allow for the full extent of structural planting within the northern half of the site, as required by the designation. However, as the proposed layout broadly reflects that of the extant planning consent LPA reference 17/00009/APP and retains comprehensive structural landscaping across the site which would assist with its integration into the landscape, the departure is acceptable in these circumstances. In all

other respects the proposal accords with the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

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

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use

d) The requirements of policies PP2, PP3 and IMP1 are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

R6: Banff Road North

The presence of overhead cables restricts the developable area, and are not a particularly attractive neighbour for residential properties. The site does however offer potential for development between the current edge of the built up area and the cemetery. The cables on wooden poles should be undergrounded but this may not be economically feasible for the pylons, and any layout will have to take safeguarding requirements into account. As indicated on the settlement map, a significant part of the site should be given over to structural landscaping/tree planting, in order to restrict the amount of development on the upper slopes and crest of the hill, and help with the integration of new development into the landscape. Feature tree planting along the eastern boundary should also be provided. These requirements will restrict capacity to 60 houses.

Road access must be considered in association with site R7 immediately to the south. An initial junction may comprise a priority T or ghost island, however land must be safeguarded for a roundabout to serve both sites. Re-positioning of the 30mph signs will be required, to be promoted by the developer. A contribution towards improvements at the Banff Road/A96 road junction may be required.

Along the A95 frontage, hedging and feature tree planting should be provided, to create an attractive road verge incorporating footpath/cycleway.

It will be necessary for the developer to carry out a badger survey to confirm there is no presence of badgers on site.

TSP8: Banff Road

New Junction on A95/Banff Road to serve R6 and R7. Extension of footway along A95, relocation of speed limits and provision of street lighting.

Policy H8: Affordable Housing

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing.

A higher percentage contribution may be appropriate 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.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

Policy H9: Housing Mix/Accessible Housing

Proposals for multiple houses must meet the needs of smaller households, older people and other needs (e.g. extra care housing) identified in the Council's Housing Need and Demand Assessment.

All new residential developments must provide a range of housing of different types and sizes which should reflect the requirements of the Local Housing Strategy. Different house types should be well integrated, ensuring that the siting and design is appropriate to the location and does not conflict with the character of the local area.

Housing proposals of 10 or more units will be required to provide a proportion of wheelchair accessible housing. Flexibility may apply on less accessible sites and/or where an alternative acceptable housing mix is proposed.

Off site provision may be acceptable where sites do not have good access to local services and facilities and are not considered appropriate for housing for older people.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, 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 protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy E5: Open Spaces

Safeguarding Open Spaces

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

Provision of new Open Spaces

Quantity

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 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 including allotments, formal parks and playspaces within residential sites.

Quality

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

Allotments

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

Policy E9: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities 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 for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP7: Control of Development in Flood Risk Areas

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. 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 National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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.

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 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 extreme 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 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
- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and
- An alternative, lower risk location is not available and
- 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 should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) 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

- b) 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.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer 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 specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact 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 identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system 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 risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

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 (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy ER5: Agriculture

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy T7: Safeguarding & Promotion of Walking, Cycling, & Equestrian Networks

The Council will promote the improvement of the walking, cycling, and equestrian networks within Moray. Priority will be given to the paths network including Core Paths and the wider Moray Paths Network. There are several long distance routes that cross Moray including the Speyside Way, Dava Way, Moray Coastal Trail and Aberdeen to Inverness National Cycle Route.

Development proposals that would have an unacceptable impact on access rights, core paths, rights of way, long distance routes and other access routes that cannot be adequately mitigated will not be permitted. Where a proposal will affect any of these, proposals must:

- incorporate the route within the site layout and the routes amenity value must be maintained or enhanced; or
- provide alternative access that is no less attractive and is safe and convenient for the public to use.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental affects under the terms of the regulations.

- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

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 a sufficient information for the Council to carry out a Quality Audit including a topo

survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- 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.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.

- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
 - 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans 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 for employment land 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 Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

a) Development proposals will need to provide for the following infrastructure and services:

- 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 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, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- 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.

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.
- 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, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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 developments, including extensions and conversions and will be applied proportionately.

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.
- i) 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

(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. Minimal (25%) 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 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 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 supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the planning authority, unless otherwise indicated in the site designation.

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 Economic Development and Planning 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 44.

e) Housing Mix and Tenure Integration

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

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 will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. 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 44.

EP1 NATURAL HERITAGE DESIGNATIONS.

a) Natura 2000 designations.

Development likely to have a significant effect on a Natura 2000 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 Natura 2000 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 Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), 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;

- i) 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).
- ii) There is no satisfactory alternative to the development.
- iii) 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 retain, protect and enhance features of biological interest and provide for their appropriate management. Developments must safeguard and connect into wildlife corridors, 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 which incorporates a Biodiversity Plan, that they have included habitat creation in the design of the development. This 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 results in the loss of natural habitats of ecological and amenity value, compensatory habitat creation will be required on an alternative site in Moray.

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 designation in rural groupings to anything other than an 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; and
- 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.

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.

Across a development open space must achieve a very good quality score of 75%. Quality will be assessed by planning officers 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 behavior.
- Appropriate lighting levels.
- Sense of local identity and place.
- Good routes to wider community facilities e.g connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.
- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

iii) Quantity Standard.

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

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

EP8 HISTORIC ENVIRONMENT.

a) Scheduled Monuments and National Designations.

Where a proposed development potentially has a direct impact on a scheduled monument, the written consent of Historic Environment Scotland is required, in addition to any other necessary consents.

Development proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by 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;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for development, and
- c) Any adverse effects can be satisfactorily mitigated at the developer's expense.

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT.

a) Flooding.

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

c) Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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 (except single houses) 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 104). 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 Technical 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.

R4 Banff Road North 8.52 ha 90 units

- Planning permission has been granted for this site.
- The presence of overhead cables restricts the developable area. The layout must take the necessary safeguarding requirements into account.
- Significant structural landscaping/tree planting is required on upper slopes to integrate the site into the landscape. This must incorporate recreational footpaths.
- Feature tree planting must be provided along the eastern boundary.
- Road access must be considered in association with the Mixed Use (MU) site immediately to the south. An initial junction may comprise a priority T or ghost island. Land must be safeguarded to serve a roundabout to both sites.
- Re-positioning of the 30mph signs will require to be promoted by the developer for the roundabout access. Any initial priority junction must be designed for the 60mph speed limit.
- Any significant change to the extant planning permission must be supported by an updated Transport Assessment, which includes new traffic surveys at the A96/A95 Banff Road junction. A contribution towards this junction may be required.
- Hedging and feature tree planting must be provided along the A95 frontage incorporating a footway/cycleway.
- Badger Survey required.
- Pocket Park required.



REPORT TO: SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE ON 25 JUNE 2019

SUBJECT: REPRESENTATIONS TO THE PROPOSED MORAY LOCAL DEVELOPMENT PLAN

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING & INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 This report summarises the representations received in response to the publication of the Moray Local Development Plan (LDP) 2020- Proposed Plan and sets out the Council's proposed responses. The report recommends that the Council proceeds to submit the Plan and the unresolved representations to the Scottish Government and request an Examination.
- 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 representations received to the Moray Local Development Plan 2020- Proposed Plan;
- (ii) approve the responses to the representations received as set out in the series of Schedule 4 documents contained in Appendix 1;
- (iii) approve the minor "non-notifiable" changes set out in Appendix 2;
- (iv) approve the Report of Conformity in Appendix 3;
- (v) approve the responses to representations on the Strategic Environmental Assessment as set out in Appendix 4;
- (vi) approve the responses to the Delivery Programme set out in Appendix 5;
- (vii) delegate authority to the Head of Development Services to make any changes to the Schedule 4's arising from any decisions of the Committee;
- (viii) delegate authority to the Head of Development Services to make any minor correction or formatting changes to the Schedule 4's;

- (ix) approve the submission of the Plan, Schedule 4's and associated core and background documents together with the unresolved representations to the Scottish Ministers for examination and
- (x) agree to give greater weight to sites within the Proposed Plan which are not subject to the Examination process for development management purposes as of 1 August 2019.

3. BACKGROUND

- 3.1 At the special meeting of this Committee on 18 December 2018, the Committee agreed the content of the Proposed Plan and that it be issued for consultation (paragraph 5 of minute refers). The Proposed Plan represents the "settled view" of the Council. The annual Development Plan Scheme agreed at the meeting of this Committee on 29 January 2019 (paragraph 10 of minute refers) programmed the Plan to be submitted to the Scottish Government for Examination in August 2019.
- 3.2 The Proposed Plan was published for a 10 week period for representations on the 7 January 2019 with a closing date of 15 March 2019. A series of 5 well attended drop in exhibitions were held and properties affected by proposals in the Plan were neighbour notified. Meetings were held with statutory consultees, Homes for Scotland and Elgin Community Council during the consultation period. Full details are contained within the Report of Conformity in **Appendix 3**, which the Council is required to submit to the Scottish Government.
- 3.3 A total of 366 representations were received on the Plan, which split into 630 comments, with additional comments received on the Strategic Environmental Assessment and Habitats Regulation Assessment. A number of representations requested clarification on specific issues and were subsequently withdrawn. Representations vary in scale and complexity from concerns regarding small development sites, to complex policy and housing land requirement matters.

4. PROPOSALS

Procedures

- 4.1 Sections 18(3) to 18(9) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 deal with pre-examination modifications and advise that following the close of the period for representations on the Proposed Plan, planning authorities may make modifications, but only so far as to take account of representations, consultation responses or minor drafting and technical matters. This rules out the opportunity to reconsider areas of the Plan which have not attracted any representations seeking change and reinforces the status of the Proposed Plan as representing the "settled view" of the Council.
- 4.2 This report recommends that the Council does not make any notifiable modifications. This recommendation reflects the Government's expectations as set out in Circular 6/2013 Development Planning paragraph 58 which states:-

“From the Proposed Plan stage, Scottish Ministers expect the Authority’s priority to be to progress to adoption as quickly as possible. Pre examination negotiations and notifiable modifications can cause significant delay and so should not be undertaken as a matter of course, but only where the Authority is so minded to make significant changes to the Plan. The Examination also provides an opportunity to change the Plan, so if Authorities see merit in a representation they may say so in their response to the Reporter, and leave them to make appropriate recommendations. However, if Authorities wish to support a significant change to the Plan, especially one that would entail further Neighbour Notification, this should be done by means of a pre examination modification.”

- 4.3 Officers have used the guidance in Circular 6/2013 to indicate to the Reporter a number of areas where the Council sees merit in the submitted representations and leave the Reporter to make the appropriate recommendation, which is legally binding. This saves considerable time delays in progressing the Plan through to adoption.
- 4.4 Representations to the Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance is not subject to Examination procedures. As the Supplementary Guidance refers to policies which will be subject to the Examination process, these will be reported to a future meeting of this Committee following the conclusion of the Examination process.

Schedule 4’s

- 4.5 Unresolved representations have been grouped into 14 Schedule 4’s by area or topic, summarised and responses prepared. Some negotiations and clarification of issues has taken place which have resulted in some representations being withdrawn.
- 4.6 The list of topics is at the front of each Schedule in **Appendix 1**. Each Schedule sets out
- the policies or sites covered by that Schedule
 - list of people/bodies submitting representations
 - summary of the representations and modifications sought
 - the proposed Council response to the representations
- 4.7 The concise style and format of the Schedule 4’s relies heavily upon a series of supporting Core documents which are cross referenced, such as the Council’s Housing Need and Demand Assessment 2017 and Housing Land Background Paper which take a considerable time to prepare, review and keep up to date. Relevant site plans are in **Appendix 6**.
- 4.8 Two issues have attracted a significant number of public representations, namely -
- OPP11 Walled Garden, Elgin- Approximately 150 representations have been received opposing the designation of the walled garden as an Opportunity site, especially for a potential hotel use. In addition to these representations, feedback from commercial hotel operators suggest that the site lacks the road frontage they would want to be commercially viable.

Following further discussion with Greenfingers and Moray College it has been recommended to the Reporter in **Appendix 1** Schedule 7 that the site designation is changed to “CF6 Walled Garden”, with the site safeguarded for educational and training facilities primarily related to horticulture, gardening and outdoor education.

- Hopeman- a letter of support with 150 signatories was received in support of the Council’s position set out in the Proposed Plan for Hopeman by implication supporting no additional development to the south of the village. This is in opposition to a proposal from Springfield Properties plc for further growth to the south of the village, which is detailed in **Appendix 1** Schedule 9 and Schedule 1 in terms of housing land supply.

Strategic Environmental Assessment and Habitats Regulation Assessment

- 4.9 Representations received to the Strategic Environmental Assessment have been summarised along with the Council’s proposed responses in **Appendix 4**. A copy of the final Strategic Environmental Assessment and Habitat Regulations Appraisal are available on the members portal.

Non-notifiable modifications

- 4.10 A number of minor non notifiable modifications are proposed. These are minor changes which are classed as non notifiable and do not have to be advertised as proposed modifications. These are set out in **Appendix 2** and will be forwarded to the Directorate for Planning and Environmental Appeals (DPEA) for information.

Statement of Conformity

- 4.11 As part of the Development Plan Scheme the Council produced a Communications Plan which has informed the Statement of Conformity in **Appendix 3** setting out the steps for community engagement detailing when, how and who was consulted during the Plan preparation process. The Planning etc (Scotland) Act 2006 requires Planning Authorities to submit a report on the extent they have conformed to their participation statement. This allows an assessment to be made on whether the Council has done what it said it would do.
- 4.12 The Statement demonstrates that the Council has carried out consultation on the Local Development Plan in accordance with the proposals set out in the Communications Plan.
- 4.13 Officers are continuing to explore new and different ways to engage, especially with younger people and a Young People Engagement Strategy for Development Planning is currently being prepared, aiming to embed engagement with a younger audience in wider planning activities such as woodland planting, Food Production Strategy and Wards Wildlife site management.

Delivery Programme

- 4.14 A number of minor changes will be made to the Delivery Programme since it was approved at a special meeting of this Committee on 18 December 2018 (para 5 of minute refers). Responses to the Delivery Programme are included in **Appendix 5**.

Submission for Examination

- 4.15 It is proposed to submit the Plan to Ministers at the end of June and this is the trigger for the Plan to be passed to the DPEA to hold an Examination into unresolved representations (objections). Scottish Ministers will appoint a Reporter(s) to carry out the examination and the Reporter(s) will decide which issues they want further information on and whether they wish to hold any Hearing Sessions or a formal Inquiry into specific issues. It is likely that the vast majority of issues will be decided on the basis of written representation i.e. the representation and the Council's responses, which are the subject of this report. The last LDP Examination in 2014 had one hearing session for wind energy policy matters.
- 4.16 The Council is required to submit a comprehensive amount of supporting documentation to the DPEA for the Examination. The Reporter(s) will likely issue a number of "Further Information Requests" for points of clarification. Dealing with these timeously and providing clear evidence and casework will reduce the time and costs associated with the Examination. The Examination process is expected to take between 6 and 9 months.
- 4.17 The Council is also required to publicise submission of the Plan by placing a notice in one or more local newspapers stating when and where the Plan may be viewed, making copies available in an office of the Planning Authority and libraries and publishing on the internet.
- 4.18 Upon completion of the Examination, the Reporter will issue the Examination Report which is "largely binding" on the Council. Planning Authorities may depart from the recommendations only in specific defined circumstances as set out in Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations)(Scotland) Regulations 2009. The Council is then required to advertise modifications arising from the Report and thereafter adopt the Plan.

Material Consideration for development management purposes.

- 4.19 The special meeting of this Committee on 18 December 2018 (para 5 of minute refers) agreed that the Proposed Moray Local Development Plan 2020 be treated as a material consideration for Development Management purposes as of 1 February 2019. Further guidance on operating the Proposed Plan as a material consideration was provided at the meeting of this Committee on 29 January 2019 (para 12 of minute refers), which agreed that; "June/August 2019 - LDP adoption mid 2020 - the weight to be given to matters set out in the Proposed Plan will vary; Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through the Examination, then those

matters will continue to be given minimal weight as a material consideration in the development management process.

Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.”

- 4.20 It is therefore proposed that sites which are not subject to Examination are given greater weight as a material consideration in the Development Management process as of 1 August 2019, but none of the policies in the Proposed Plan are given greater weight at this time. Many of the policies will be subject to Examination and as the Plan should be read as a whole, to give policies greater weight at this stage would significantly increase the risk of legal challenge.

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. In addition to the land designations for housing and employment land, the Plan sets out policies and a Delivery Programme which will be delivered through partnership working with other organisations, developers and consultees. The Plan also supports the delivery of affordable housing and conservation and enhancement of our high quality environment. The Delivery Programme will be monitored annually through a Monitoring Report to be submitted to this Committee.

The preparation of the LDP is a key priority in the Service Plan for the Planning and Development section.

(b) Policy and Legal

Preparation of the LDP is a statutory responsibility of the Council as planning authority.

(c) Financial implications

The cost of the Examination of the 2015 LDP was £50,763. A budget of £60,000 has been provided for the costs associated with Examination (Reporter and DPEA).

(d) Risk Implications

If the Committee decided to make notifiable changes to the Plan at this stage, then the timetable would be delayed. This would have an impact upon other Services and on the local economy in terms of when proposed new sites would become effective and the Council would fail

to achieve the performance indicator of replacing the LDP 2015 within 5 years of adoption.

(e) Staffing Implications

Preparing the LDP is a core activity for the Planning and Development service and preparing for the Examination has represented a significant workload over a short period of time.

Responding to representations has also required significant staff time from other services, particularly Transportation, Legal and Housing.

The examination procedure and implementation of the Plan will also result in significant workload for a number of Council services.

(f) Property

The Council is required to produce a schedule of all Council owned property affected by proposals in the Plan. This was published alongside the Proposed Plan.

(g) Equalities

An Equalities Impact Assessment (EIA) was completed for the Proposed Plan which concluded that the Plan creates opportunities for advancing equality of opportunity by;

- Giving all individuals, groups and organisations an opportunity to influence the content and policy of the Local Development Plan.
- Including a primary policy on Placemaking, which aims to support development that is safe, welcoming and inclusive and supports health and wellbeing of residents.
- Including a primary policy on Sustainable Economic Growth that aims to ensure that development is planned and co-ordinated with infrastructure (including education, health, transport, sports and recreation and access facilities).
- Including a requirement for all housing developments to contribute towards the provision of affordable housing, which will increase delivery of affordable homes in Moray.
- Including a requirement for developments to provide a mix of house types, tenures and sizes and for tenure demonstration to be achieved, including requirements to ensure that architectural styles are tenure blind and affordable and private housing share catchment areas, play areas, bus stops and other community facilities and that housing provision meets the needs of the local population in terms of age and/ or disability.
- Including a requirement that 10% of the private sector units in developments of 10 or more units to be provided to wheelchair accessible standard.
- Including a policy to consider proposals for Gypsy/ Traveller sites (halting or permanent) and to safeguard sites used by Showpeople. The Action/ Delivery Programme includes an action to undertake a search for a Gypsy/ Traveller halting site(s).

- Including text in the Plan regarding translation services.
- Including a requirement in Policy PP1 Placemaking that ParentAble Moray and the Moray Disability Forum are consulted on Masterplans.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager, the Equal Opportunities Officer, Senior Engineer Transport Development, the Transportation Manager, Paul Connor (Principal Accountant), the Development Management and Building Standards Manager, the Educational Resources Manager, the acting Head of Housing and Property, the Acting Consultancy Manager and Lissa Rowan (Committee Services Officer) have been consulted and their comments incorporated into the report.

6. CONCLUSION

- 6.1 The Proposed Plan was subject to extensive consultation and 366 responses were received which have been summarised and grouped by area/ topic into 14 Schedule 4's which set out the proposed Council response.**
- 6.2 It is proposed to submit the Plan and unresolved representations to Scottish Ministers at the end of June and request an Examination.**

Author of Report: Gary Templeton, Principal Planning Officer
 Background Papers:
 Ref:

Moray Local Development Plan 2020 **PROPOSED PLAN**

Appendix 1 **SCHEDULE 4's**



moray
council

Appendix 1- Schedule 4's

- 1** Vision, Strategy, Strategic Land Requirements
- 2** Primary Policies 1-3 and Policy DP1
- 3** Development Policies DP2, DP3, DP5-8, DP10, DP11
- 4** Rural Housing
- 5** DP9 Renewable Energy
- 6** Environment Policies
- 7** Elgin Housing and Other Issues
- 7a** Key Design Principles I16 & LONG3, Burnside of Birnie, Elgin
- 7b** Elgin OPP11 Walled Garden
- 8** Elgin Housing Market Area- Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart
- 9** Elgin Housing Market Area- Burghead, Cummingston, Duffus and Hopeman
- 10** Forres Housing Market Area- Forres, Dallas, Dyke, Findhorn, Kinloss and Rafford
- 11** Buckie Housing Market Area- Buckie, Cullen, Findochty, Portgordon and Portknockie
- 12** Keith Housing Market Area- Keith, Newmill
- 13** Speyside Housing Market Area- Aberlour, Archiestown and Rothes
- 14** Rural Groupings

Issue 1	Vision, Spatial Strategy and Strategic Requirements	
Development plan reference:	Vision (Volume 1, page 7) Spatial Strategy (Volume 1, pages 8-11) Strategic Context (Volume 1, pages 12-17	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Springfield Properties plc (10) Barratt North Scotland (15) NHS Grampian (300) Scottish Government (490) Crown Estate Scotland (861) Homes for Scotland (1035) Fred Olsen Renewables Ltd (1047) Christopher Moran Energy Ltd (2178) Airvolution Clean Energy (ACE) (2186) Dean Anderson (2204)		
Provision of the development plan to which the issue relates:	Vision- Volume 1 page 7 Spatial Strategy- Volume 1 pages 8-11 Housing Land Requirement- Volume 1 pages 12-14	
Planning authority's summary of the representation(s):		
Vision <u>Fred Olsen Renewables Ltd (1047/3/1), Christopher Moran Energy Ltd (2178/1/1)</u> Disappointing that there is no specific reference to the need to encourage renewable energy development, given the very significant support at Scottish Government level for further renewable energy development, in particular onshore wind energy and other technologies. Refer to other LDP's e.g. Dumfries and Galloway vision includes "a range of renewable energy developments" and Scottish Borders "encouraging renewable energy is seen to be a key part of the Government response to climate change and this supports the emphasis towards a low carbon economy" and a key aspiration is "the development of the area's full potential of electricity and heat from renewable sources. in line with national climate		

change targets....” Proposed Plan is silent on this topic, which is unacceptable.

Airvolution Clean Energy (2186/1/1)

Concerned about the absence of reference to the presumption in favour of development that contributes to sustainable development” as set out on page 9 of Scottish Planning Policy. The Vision should refer to this presumption for the benefit of all stakeholders and subsequent decision making.

NHS Grampian (300/6/1)

NHS Grampian welcomes the placemaking approach and the inclusion of Healthcare infrastructure which is a fundamental component of a community which is reflected throughout the Plan.

Spatial Strategy

Barratt North Scotland (15/1/1)

Supports the Council’s Growth Strategy, with a focus on delivering existing designated sites which are in the development process or have stalled in tertiary areas.

NHS Grampian (300/6/1)

Support the Strategy and proposed changes to Lossiemouth and Keith from secondary to Tertiary Growth areas. Welcome the placemaking tool and inclusion of healthier living and wellbeing.

Crown Estate Scotland (CES) (861/6/7)

Object to non-inclusion of Mosstodloch and Fochabers as a tertiary or joint tertiary growth centre to deliver growth over the LDP period and beyond. CES has put forward 75 ha additional land for employment and mixed use at Mosstodloch and has development land at Fochabers, which are potential “game- changers” for the settlement.

Fred Olsen Renewables Ltd (1047/3/1), Christopher Moran Energy Ltd (2178/1/1)

The rural area is entirely empty of any indication of opportunities. This is a missed opportunity to identify the scope offered in Moray’s rural areas for renewable energy development, in particular onshore wind. If offshore is identified then why not onshore?

Springfield Properties plc (10/13/24)

Housing Land Distribution

Representation seeks designation of additional land for housing in Hopeman (see schedule 9).

Consider the distribution of housing land has not always ensured the most effective match between the distribution of sites and locations where there are opportunities for development to promote growth;

- It is contradictory to promote growth outside of Elgin but expect it to be delivered by

settlements in the hierarchy, which are constrained, or with low potential to deliver growth.

- Fochabers is the only other settlement in the Elgin Housing Market Area identified for any real level of growth. All the settlements in the tertiary growth tier Keith, Fochabers and Aberlour are recognised as having existing housing designations which will involve exploring how to overcome constraints on sites to take them forward because the designations are not considered by SPL to be credible, effective land.
- Hopeman is well placed within Elgin Housing Market Area and capable of delivering such growth.
- Consideration should also be given to the role that expansion of existing settlements can play in providing a solution, which would be more sustainable and achievable. The scale of the issue to be addressed does not immediately appear to justify the response of a new settlement. This approach is consistent with Scottish Planning Policy where development should generally be guided to locations within or adjacent to settlements and also with the preferred option for the growth strategy in the Main Issues Report to support existing services and communities outwith Elgin.
- Despite the importance of Lossiemouth, in terms of the spatial strategy, its size, level of services and employment, it is significantly constrained due to noise levels associated with the RAF base. The diminished role of Lossiemouth in the settlement strategy leaves a large gap to be filled, as it is one of the region's main service and employment centres outwith Elgin. A new settlement on the A96 corridor would not be well-located for access to the town. Hopeman could once again play an enhanced role in the proposed settlement strategy.
- The growth strategy states that new development in the smaller towns and villages (4th tier in hierarchy) "will be proportionate to their size and provision of services and facilities". However this approach is not consistent with the relationship of Hopeman to other settlements in the 4th tier of the hierarchy.
- Hopeman has sufficient capacity for a higher level of growth than is currently allocated to it, whilst several other settlements have seemingly high numbers of allocated sites that seem to be constrained and have no commercial marketability with no developer interest.
- The case for looking at Hopeman to accommodate growth is stronger in the context of the Elgin Local Housing Market Area where sites at Lhanbryde, Burghead, Mosstodloch and Lossiemouth are long standing designations, stalled sites, constrained due to marketability or have low completion rates.

Dean Anderson (2204/2/2)

Representation seeks designation of additional land for housing in Duffus (see Schedule 9).

- The proposed strategy will result in a perpetuation of the current pattern of growth and it is considered a more forward looking approach should be adopted which recognises the likely future demands for housing, as a result of anticipated investment and development in Moray, taking account of expansion at RAF

Lossiemouth and Kinloss Barracks becoming home to another army battalion.

- The spatial strategy should be reconsidered to reflect the real changes which are expected. Whilst constraints may prevent Lossiemouth from widespread expansion, smaller settlements within the vicinity would be able to accommodate growth to cater for demand. Duffus is not named within the Spatial Strategy and it is suggested that it be added to Smaller Towns and Villages. This would then facilitate an expansion to this settlement.

Strategic Context

NHS Grampian (300/6/1)

NHS Grampian will require a more flexible approach to infrastructure requirements to accommodate future service delivery. Rather than extending existing premises or providing new, NHS Grampian may wish to consider an alternative approach in some areas with care and treatment services being delivered in alternative locations. Table 5 Healthcare Infrastructure confirms the requirements are generally in line with information provided to the Council, however the works to increase capacity at Rothes are now complete, with works at Aberlour ongoing and due to complete May 2019.

Barratt North Scotland (15/1/1)

Housing Land Requirement. Barratt support addition of a 30% generosity allowance onto the baseline HNDA figure to calculate the housing land requirement.

Scottish Government (490/4/1)

The Plan should set out the Housing Supply Target, separated into affordable and market sector to accord with Para 120 of SPP.

Homes for Scotland (1035/9/1)

Homes for Scotland support the Council's chosen 30% generosity margin added to the housing supply target to reach its housing land requirement.

Terminology within the Proposed Plan (page 14) is confusing. Assume that the "annual housing completion target" is the Housing Supply Target as defined in Scottish Planning Policy and that the "annual average housing supply target" is the Housing Land Requirement from SPP.

Springfield Properties plc (10/13/24)

A Housing Review (SD03) has been prepared to support this objection and sets out that a significant amount of allocated sites in the Moray Local Development Plan (MLDP) 2020 are constrained due to marketability and other factors and cannot be relied upon to contribute to the land supply. Many of these sites are located in weak market areas where there is little or no real demand for new housing in significant numbers. These legacy sites have not been delivered and are being rolled forward from one plan to the next without deliverability being properly examined.

Request that these sites are removed and state that Hopeman HP4 is well placed to

accommodate a proportion of the land supply in a revised growth strategy, in a viable, sustainable and well-located settlement that has good infrastructure capacity within the Elgin Housing Market Area.

This representation seeks to make more effective use of land, which is part of the established land supply but has not come forward for development through successive Development Plans.

Contend that a number of non-effective stalled sites are not contributing to the land supply requirements for Moray. A total of 42 sites and 2,209 plots are constrained, owing to marketability and other factors and therefore will not contribute to the effective land supply. A redistribution of a small part of this housing land to Hopeman from within such a large capacity would not undermine the settlement hierarchy whilst at the same time directing an allocation to a location which can deliver viable, marketable and sustainable growth.

A total of 42 sites with capacity for 1,184 homes are identified as being constrained due to marketability in the 2018 Housing Land Audit (HLA), approximately 9% of the established housing land supply. This shows a substantial mismatch between the location of housing land designations and those readily capable of promoting marketable growth to support the proposed growth strategy for the LDP 2020.

A number of sites (587 homes) have been in successive Development Plans and have not come forward. Many of these designations were promoted speculatively and were not housebuilder led and there has been little housebuilder interest in taking them forward. The 2018 Housing Land Audit (HLA) constrains all of these sites on marketability grounds, therefore they could reasonably be assumed to not be capable of being brought forward and contributing to the effective land supply.

The Main Issues Report responses suggested that sites included within the Proposed Plan have been subject to detailed scrutiny regarding their effectiveness, reflecting aspirations for delivery set out in the emerging reforms to the planning system. This is strongly refuted, as SPL consider it is clear to see that a large number of constrained sites have been taken forward from successive plans.

The Proposed Plan continues to promote a range of constrained sites that ultimately fail to contribute to the effective land supply. In the Housing Land Audit 2018 (HLA) 9,210 units are constrained, approximately 3,433 of these are constrained predominately for marketability/physical reasons, but with the balance of this 5,777 being LONG land within a total established supply of 12,848. Many of these sites have been brought into the LDP 2020 and will continue to stagnate and require LONG land to be brought forward to deliver sufficient number of homes.

LONG Sites

LONG sites have been brought forward into the MLDP2020 such as Hopeman R1 Manse Road, R2/R4 Fochabers, R9 Keith where the existing allocated sites themselves are yet to be commenced. Some indication of progress should be required to support this.

The initial phase at R1 Manse Road Hopeman has not progressed, despite this a further area of the site has been released. Lochyhill in Forres is a significant release allocated since 2008, with a capacity for 850 units and an additional area of LONG. It has not progressed and development stalled in 2009 when the developer withdrew from the site, despite putting a Masterplan in place for part of the site

The continued focus of the bulk of development for Moray, 1200 additional units in the Elgin Housing Market Area, predominantly within Elgin itself will serve to apply significant pressure to its already strained infrastructure, transport networks and facilities. An approach where alternative locations are considered, with more dispersal of housing sites outwith Elgin but within its Housing Market Area is promoted.

Viability

At the time of submitting Call for Sites bids, further viability information was sought by the Council regarding effectiveness/viability testing in relation to sites. At Main Issues Report (MIR) a number of existing and potential sites were being identified as requiring further information to demonstrate effectiveness/viability. Despite this intention this was never put in place. Therefore, viability and deliverability of these sites has not been verified.

The significant increase in Developer Obligations in Moray has probably further jeopardised the viability of these sites. Remain concerned continuously ineffective sites are indicative of a wider failing to promote sites in a range of locations where there remains a buoyant and commercial market for new homes.

R1 Manse Road, Hopeman

The Proposed Plan states that R1 Manse Road is effective and programmed for commencement in 2019. To date no proposals have been forthcoming in the form of a Proposal of Application Notice (PAN) or pre-application enquiry despite its allocation in the MLDP2015. Given historic landfill gas emission issues, it is a valid concern whether this site is both commercially developable and safe to do so. There is a question over whether the site is deliverable. Even if developed it does not appear that R1 Manse Road will make any significant contribution to the growth strategy over the term of the LDP2020. Furthermore, there is a lack of explanation as to why an additional area of LONG land is to be released when no clear indicators of the site progressing have occurred.

Dean Anderson (2204/2/2)

There is a large reliance on existing sites and given the lack of progress which has been made in the delivery of these units during the current lifetime of the plan there must be a danger that these sites are not viable or deliverable, thereby constraining the housing land supply. The Council has attempted to avoid this scenario by the introduction of policies requiring annual delivery strategy/updates and compulsory purchase to assist sites in being developed. This is laudable however it must be recognised there are few examples of compulsory purchase powers being successfully used to unlock housing sites and accelerate the delivery of housing units. A more effective method would be to allocate more sites to broaden the range for developers. A range of sites including the one at Duffus (see schedule 9) could be allocated.

Modifications sought by those submitting representations:

Vision

Fred Olsen Renewables Ltd (1047/3/1), Christopher Moran Energy Ltd (2178/1/1)

Vision, aims and objectives to be amended to reflect the current intensification of policy support for renewable energy development since SPP was published in 2014.

Airvolution Clean Energy (ACE) (2186/1/2)

Vision to refer to the presumption in favour of development that contributes to sustainable development” as set out on page 9 of Scottish Planning Policy.

NHS Grampian (300/6/1)

No change sought.

Spatial Strategy

Barratt North Scotland (15/1/1)

No change sought.

NHS Grampian (300/6/1)

No change sought.

Crown Estate Scotland (CES) (861/6/7)

Mosstodloch and Fochabers should be listed as a tertiary growth centre, whether standalone or combined with Fochabers.

Fred Olsen Renewables Ltd (1047/3/1), Christopher Moran Energy Ltd (2178/1/1)

Spatial strategy to indicate opportunities for onshore wind energy development.

Springfield Properties plc (10/13/24)

Identification of additional growth in Elgin Local Housing Market Area, specifically Hopeman.

Dean Anderson (2204/2/2)

Identification of additional growth in Elgin Local Housing Market Area, specifically Duffus.

Strategic Context

NHS Grampian (300/6/1)

Amend Table 5 Healthcare Infrastructure to reflect works to increase capacity at Rothes is now complete, with works at Aberlour due to complete in May 2019.

Scottish Government (490/4/1)

Plan to set out the Housing Supply Target, separated into affordable and market sector.

Homes for Scotland (1035/9/001)

Amend terminology to be more consistent with Scottish Planning Policy, annual housing completion target should be Housing Supply Target and the annual average housing

supply target is the Housing Land Requirement.

Springfield Properties plc (10/13/24)

Identification of additional growth in Elgin Local Housing Market Area, specifically Hopeman

Dean Anderson (2204/2/2))

Identification of additional growth in Elgin Local Housing Market Area, specifically Duffus.

Summary of responses (including reasons) by planning authority:

Vision

Fred Olsen Renewables Ltd (1047/3/1), Christopher Moran Energy Ltd (2178/1/1),
Airvolution Clean Energy (ACE) (2186/1/1)

While not specifically stating “renewable energy”, the Council considers that the Vision set out on page 7 of the Proposed Plan (CD01) provides several positive statements regarding sustainable development in support of Scottish Planning Policy to support the right development in the right place, including;

- Bullet point 1 refers to creating “sustainable, welcoming, well connected and distinctive places.....”
- Bullet point 4 refers to “identify and provide for new or upgraded social and physical infrastructure to support the expanding population....”
- Bullet point 6 refers to “.....and promote low carbon and sustainable development.”
- Bullet point 8 refers to “improve resilience of the natural and built environment to climate change”.

The Council’s position on renewable energy is clearly set out in Policy DP9. The Vision sets out broad principles and it is not considered necessary or appropriate to set out in detail all technologies, businesses or scenarios for development which are more appropriately covered by individual, and more detailed policies in support of Scottish Planning Policy.

No modification is proposed.

NHS Grampian (300/6/1)

Support noted.

Spatial Strategy

Barratt North Scotland (15/1/1), NHS Grampian (300/6/1)

Support noted.

Crown Estate Scotland (CES) (861/6/7)

Development rates in Mosstodloch have historically been very low. However, a planning

application for a first phase of 30 affordable homes has recently been approved, with construction planned to commence in 2019/20 financial year. The preferred route of the A96 dualling has been published, which will run immediately south and in close proximity to Mosstodloch and immediately north of Fochabers and given the existing services and scale of new land releases identified in the Proposed Plan, there is some merit in identifying Mosstodloch and Fochabers as tertiary centres forming a Growth area in the spatial strategy diagram and associated text, with plans added in the section identifying growth areas (page 9 of Proposed Plan). Mosstodloch and to a lesser extent Fochabers also has longer term growth opportunities beyond the Plan period.

If the Reporter is so minded, the Council would have no objection to the modification as outlined above, to include Mosstodloch and Fochabers as tertiary centres forming a Growth area in the Spatial Strategy and associated text.

Fred Olsen Renewables Ltd (1047/3/1), Christopher Moran Energy Ltd (2178/1/1)

The reference to offshore wind on the Spatial Strategy diagram of the Proposed Plan (Vol 1, page 11) is to highlight the potential opportunities at Buckie harbour for operation and maintenance related activities to support offshore wind energy.

It is not considered necessary or appropriate to identify onshore wind opportunities on page 11, when there is a specific spatial framework and more detailed policy guidance maps on pages 63, 65, 67 and 69 of Volume 1. Policy ED9 provides a positive framework for considering a wide range of renewable energy technologies, not just onshore wind.

No modification is proposed.

Springfield Properties plc (10/13/24), Dean Anderson (2204/2/2)

Spatial Strategy

Historically the spatial strategy in Moray has revolved around concentrating development in the primary centre of Elgin, with secondary centres of Forres, Buckie, Keith and Lossiemouth, with some growth in smaller towns, villages and Rural Groupings and no growth in some towns, villages and Rural groupings because of constraints or sensitivities such as historic character, flooding, limited services or access restrictions.

However, while an excellent effective housing land supply is available in Elgin, Forres and Buckie, opportunities in Lossiemouth beyond the consented development at Sunbank (278 units) are limited and in Keith, despite several designated housing sites, growth and interest in developing in the town are limited, with only the site for affordable housing at Banff Road showing signs of progressing since adoption of the Moray Local Development Plan 2015.

To address the need for a slightly different approach to the Spatial Strategy, the Topic Paper on Housing Land, Policies and Creating Quality Places (CD28 page 8), which was published in support of the Main Issues Report in January 2018 proposed that the Spatial Strategy for housing land be to;

- Reinforce and strengthen the primary role of Elgin in the settlement hierarchy, followed by Forres and Buckie, with growth areas at Aberlour and Fochabers promoted through the Plan period. Aberlour and Fochabers are viable local centres

with a range of services and facilities, including secondary schools and while growth to date has been slow, the Plan will aim to deliver development in these centres.

- Address a lack of effective housing sites in the Keith and Speyside LHMA's by exploring alternative approaches to delivery, including a more restrictive housing in the countryside policy.

The smaller settlements are expected to grow in proportion to their current size and land designations have been made at smaller, proportionate levels and in accordance with existing supply, previous development rates etc. However, some towns and villages have been proposed for no, or very limited growth, due to infrastructure capacity, environmental or character issues."

The objections by Springfield Properties plc and Dean Anderson should be read in conjunction with their settlement specific objections seeking land designations for housing development in Hopeman and Duffus (see schedule 9).

Following consultation on the Main Issues Report, the approach to the Spatial Strategy was included in the Proposed Plan (CD01 page 8) with Primary, Secondary and Tertiary Growth areas expected to experience the most development during the lifetime of the Plan, concentrated on masterplanned areas in Elgin South; Findrassie, Elgin; Bilbohall, Elgin; Dallas Dhu, Forres and new growth areas (CD01 page 9) at Lochyhill, Forres; south west Buckie; Speyview, Aberlour and Fochabers.

The Proposed Plan clearly states that in the tertiary growth areas of Lossiemouth, Keith, Fochabers and Aberlour, the focus will be upon delivering already designated sites.

The objectors state that Moray's established land supply contains sites which are constrained. However, the objectors do not acknowledge that these sites do not form part of the effective housing land supply and that some sites can very easily become effective simply through a change in ownership or an infrastructure constraint being addressed or through inclusion in the Council Strategic Housing Investment Programme (SHIP) (CD44). Examples of where this change has happened include the sites at Stynie Road, Mosstodloch and Banff Road, Keith, which have both been constrained, but have recently come forward and have planning consent and are now included within the SHIP as a clear route to being delivered. Similarly site R1 St Andrews Road, Lhanbryde had been considered constrained but is now progressing towards a planning application. It is noted that these three proposals in Mosstodloch, Keith and Lhanbryde are all being progressed through the planning system by Springfield Properties plc.

The Council also intends to take a more proactive approach to delivery of housing sites where need is not being met and sites aren't coming forward and by addressing constrained sites. This involves closer working with partners including the Council's Housing services, NHS Grampian and exploring innovative models of delivery and funding such as the Housing Mix project which is one of several projects the Council hopes to progress through the Moray Growth Deal bid.

The objectors have not acknowledged that Moray has provided an effective housing land supply in compliance with Scottish Planning Policy since adopting the 2008 Moray Local Plan and the introduction of LONG sites, which won an award at the Scottish Awards for Quality in Planning. LONG sites add a reserve (otherwise effective) supply of land which can be brought forward if required and the agreed triggers for release (set out in the

Housing Land Audit) are met.

The Spatial Strategy approach set out in the Proposed Plan is considered to be the most sustainable, directing development to the main service centres with the best public transport and active travel connections. This is considered to support the SPP (CD53 page 13, para 40) principle of directing the right development to the right place. The Spatial Strategy is also considered to comply with SPP para 50 which requires planning authorities to identify the most sustainable locations for longer term development. Taking account of opportunities and constraints, the Council considers the spatial strategy represents the most sustainable approach during the period of the Plan. This is recognised in the Strategic Environmental Assessment, which discounts other options for growth, in preference to the Spatial Strategy set out within the Proposed Plan.

The objector suggests that sites should be in the control of a developer in order for the site to be included in the Proposed Plan. However, this approach is unlikely to result in the most sustainable approach or to meet housing need and demand across Moray. It also fails to reflect that sites such as St Andrews Road, Lhanbryde; Stynie Road, Mosstodloch; Speyview, Aberlour and Banff Road, Keith have all recently come forward (by Springfield Properties plc) or are in the process of coming forward through the planning system, despite not being in a developers control at the time of designation

The Council has taken full account of the increase in military personnel, family and additional employment opportunities at RAF Lossiemouth and the potential for increased personnel at Kinloss Barracks. This was factored into the housing land requirement generosity allowance of 30% and in the land releases in Elgin and Forres, notably at Findrassie and Elgin South and at Lochyhill, Forres. Close communication has been ongoing between the Ministry of Defence and the Council regarding housing needs associated with military and support personnel coming to Moray. The Ministry of Defence also controls substantial numbers of currently empty properties which in association with current and proposed housing available on the market can absorb much of the planned growth at both military bases. Details of all local developers and current housing availability of housing stock has been discussed regularly with the Ministry of Defence.

Role of Hopeman and Duffus in the Spatial Strategy

Hopeman

In terms of Hopeman's position in the Spatial Strategy, the Council does not consider there to be scope to extend the village beyond the sites identified in the Proposed Plan due to a number of constraints, including the character of the village, the Special Landscape Area, the limited services available and local road network constraints. Large scale expansion of the village has twice been rejected through Local Plan Public Local Inquiry in 2007 and Local Development Plan Examination in 2014 (CD 34 pages 123-141 and CD14 pages 314-316).

There is an effective housing land supply in Hopeman of 47 units identified in the housing land audit 2019 (CD41 page 31), consisting of 22 units at Forsyth Street and 25 units at R1 Manse Road. This will be added to through the "release" of the current LONG site at Manse Road in the new Plan for 50 units and the new site R2 at Hopeman Golf Club for a further 8 units, bringing the total housing land supply for Hopeman for the period of the Plan to 47 units plus 58, providing a total effective supply of 105 units. This is considered to meet needs within the plan period and beyond through the development of these "plan-

led” sites, beyond which the Council considers that Hopeman has reached the limits of its “physical” growth.

Duffus

In terms of Duffus’ position in the Spatial Strategy, the Council has not proposed any growth of the village in successive plans due to the character of the village and access constraints to the east.

There has been no significant change in circumstances to alter the approach for either Hopeman or Duffus and given the proactive approach to managing housing land supply in Moray, discussed below, the need within the Plan period will be met through the agreed Strategy in a Plan led and most sustainable approach. Further detail is provided in Schedule 9.

New Town and Effective Land Supply

The reference to exploring the need for a new town in the Proposed Plan states;

“.....taking a longer term view of future development, a longer term action to undertake preliminary investigations into suitable locations for a new town has been included in the Action/ Delivery Programme.”

The reference in the Proposed Plan to a search for sites for a new town is simply a preliminary investigation as to suitable sites should this become a much longer (2035+) option to explore, upon completion of the A96 dualling project. Springfield Properties plc object to the “over reliance on a new settlement”, when the Proposed Plan places no reliance, within the plan period, on a new town to meet housing land requirements.

The Council considers that through the effective, effective 5 years + and LONG term sites, that there is a housing land supply which is available for development and free of constraint of approximately 28 years supply when using the annual housing land supply target of 395 units. This does not include new sites within the Proposed Plan or currently constrained (other than LONG) sites which the Council will be working to address during the plan period.

It is notable that Homes for Scotland has not objected to the spatial strategy and that there has been no contest/ dispute to sites within the Housing Land Audit 2017 (CD39) or 2018 (CD40). Reference is made below to comments made in relation to the Housing Land Audit 2019 (CD41), which resulted in minor changes being made before the audit was agreed by Springfield Properties plc (CD42).

No modification is proposed.

Strategic Context

NHS Grampian (300/6/1)

NHS Grampian has requested that some of the information in Table 5 (Volume 1, page 17) be updated relating to Rothes and Aberlour, specifically that the works at Rothes are complete and that works at Aberlour will be complete in May 2019.

Table 5 in the Proposed Plan recognises that the works at Rothes are complete and could be updated to reflect that the works at Aberlour have also been completed since publication of the Proposed Plan.

If the Reporter is so minded, the Council would have no objection to the modification as outlined above.

Scottish Government (490/4/1), Homes for Scotland (1035/9/1)

Scottish Planning Policy (CD53) para 120 requires local development plans to set out the housing supply target separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area.

Pages 12 and 13 of the Proposed Plan (CD01) identifies the Housing Targets as required by Scottish Planning Policy and the additional housing land requirement by Local Housing Market Area to meet targets. This is consistent with the approach taken in the Moray Local Development Plan 2015. For clarification/ consistency purposes, these could be modified to read;

“Housing targets

- Annual housing supply (completion) target 2018-2035 304 units (split 56% affordable/ 44% market).
- Annual housing supply (completion) target 2018-2023 424 units (split 56% affordable/ 44% market).
- Additional housing land requirement 2018-2035 1700 units
- Annual housing land requirement 2018-2035 395 units
- Annual housing land requirement 2018-2023 470 units.”

If the Reporter is so minded, the Council would have no objection to the modification as outlined above.

Springfield Properties plc (10/13/24), Dean Anderson (480)

Effectiveness of sites within Elgin LHMA

The objectors contest the effectiveness of sites within the Elgin LHMA and the need for additional sites to be identified in Hopeman and Duffus to meet demand. The Proposed Plan directs the majority of development to Elgin itself, but, contrary to the claims of the objectors, there are a number of development sites identified in other towns and villages in the market area which are progressing, including;

- R1 West of St Andrews Road (capacity 65 units), Lhanbryde- planning application from Springfield Properties plc anticipated summer 2019, early design discussions have taken place in April 2019.
- R1 Manse Road, Hopeman-(capacity 75 units) planning application from Tulloch of Cummingston anticipated summer 2019, evidence provided by developer (CD13).
- R1 Stynie Road, Mosstodloch- planning application by Springfield Properties plc for first phase of 30 units approved by Planning and Regulatory Services Committee on 26 March 2019. Planning application by Springfield Properties plc for phase 2 and 3 remix of existing consent for 46 affordable houses was submitted in May 2019 (ref 19/00517/APP).
- Sunbank, Lossiemouth- site has planning consent for 278 units and is currently

under construction with 10 completions by the end of 2018 recorded in the housing land audit 2019 and a projected 20 units annually thereafter.

- Burghead- R2 and LONG Clarkly Hill- developer interest, development brief approved by the Council.
- OPP1 West Foreshore, Burghead- the Council and developer are discussing how to progress the site.

Effectiveness of sites in other LHMA's

Outwith the Elgin LHMA, the effectiveness of sites in Aberlour and Keith have been questioned by objectors;

* R1 Speyview, Aberlour- 1st phase of affordable housing and layout for the remainder of the site is subject to a planning application submitted by Springfield Properties Ltd, which is currently being determined.

* R4 Banff Road, Keith- a planning application by Springfield Properties plc for 122 affordable houses is currently being determined by the Council.

This clearly demonstrates that sites outwith Elgin are coming forward for development within the Elgin LHMA and that across Moray, the Council is exploring and finding ways of bringing constrained sites into the effective housing land supply. The Council has also evidenced sites being developed which were not in the control of a developer at the time of being designated in the Local Development Plan.

Springfield Properties plc also contest inclusion of the Lochyhill, Forres site within the Plan. A planning application for 229 units on this site has lapsed, however, through the housing land audit process and several meetings with the developer in early 2019, a Masterplanned approach is being progressed for this extensive designation, following a similar approach as Findrassie and Elgin South. While details of progress are commercially confidential, the Council considers this to be the primary Growth Area for Forres upon completion of the expansion south along the Grantown Road.

In terms of the viability of sites included in the Plan, the Council requested further detail and evidence of viability and deliverability as part of the bid submission process. The intention is to continue to seek this information through the DEL1 and DEL2 policies to ensure sites do come forward, that there is a greater focus on delivery and that resources can be targeted at sites which are stalling. While some sites will remain as constrained in the annual housing land audit, the Council is actively exploring innovative ways of developing these sites such as the Moray Growth Deal Housing Mix project.

Conclusions

The Council considers that the housing land designations made in the Proposed Plan reflect the Spatial Strategy, which takes account of a wide range of constraints and opportunities. The Council has managed the housing land supply in Moray successfully to maintain a very generous supply, twice releasing small areas of LONG reserves through the annual housing land audit to meet Scottish Planning Policy requirements.

No objection has been received from Homes for Scotland to the Housing Land Audits in 2017, 2018 or 2019, or to the housing land requirement set out in the Proposed Plan.

No modification is proposed.

Reporter's conclusions:
Reporter's recommendations:

Issue 2	Primary Policies PP1, PP2, PP3 & Development Policy DP1	
Development plan reference:	Primary Policies PP1-PP3 (Volume 1, pages 22-34) Development Policy DP1 (Volume 1, pages 35-37)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>PP1 Placemaking</p> <p>Robertson Group (8)</p> <p>Springfield Properties Plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>NHS Grampian (300)</p> <p>Homes for Scotland (1035)</p> <p>Network Rail (1041)</p> <p>Woodland Trust Scotland (1818)</p> <p>CHAP Group (Aberdeen) Ltd (2165)</p> <p>PP2 Sustainable Economic Growth</p> <p>Force 9 Energy (886)</p> <p>PP3 Infrastructure & Services</p> <p>Robertson Group (8)</p> <p>Springfield Properties Plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>NHS Grampian (300)</p> <p>Jonathan Meighan (333)</p> <p>Dr Janet Trythall (404)</p> <p>Scottish Government (490)</p>		

<p>Homes for Scotland (1035)</p> <p>Network Rail (1041)</p> <p>Speyside Community Council (1535)</p> <p>DP1 Development Principles</p> <p>Robertson Group (8)</p> <p>Springfield Properties plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>Scottish Government (490)</p> <p>Force 9 Energy (886)</p> <p>Homes for Scotland (1035)</p> <p>Network Rail (1041)</p> <p>Elgin Community Council (1832)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Primary Policy PP1 Placemaking</p> <p>Primary Policy PP2 Sustainable Economic Growth</p> <p>Primary Policy PP3 Infrastructure & Services</p> <p>Development Policy DP1 Development Principles</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>PP1 Placemaking</p> <p>Placemaking Statement</p> <p><u>Robertson Group (8/3/3)</u></p> <p>Consider that the following text <i>"a requirement for placemaking statements is required for residential development of 10 units and above to be submitted ..."</i> included in point b) is quite restrictive for smaller scale developments. Suggest the number is increased to 50 units to align with major developments.</p> <p><u>Springfield Properties plc (10/13/3)</u></p> <p>Consider that list of supporting information to accompany a Placemaking Statement, particularly a slope analysis, site sections, Street Engineering Review (SER) and a</p>	

Biodiversity Plan is unreasonable and a disproportionate level of detail for applications for 10 houses. Suggest this level of information should only be sought on a case-by-case basis, and at the very least only associated with major applications.

Barratt North Scotland (15/1/3)

Request removal of requirement for 3D visuals from criteria b) as this is considered unduly onerous and should be considered on an individual basis.

Homes for Scotland (1035/9/3)

Consider requirements for Placemaking Statement in Section b) to be overly onerous, particularly given 10 unit threshold, and request threshold is increased or that requirements are made more flexible.

NHS Grampian (300/6/2)

Welcome the requirement for a placemaking statement for 10 units and above and the recognition that the creation of healthy places to live (in line with Scottish Government policy) will support good physical and mental health and improves people's wellbeing. Considers that the inclusion of active travel routes, green and open spaces that encourage activity and social interaction will without doubt have a positive impact on new and emerging communities.

Character Areas

Robertson Group (8/3/3)

Consider that second bullet point could be misinterpreted and requires further clarity as this could be read that for every 20 units, a different character area is required, when the representee believes the intention of the policy is that for sites of 20 units and above, more than one different character area is required. Consider the threshold of 20 units to be extremely low and suggest this is increased to 50 units, in line with major development. Suggest policy is adjusted accordingly.

Springfield Properties plc (10/13/3)

Consider that the requirement for distinctive character areas for developments over 20 units is disproportionate as varied house types, sizes and materials are ample enough. Suggest threshold is set at 40 dwellings.

Barratt North Scotland (15/1/3)

Seek clarity on policy wording to ensure intention is that the number of character areas is identified through the design process and is not overly prescriptive.

Homes for Scotland (1035/9/3)

Suggest further clarity is provided on Section i) bullet point 2 in that the requirement could be read to mean that for every 20 units a different character area is required, when the intention of the policy is that for sites of 20 units and above, more than one different character area will be required. Also consider that the 20 unit threshold is artificially low

and could be increased to 50 units, in line with a major development which is more appropriate for larger sites, or that there is a scale of thresholds to ensure the level is right for different sizes of sites. Accept that there is a need to differentiate between character areas but a threshold at 20 units may not contribute positively to placemaking aspirations. Suggest policy could be reworded to be more flexible and proportionate.

CHAP Group (Aberdeen) Ltd (2165/1/3)

Suggest that further clarity is provided on Section i) bullet point 2 in that the requirement could be read to mean that for every 20 units a different character area is required, when it is understood that the intention of the policy is that for sites of 20 units and above, more than one different character area will be required. Also consider that the 20 unit threshold is artificially low and could be increased to 50 units, in line with a major development which is more appropriate for larger sites, or that there is a scale of thresholds to ensure the level is right for different sizes of sites. Accept that there is a need to differentiate between character areas but a threshold at 20 units may not contribute positively to placemaking aspirations. Suggest policy could be reworded to be more flexible and proportionate.

Car Parking

Robertson Group (8/3/3)

Concerns about requirement for 75% of car parking to side or rear of property in that it reduces the flexibility in design and prevents Development Management to review holistically with design concept, and removes slight movement away from stated policy to achieve overall placemaking objectives.

Springfield Properties plc (10/13/3)

Consider that introduction of further stringent design requirements such as a hierarchy of open space, semi-mature tree-lined street frontages and tighter demands for car parking is unduly prescriptive and constraining. Query practicality of 75/25% car parking proportion as it is suggested that most homes require an average of three spaces, and therefore suggest that a minimum of 30% parking within the front curtilage or one space to the front of properties is allowed.

Barratt North Scotland (15/1/3)

Request removal of Section vi) bullet point 1 and replacement with *“Developers should consider providing car parking to the side or rear and behind the building line within a development, and mitigation of the visual impact of car parking through hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape”*. Strongly object to vi) parking criterion as this is an inefficient use of land, will render development unviable and limit the range of houses that can be provided. This requirement reduces flexibility in design at Development Management stage and should be taken on a case by case basis.

Request removal of requirement to ‘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’ and replaced with *“Parking areas must use a variation in materials to reduce the visual impact on the streetscene”*. Criterion vi) bullet point 2 is

considered to be unduly onerous as frequency and reliance on semi-mature trees is unfounded and has significant financial consequences, particularly in future proofing root systems and may be at odds with roads authority standards. This requirement reduces flexibility in design at Development Management stage and should be taken on a case by case basis.

Homes for Scotland (1035/9/3)

Suggest Section vi) is amended to be more flexible as requirement for 75% car parking to side or rear of property is overly onerous and reduces flexibility in design at Development Management stage. Consider that car parking should be dealt with on a more flexible case by case basis and that elements such as the addition of boundary treatments to soften the appearance of driveways are an inefficient use of space.

CHAP Group (Aberdeen) Ltd (2165/1/3)

Suggest Section vi) is amended to be more flexible as requirement for 75% car parking to side or rear of property is overly onerous and reduces flexibility in design at Development Management stage. Consider that car parking should be taken on a case by case basis.

Policy Detail

Springfield Properties plc (10/13/3)

Consider that the policy contains too much detail and places onerous requirements on developers that will stifle innovative design, creative placemaking, reduce flexibility in site design, places further burdens on developers and will impact on delivery. Query extensive sections on open space/landscaping/housing mix and biodiversity when there are standalone policies for each and consider this causes unnecessary overlap. Suggest there is a need for greater 'streamlined' flexibility at a time when there are proposals to remove SG and technical and procedural policy content from LDP's. Request that the policy is condensed and simplified using national guidance such as Designing Places and Designing Streets as a key reference point, quoting the six qualities of a successful place, and removing much of the content of policy PP1.

Homes for Scotland (1035/9/3)

Consider policy is too long and overly prescriptive. Suggest that some detail is removed and inserted into a 'guidance' section of the Plan rather than being included in the policy to create a more concise policy leaving more flexibility and detailed aspects to guidance.

Consider that Placemaking policies and guidance should refer back to Designing Streets to ensure continuity between national and local level of policy and guidance.

Boundary Treatments

Robertson Group (8/3/3)

Consider that boundary treatments suggested will be prohibitive from increasing development costs, squeezing land values further, and designs not being permitted by other statutory authorities who may not adopt road side filters. Design characters should align with the area rather than be prescriptive as photos suggest these should be

incorporated.

Street Layout and Detail

Robertson Group (8/3/3)

Consider that 4th bullet point where cul-de-sacs will only be selectively permitted on rural edges ... serving no more than 10 units, removes the flexibility in placemaking design and will hinder the viability of smaller developments. Suggests a more pragmatic approach and flexibility is required.

Consider that 5th bullet point 'roundabouts must be designed to create gateways and contribute to the character of the overall development' causes fundamental issues with development in terms of access availability and potential third party land. States that these (roundabouts) are normally large in nature due to swept path analysis requirements for various vehicle sizes and removes placemaking process.

Peer Review

Springfield Properties plc (10/13/3)

Seek clarity on what 'peer review' is intended to be, and query whether this will add proportionate value to a lengthy and iterative process where Moray Council and others do not always have sufficient time and resources to review.

Open Space Requirement

Springfield Properties plc (10/13/3)

Consider that not counting 'left-over' peripheral areas of open space in overall total is unreasonable and lacks qualitative and quantitative analysis.

Deliverability

Robertson Group (8/3/3)

Concern about overall requirements policy places on development viability when combined with other requirements. Suggest policy could be more flexible as it is very prescriptive and could cause issues at Development Management stage.

Springfield Properties plc (10/13/3)

State that Springfield Properties plc are fully committed to the highest standards of design, sustainability and placemaking. Consider that the aspirational standards set out in policy PP1 must be balanced with the delivery of new homes and that it must be recognised that this delivery is the over-riding priority to address supply and demand issues and the affordability of housing.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/2)

Welcome requirement for Placemaking Statement for 10 units and above to include Biodiversity Plan, and in i) Character and Identity – the principle regarding the retention, incorporation and response to relevant elements of the landscape such as the natural environment. RSPB seek replacement of last bullet point of section v) Biodiversity to 'Developments must safeguard and if possible extend or enhance wildlife corridors and prevent fragmentation of existing habitats' as this is clearer than 'connect into' wildlife corridors/green networks.

Landscaping and Trees

Woodland Trust Scotland (1818/2/1)

Welcome policy requirement for connected network of green and blue infrastructure, tree planting as part of landscaping and most importantly maintenance arrangements for these spaces, which are also included as part of site allocations and masterplans.

Network Rail (1041/5/2)

Request amendment of part iv) to ensure that in the development of land that any landscaping proposals along the boundary with the railway line should have fencing 1.8m high. Significant areas of housing land have been identified in the Proposed Plan and where this is located adjacent to the railway it introduces potential increased risk of encroachment on the railway line that needs to be mitigated with appropriate boundary fencing. This approach is supported in SPP, Designing Streets, Creating Places and the Public Health Priorities for Scotland to ensure successful places are safe. Also request that careful consideration to be given to tree planting near the railway line to ensure the tree species chosen does not adversely affect the operation of the railway.

PP2 Sustainable Economic Growth

Restriction to Built Environment

Force 9 Energy (886/2/2)

Suggest removal of 'for employment land' from the policy. Whilst the positive terms of the policy are welcomed, the policy is considered unduly restrictive as it applies to development proposals for employment land only, and should have a wider role encouraging development which contributes to sustainable economic development, a key objective of SPP.

PP3 Infrastructure and Services

General

Jonathan Meighan (333/5/1)

Considers that there is too much focus on housing and not enough on facilities. There needs to be a much stronger emphasis that all housing should be delivered as a community, e.g. requiring free heating, free electric storage of solar power, meeting areas and green spaces, so these developments are future proofed and not just masses of houses.

Policy Detail

Robertson Group (8/3/4)

PP3 is a blanket policy regardless the size of development and could make smaller developments undevelopable. Concerns that the long list of requirements under point a) could discourage smaller scale sites. Rewording to state that the requirements are for 50 unit sites, in line with major developments. The policy is very descriptive, may not be achievable depending on the site and query what flexibility is permitted at Development Management stage.

Springfield Properties plc (10/13/4)

Policy PP3 is currently long, and it is suggested that the wording is revisited and is subject to further review.

Homes for Scotland (1035/9/4)

Policy PP3 appears to be overly onerous for home builders, in particular for small scale home builders. It should support the home building sector and recognise the important role of the small scale home builders, which could be significantly increased with plans in place which are proportionate and support small scale home builders or new entrants to the market.

It is understood that this policy is more for larger scale developments, but it is concerning that the long list of requirements will discourage smaller scale home builders. It is hoped that a pragmatic view is taken at development management stage, but it is concerning that this level of detail, specifically within the text of the policy, will reduce proportionality, pragmatism and negotiation at application stage.

Access to Trunk Road

Robertson Group (8/3/4)

It is suggested to review and adjust this clause as there are a number of proposed sites where this applies.

Barratt North Scotland (15/1/4)

Clarification is required to ensure that this policy applies to development proposals outwith settlement boundaries. For example, the approved Findrassie Masterplan provides new access onto the A941.

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/4)

Remove the requirement for electric car charging points within communal parking facilities and car share parking spaces within residential developments. Justification for this is provided in the response to policy DP1.

Information Communication Technology (ICT) and Fibre Optic Broadband

Barratt North Scotland (15/1/4)

Remove the requirement to provide ICT and fibre optic broadband connections for all premises. These connections are provided by the service provider. In many cases the infrastructure could be unavailable and are outwith the control of the applicant.

NHS Grampian (300/6/3)

The inclusion of ICT and fibre optic broadband requirement within policy PP3 is welcomed. The use of technology will play a big part in the future provision of healthcare, and with digital infrastructure in place, further opportunities as to how healthcare is provided could arise. The digital infrastructure will also ensure that healthcare is easily accessible by all.

Infrastructure for Development

Springfield Properties plc (10/13/4)

Support for the importance of taking an infrastructure first approach, but concerns regarding the lack of infrastructure capacities in Moray. Development should be directed in the first instance towards areas with existing or planned infrastructure to facilitate development. Investment in infrastructure and capacities is a matter for providers such as Scottish Water, NHS Grampian and others.

Network Rail (1041/5/3)

Support the requirement that development be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

Speyside Community Council (1535/1/1)

Concerns about the necessary infrastructure that is required to support new residents.

Inclusion of Developer Obligations in Policy PP3

Springfield Properties plc (10/13/4)

It is suggested that Developer Obligations may be better placed as a separate, stand-alone policy.

Developer Obligations Supplementary Guidance (SG)

Springfield Properties plc (10/13/4)

It is noted that the existing Supplementary Guidance (SG) on Developer Obligations is to be carried forward and especially with the current review of the Planning System, which questions the role of the SG, the upfront and full consultation of any such document is essential. It is required to review how the requirements included within the SG are arrived at. It is stressed that developer obligations are intended to offset the impact of new development and should be fair and reasonably related in scale and kind to the proposed development. This policy should not be used as a vehicle to drive developer obligations

aimed at addressing existing issues and shortfalls in infrastructure unrelated to proposed development. It is stressed that the level of developer obligations cannot be overly disproportionate and burdensome to render a site unviable and undeliverable.

Network Rail (1041/5/3)

PP3 d) Developer Obligations is generally supported. It is vital that rail is explicitly included in the Supplementary Guidance on Developer Obligations.

Network Rail should be excluded from making developer obligations as a publicly owned company arm's length body of the Department for Transport.

Healthcare

Springfield Properties plc (10/13/4)

Disagree with the principle of charging for the provision of healthcare facilities.

NHS Grampian (300/6/3)

Welcome that development proposals will need to provide infrastructure and services including healthcare. Many existing healthcare facilities are currently under pressure and will either require internal alterations, expansion or the provision of new facilities. Developer obligations and land for development of new facilities will be essential in order to mitigate the impact arising directly from new developments.

NHS Grampian works closely with Moray Council to identify the healthcare requirements. Provision of new technologies by way of developer obligations also needs to be considered which would improve the access to health facilities in rural areas and would also reduce car journeys and CO2 emissions.

Speyside Community Council (1535/1/1)

Additional GPs and Dental Chairs are welcome, but Moray has difficulty attracting doctors and dentists to the area. There has to be more bite to this than just a statement in the Development Plan.

Rail Network

Network Rail (1041/5/3)

The requirement of development being planned and co-ordinated with infrastructure is welcomed. Whilst accepting that the possible mitigations to the transport network listed in policy PP3 a) iii) is not intended to be exhaustive, it is noted that this list is made up exclusively of road transport interventions. This could lead to assumptions that these are the primary type of interventions sought by the policy and therefore, it is considered that the list of interventions should include level crossing upgrades and Transport Assessments should be required to consider the impact of new development on level crossings, bridges, station car parking and walking and cycling routes to railway stations. It is requested that proposals with adverse impacts on the operational safety of the rail network that cannot be adequately mitigated should be included within the list of not supported development proposals in PP3 b).

Public Transport

Speyside Community Council (1535/1/1)

The national operator does not provide evening or Sunday services. The Dial M bus service does not run in the evenings or the weekends. Some settlements have no bus at all. The lack of public transport services is a real issue in Speyside and this will increase car usage.

Education

Speyside Community Council (1535/1/1)

If there is no capacity within a local school to accommodate additional pupils, there should not be a cost to Moray Council to provide additional accommodation. The developer must meet all the costs in advance and for a predetermined time.

Active Travel Strategy/Core Path Plan

Dr Janet Trythall (404/4/3)

Strong support for reference to Active Travel Strategy and Core Path Plan.

Environment/Biodiversity

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/3)

To add additional text following the first sentence of paragraph 1 in PP3 d): "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".

Planning authorities have the duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. Scottish Planning Policy states (at paragraph 194) that the planning system should seek benefits for biodiversity from new development where possible. Seeking financial or in-kind contributions from developers towards off-site habitat creation, enhancement or restoration could help to fulfil this biodiversity duty and policy obligation. Moray Council should introduce requirements for such contributions, following the examples of the Scottish Borders and Angus Councils.

Policy PP3 d) Developer Obligations states that developer obligations will be sought to mitigate any measurable adverse impact of a development on local infrastructure. Circular 3/2012 advises (paragraph 17) that planning obligations have a role in mitigating impacts on the environment. Paragraph 14 of the Circular further states that planning obligations must relate to the proposed development either as a direct consequence or arising from the cumulative impact.

Greenhouse Gas Emissions

Scottish Government (490/4/4)

An appropriate policy to address Section 3F of the Town and Country Planning (Scotland)

Act 1997, Greenhouse Gas Emissions Policies, should be incorporated within the Local Plan. It is possible that the appropriate place to address this requirement is within policy PP3. This could include a new sub-criterion to implement the requirements of Section 3F.

DP1 Development Principles

Impact Assessments

Robertson Group (8/3/1)

Initial text states there is “*a requirement to provide an impact assessment in order to determine the impact of proposals for extensions and conversions*”. Consider that certain aspects are not practical or outwith developer’s obligations, particularly criterion c) where there is a requirement to make provisions for new open space, etc. Suggest this is reviewed and adjusted accordingly.

Transportation – Hammerheads and Turning Areas

Robertson Group (8/3/1)

Further clarity is required for the statement “*...with hammerheads minimised in preference to turning areas ...*” included in criterion f). Consider that there may be an impact on the viability of a site if hammerheads are not permitted as this may impact on the density and plot size that can be achieved.

Suggest that the LDP is duplicating or varying policies contained within the National Roads Development Guide and Designing Streets, which should be the overarching Transportation Standards.

Barratt North Scotland (15/1/2)

Clarity sought on whether turning points are preferred to hammerheads, and justification required. Consider that the exclusion of hammerheads for cul-de-sacs of up to 10 units permitted through policy PP1 Placemaking may impact on density and plot size, and overall design of site.

Homes for Scotland (1035/9/2)

Clarity sought on whether turning points are preferred to hammerheads, and justification required. Consider that the exclusion of hammerheads for cul-de-sacs of up to 10 units permitted through policy PP1 Placemaking may impact on density and plot size, and overall design of site. Suggest that any duplication with Designing Streets is removed to streamline the policy.

Rail Infrastructure

Network Rail (1041/5/1)

Generally support provisions of DP1, particularly requirement to provide assessments to determine the impact on the transport network and identify mitigation measures. Consider that Transport Assessments (TA) should be required to consider the impacts of the proposed development on the demand for rail services as increased demand may result in

the requirement for upgraded rail infrastructure or facilities at stations, and this is particularly important given the extent of development proposed in the vicinity of Elgin, Keith and Forres. Recommend that policy DP1 criterion (ii) c) be strengthened or supplementary guidance provided, to define the circumstances in which the developer will be required to prepare a TA, and that the requirement to fully assess the impacts on all modes of transport, including rail, is made clear. Consider this to be particularly important in relation to TSP's identified near the railway or potentially affecting the volume or type of traffic using level crossings or railway bridges, including but not limited to TSP3 (Elgin) and TSP27 (Elgin). Safeguarding of TSP51 (Elgin Station), TSP3 (Forres Station) and TSP4 (Keith Station and railway sidings) is welcomed.

Car Parking

Robertson Group (8/3/1)

Comments on criterion b) regarding the location of parking are as per comments provided to policy PP1 Placemaking.

Barratt North Scotland (15/1/2)

Request removal of second sentence 'Minimal (25%) parking to the front of buildings and on streets may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls' of criterion (ii) b) as it is considered that car parking can be accommodated within a street scene in a manner that does not dominate the area, through the use of hard and soft landscaping and character areas. Consider that this 'onerous blanket restriction' on the location of parking is an inefficient use of a development site, can render a development unviable, and additional roads incur more cost and maintenance for the roads authority and residents. Suggest that the impact of cars on the street scene should be considered through placemaking and on a case by case basis. This sentiment was set out in relation to policy PP1 criterion b) vi).

Electric Vehicle Charging Points & Car Sharing Spaces

Barratt North Scotland (15/1/2)

Request removal of criterion (ii) i) to provide electric car charging points and car sharing spaces within communal parking facilities for residential developments. Considers that providing electricity for car charging within communal parking areas is not feasible and if included within a factoring agreement will disproportionately impact on householders that do not utilise an electric car, and the cabling introduces a trip hazard within the public realm which is unacceptable.

Consider that the requirement for car share spaces to meet an unknown demand with an uncertain supplier should not be enshrined in policy as the car sharing scheme for Moray is community-owned, in its infancy and does not cover all settlements.

Seeks policy to be in line with Designing Streets.

Scottish Government (490/4/2)

Request modification to first sentence of Electric Vehicle Charging Points in Appendix 2 Parking Standards to read ***"...the Scottish Government pledge to phase out the need***

for new petrol and diesel cars and vans across Scotland by 2032, the current policy aims and long term goal is a move towards the use of alternative fuels and electric or hybrid vehicles” as the Plan needs to be updated to reflect the current Scottish Government policy position in their 2017-2018 Programme for Government.

Policy Detail

Springfield Properties plc (10/13/1)

Query whether policy should be merged and consolidated with policy PP1 Placemaking to avoid duplication.

Restriction to Built Development

Force 9 Energy (886/2/1)

Request “*built*” is added to the first sentence of the policy so that it reads “This policy applies to all built developments ...” and a definition of built developments added to the Appendix 1 Glossary which reads “*Built Development – all development relating to housing, retail, business and industry, tourism and mixed uses*” as the policy needs to be clear in that it applies to built development only and not to infrastructure whose form will not fit with the policy criteria and will cause unnecessary policy conflict with some forms of development.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/1)

Request the following amendments: the addition of “*and habitats and species listed in the Scottish Biodiversity List*” after ‘protected species and habitats’ (third sentence); the addition of “*and should avoid negative impacts on sensitive species such as wading birds and sensitive habitats such as wetlands and peatlands*” at the end of criterion b) (after ‘Right Tree in the Right Place’); the addition of “*how the siting and design of the development has followed the mitigation hierarchy*” to criterion d). Planning Authorities have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity and SPP (para. 194) states that the planning system should seek benefits for biodiversity from new development, where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. The mitigation hierarchy is an approach to achieve ‘no net loss’ in biodiversity and the LDP should emphasise a requirement to robustly apply this when planning for and considering proposals for all developments. The application of the mitigation hierarchy will help to halt cumulative small-scale losses of biodiversity caused by development and help to achieve no net loss of biodiversity. For designated nature conservation sites such as Special Protection Areas, a more robust legal framework is already in place.

Impact on Community

Elgin Community Council (1832/3/1)

Set out clear expectation that development must not detrimentally affect community efforts as various projects and CAT’s are in place and in planning that are led by enthusiastic community groups. Development must harness and not undermine enthusiastic groups as

the Council will depend on these groups to deliver community needs in the future.

Modifications sought by those submitting representations:

PP1 Placemaking

Placemaking Statement

Robertson Group (8/3/3)

Increase threshold for Placemaking Statement from 10 to 50 residential units.

Springfield Properties plc (10/13/3)

Amend supporting information requirements for Placemaking Statement so that they are only required on case-by-case basis or at the very least, only associated with major applications.

Barratt North Scotland (15/1/3)

Remove requirement for 3D visuals from criteria b).

Homes for Scotland (1035/9/3)

Increase threshold for Placemaking Statement or make requirements more flexible.

NHS Grampian (300/6/2)

No change sought.

Character Areas

Robertson Group (8/3/3), Barratt North Scotland (15/1/3), Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Clarify policy wording on character area threshold.

Robertson Group (8/3/3)

Increase threshold for character areas from 20 to 50 units.

Springfield Properties plc (10/13/3)

Increase threshold for character areas from 20 to 40 units.

Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Reword policy to be more flexible and proportionate.

Car Parking

Robertson Group (8/3/3)

Party not specific about change sought.

Springfield Properties plc (10/13/3)

Amend policy to require a minimum of 30% parking within the front curtilage or one space to the front of properties.

Barratt North Scotland (15/1/3)

Amend section vi) bullet point 1 with suggested wording and remove bullet point 2.

Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Amend section vi) to be more flexible.

Policy Detail

Springfield Properties plc (10/13/3)

Condense and simplify policy using national guidance as a key reference point and removing much of the content of policy PP1.

Homes for Scotland (1035/9/3)

Suggest some detail is removed and inserted into a 'guidance' section of the Plan. Consider Placemaking policies and guidance should refer back to Designing Streets.

Boundary Treatments

Robertson Group (8/3/3)

Party not specific about change sought.

Street Layout and Detail

Robertson Group (8/3/3)

Party not specific about change sought.

Peer Review

Springfield Properties plc (10/13/3)

Clarify intention of 'peer review'.

Open Space Requirement

Springfield Properties plc (10/13/3)

Party not specific about change sought.

Deliverability

Robertson Group (8/3/3)

Amend policy to be more flexible.

Springfield Properties plc (10/13/3)

Party not specific about change sought.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/2)

Amend criteria v) Biodiversity with suggested wording.

Landscaping and Trees

Woodland Trust Scotland (1818/2/1)

No change sought.

Network Rail (1041/5/2)

Amend criteria iv) to ensure that in the development of land any landscaping proposals along the boundary with the railway line should have 1.8m high fencing.

PP2 Sustainable Economic Growth

Restriction to Built Environment

Force 9 Energy (886/2/2)

Remove 'for employment land' from the policy.

PP3 Infrastructure and Services

General

Jonathan Meighan (333/5/1)

Party not specific about change sought.

Policy Detail

Robertson Group (8/3/4)

Reword to state policy requirements are for 50 unit sites.

Springfield Properties plc (10/13/4)

Review policy wording.

Homes for Scotland (1035/9/4)

Party not specific about change sought.

Access to Trunk Road

Robertson Group (8/3/4)

Review and adjust b) ii).

Barratt North Scotland (15/1/4)

Remove requirement b) ii).

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/4)

Remove requirement for electric car charging points and car sharing spaces within communal facilities for residential developments.

Information Communication Technology (ICT) and Fibre Optic Broadband

Barratt North Scotland (15/1/4)

Remove requirement to provide ICT and fibre optic broadband connections for all premises.

NHS Grampian (300/6/3)

No change sought.

Infrastructure for Development

Springfield Properties plc (10/13/4), Speyside Community Council (1535/1/1)

Parties not specific about change sought.

Network Rail (1041/5/3)

No change sought.

Inclusion of Developer Obligations in Policy PP3

Springfield Properties plc (10/13/4)

Suggest developer obligations should be a separate, stand-alone policy.

Developer Obligations Supplementary Guidance (SG)

Springfield Properties plc (10/13/4)

Review how developer obligation requirements are arrived at.

Network Rail (1041/5/3)

Include rail within requirements in Developer Obligations Supplementary Guidance, and exclude Network Rail from paying developer obligations.

Healthcare

Springfield Properties plc (10/13/4)

Party not specific about change sought, but implies that healthcare should be removed from developer obligation requirements.

NHS Grampian (300/6/3)

No change sought.

Speyside Community Council (1535/1/1)

Party not specific about change sought.

Rail Network

Network Rail (1041/5/3)

Add 'level crossing upgrades' to the list of interventions to PP3 a) iii). Add 'proposals with adverse impact on the operational safety of the rail network that cannot be adequately mitigated' to PP3 b).

Public Transport

Speyside Community Council (1535/1/1)

Party not specific about change sought.

Education

Speyside Community Council (1535/1/1)

Party not specific about change sought.

Active Travel Strategy and Core Path Plan

Dr Janet Trythall (404/4/3)

No change sought.

Environment/Biodiversity

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/3)

Add suggested wording to criteria d).

Greenhouse Gas Emissions

Scottish Government (490/4/4)

Add sub-section to PP3 to address Section 3F of the Town and Country Planning (Scotland) Act 1997, Greenhouse Gas Emissions Policies.

DP1 Development Principles

Impact Assessments

Robertson Group (8/3/1)

Review and adjust policy.

Transportation – Hammerheads and Turning Areas

Robertson Group (8/3/1), Barratt North Scotland (15/1/2), Homes for Scotland (1035/9/2)

Clarify criteria f) in terms of whether turning points are preferred to hammerheads.

Homes for Scotland (1035/9/2)

Suggest duplication with Designing Streets is removed.

Rail Network

Network Rail (1041/5/1)

Strengthen criteria (ii) c) or supplementary guidance to define circumstances when a Transport Assessment (TA) is required, and that the requirement to fully assess the impacts on all modes of transport, including rail, is made clear.

Car Parking

Barratt North Scotland (15/1/2)

Remove second sentence of criteria (ii) b).

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/2)

Remove criteria (ii) i). Align policy with Designing Streets.

Scottish Government (490/4/2)

Modify Appendix 2 Parking Standards with suggested wording.

<p>Policy Detail</p> <p><u>Springfield Properties plc (10/13/1)</u></p> <p>Party not specific about change sought.</p> <p>Restriction to Built Development</p> <p><u>Force 9 Energy (886/2/1)</u></p> <p>Insert 'built' into first sentence of policy.</p> <p>Wildlife and Habitats</p> <p><u>Royal Society for the Protection of Birds Scotland (RSPB) (285/10/1)</u></p> <p>Amend policy with suggested wording.</p> <p>Impact on Community</p> <p><u>Elgin Community Council (1832/3/1)</u></p> <p>Party not specific about change sought.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>Policy PP1</p> <p>Placemaking Statement</p> <p><u>NHS Grampian (300/6/2)</u></p> <p>Support for Placemaking Statement for 10 units and above, and recognition of benefits that good placemaking brings to health is noted.</p> <p><u>Robertson Group (8/3/3), Springfield Properties plc (10/13/3), Barratt North Scotland (15/1/3), Homes for Scotland (1035/9/3)</u></p> <p>A Placemaking Statement for residential developments of 10 units and above is considered to be an appropriate level as developments between 10 and 49 units can be relatively 'large' in the context of Moray's small towns and villages. These developments are commensurate in scale and impact to major developments in larger towns. Furthermore, these sites can often be in gateway locations where good placemaking is critical to influencing the perception of the town or village, many of which are tourist destinations. A Design Statement is currently sought for residential developments of 10 units or more through the adopted LDP2015 policy PP3 Placemaking (CD15, page 9).</p> <p>The supporting information required for a Placemaking Statement forms the basis of good placemaking and should already inform the design process for developers committed to high quality design, and are therefore not considered too onerous or restrictive. The requirements will be applied proportionately to reflect the size of the development, which has worked in practice and successfully created high quality developments constructed by</p>

smaller housebuilders, such as at Darklass Road, Dyke (12 units), currently under construction. Similarly, a pragmatic approach to the application of the requirements will be taken where, for example, a slope analysis will be required for topographically challenging sites to ensure the development is sensitively integrated into the landscape, earthworks are minimised and streets are aligned to work with contours.

In terms of the requirement for a Street Engineering Review (SER) this is part of Moray Council's ongoing work to align Planning and Roads Construction consents, which is in line with current Scottish Government policy and guidance. The Aligning Road Construction Consent (RCC) and Planning process has been subject to public consultation and received no objections (CD50). The SER is required to provide upfront information at planning stage aiming to limit and avoid changes to the design after planning permission has been granted enabling development to begin quicker on the ground. In terms of the threshold for the SER, it is considered that any development (i.e. both local and major developments) that proposes roads which would be offered for adoption and in particular roads with non-standard layouts should be informed by a SER. The omission of this requirement for local developments would be at odds with Scottish Government policy and guidance and the Council's stance to promote best practice, thereby inhibiting good placemaking of which street layout is a fundamental element.

Policy PP1 provides certainty to developers over the level of information required for a Placemaking Statement which will be sought at planning application stage for both allocated and unallocated sites.

No modification is proposed.

Character Areas

Robertson Group (8/3/3), Springfield Properties plc (10/13/3), Barratt North Scotland (15/1/3), Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Character areas are fundamental to good placemaking as these help deliver the six key qualities of a successful place, specifically 'distinctiveness' where development 'creates places with a sense of identity' (CD53, para.41) and 'welcoming' where 'development ... helps people find their way around' (CD53, para.43).

Character areas are important to planning's prevention role in the health agenda, which is particularly pertinent given Scotland's ageing population, and associated health issues such as dementia and loneliness. Recent research undertaken by the University of Edinburgh on Mobility, Mood and Place identifies 'legible environments' (CD72, page 10-11) as one of 13 key elements in creating positive places that support lifelong health and wellbeing.

Whilst variation in architecture and materials are an important element in the creation of character areas, other aspects such as planting, open space, street structure and topography are equally as important and these along with other elements are set out in policy PP1.

It is accepted that it may be more appropriate to determine character areas on a case-by-case base to reflect the site characteristics, which would remove the ambiguity from the policy.

If the Reporter was so minded, the Council would have no objection to the following modification to policy PP1 criterion (i) bullet point 2: *“Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable”*.

Boundary Treatments

Robertson Group (8/3/3)

Illustrations are intended as a guide and do not inhibit other suitable boundary treatments that align with the development/character areas being proposed through the placemaking process. Design considerations ought to be accounted for in development appraisals from the outset, and reflected in the purchase price of the site. As set out in policy PP1 criterion (viii), street layouts must be informed by a Street Engineering Review (SER) and aligned with Roads Construction Consent (RCC) to ensure the development will be delivered as per the planning consent, which will address any issues other statutory authorities may have with boundary treatments at the outset of the design process.

No modification is proposed.

Street Layout and Detail

Robertson Group (8/3/3)

Policy PP1 (CD01, pages 22-31) reflects SPP in that places are created that are ‘easy to move around and beyond’, one of the six key qualities of a successful place (CD53, para.46). This accords with Scottish Government policy Designing Streets (CD54, pages 19 and 23). The requirement for permeable layouts was also included in the Council’s Urban Design Supplementary Guidance to the LDP 2015 (CD25), which along with Designing Streets (CD54), has been in circulation for some time.

Conventional cul-de-sacs are strongly discouraged by Designing Streets as they prevent permeable layouts that are easy to move around. The preference is for networked routes and spaces which connect new residential and mixed use areas together and to existing development in the surrounding area. The wording of policy PP1 allows flexibility in that ‘short’ cul-de-sacs may be permitted in certain circumstances, for example, where topography does not permit a fully connected network.

Roundabouts are functional infrastructure determined through a Transport Assessment and will only be asked for when required, i.e. at the edge of built up areas to create a gateway, where there are sites or existing junctions on opposite sides of the road (in order to share infrastructure) where traffic flows are high, there are a high proportion of right turning movements and a history of accidents. Where a roundabout is required Policy PP1 is seeking to ensure that they contribute to good placemaking given they often form gateways into a town and/or development.

No modification is proposed.

Peer Review

Springfield Properties plc (10/13/3)

Provided that the housebuilding industry is fully committed to working in partnership with the Council on the preparation of large-scale masterplans, the Council is amenable to reviewing the need for a peer review in policy PP1.

If the Reporter is so minded, the Council would have no objection to the following modification: *“Future masterplans will be prepared through collaborative working and in full 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 full partnership with the Council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan”.*

Open Space Requirement

Springfield Properties plc (10/13/3)

Policy EP5 Open Space criteria b) Green Infrastructure and Open Space in New Development requires the creation of accessible multifunctional open spaces of appropriate quality and quantity which must achieve a very good quality score of 75%. The inclusion of ‘left over’ peripheral areas of open space for quantitative purposes reduces the total area available to create high quality multifunctional spaces, and inhibits the main intent of the policy and planning’s role in the prevention agenda for health.

The creation of successful places that positively impact on people’s physical and mental health depends on designing developments that are based on good placemaking principles, of which access to high quality multifunctional green spaces is fundamental. Improving physical health is a key priority for the Scottish Government given that 65% of the country’s adult population are overweight (29% obese) (CD65, page 6). This is reflected in the National Performance Framework which includes an outcome to ensure ‘we are healthy and active’ (CD63), Priority 1 of the Public Health Priorities for Scotland which states that “We (the Scottish Government) want to change the places and environments where people live so that all places support people to be healthy and create wellbeing ... (by) improving local access to green spaces... The evidence is strong that improvements to our environment have a positive and lasting impact on the public’s health” (CD69, page10), and the Scottish Government’s Physical Activity Delivery Plan which aims to cut physical inactivity in adults and children by 15% by 2030 (CD64, page 5).

Good physical health and opportunities to establish social relations are considered important to reducing the risk of mental health problems associated with loneliness and dementia. The number of people living with dementia (63.5% live in the community) (CD70, para.3.1.3) is expected to increase by 75% by 2031 (compared to 2007 figures) (CD70, para.1) and costs the health and social care service more than cancer and heart disease combined (CD70, para.5.1). Priority 1 of the Public Health Priorities cites ‘dementia friendly communities’ as an example of collaborative working ‘to achieve improvements in the quality of the local environment’ (CD69, page 11). Good physical health, which in turn supports good mental health and reduces the risk of developing dementia, relies on access to high quality open space.

Similarly, social isolation and loneliness are recognised as significant public health concerns that affect people’s quality of life. Priority 3 of the Public Health Priorities for Scotland states that “Mental health and wellbeing is a significant public health challenge

for Scotland which needs to be addressed if we are to ensure everyone in Scotland can thrive. It is associated with better physical health, positive interpersonal relationships and well-functioning, more equitable and productive societies” (CD69, page 21). This is reflected in the Scottish Government’s strategy for tackling social isolation and loneliness which states that “the extent to which people interact is heavily dependent by their lived environment”, (CD66, page 9) and that “...local authorities can and do make a distinctive contribution to this agenda - ...contributing to placemaking and regeneration”, (CD66, page 13) and supported by recent research on Mobility, Mood, Place by the University of Edinburgh which identifies ‘social opportunity’ for intergenerational interaction as a key element that supports lifelong health and wellbeing (CD72, pages 16-17).

Scottish Government policy on Creating Places reinforces this position and sets out that access to good quality greenspace and increasing physical activity provides “substantial health benefits for individuals and significantly reduces the risk of diseases such as cancer, diabetes and dementia”, (CD55, page 26).

No modification is proposed.

Deliverability

Robertson Group (8/3/3), Springfield Properties plc (10/13/3)

The detail provided in policy PP1 is considered to give the development industry certainty about the Local Authority’s requirements which can be factored into development appraisals and reflected in the purchase price of land at the outset. Given that land values ought to reflect policy requirements, then this should not impact on the affordability of houses.

The level of detail reflects that Supplementary Guidance is being removed, and the ‘flexibility’ provided through the adopted LDP policy PP3 Placemaking and associated Urban Design Supplementary Guidance, and National Policy is failing to deliver the Government’s aspirations for successful places and contribute to the prevention agenda and efficiency in public services. This is illustrated in the Council’s supporting statement to this Schedule (CD07).

No modification is proposed.

Landscaping and Trees

Woodland Trust Scotland (1818/2/1)

Support noted.

No modification is proposed.

Network Rail (1041/5/2)

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (CD76) require Network Rail to be consulted on all planning applications where ‘some part of the development is to be situated within 10 metres of a railway line forming part of the national railway network’. Therefore, it is considered that the level of detail proposed for policy PP1 is more appropriate for the detailed planning application

stage where the appropriate landscaping boundary treatment and planting can be determined in direct consultation with Network Rail.

Policy PP1 & Policy DP1

Car Parking

Robertson Group (8/3/3) (8/3/1), Springfield Properties plc (10/13/3), Barratt North Scotland (15/1/3) (15/1/2), Homes for Scotland (1035/9/3) (1035/9/2), CHAP Group (Aberdeen) Ltd (2165/1/3)

The dominance of parked cars can influence how people travel whereby “our decision to make journeys by foot or by car is often determined by the layout of our surroundings”, (CD55, page 18) and has a detrimental impact on the appearance of the street, and the character of the place as a whole. A high level of car parking to the front of properties visually dominates the street, results in uniform ‘standardised’ layouts that fail to embed Designing Street principles, minimises garden space/planting and biodiversity, restricts overlooking and natural surveillance, and reduces opportunities for social interaction given parking within the front curtilage increases street widths and limits activities such as gardening. This is illustrated in the Council’s supporting statement to this Schedule (CD07). This placemaking requirement has a significant impact on delivering successful places and planning’s preventative role in creating sustainable ‘healthy and safe places and communities’ (CD69, page 1) and reducing carbon emissions.

The principle of reducing the dominance of the parked car on the street has been in circulation for some time through the adopted Moray Local Development Plan 2015 (LDP 2015) PP3 Placemaking policy and associated Urban Design Supplementary Guidance and Designing Streets. Whilst some minor improvements have been made to mitigating parking within the front curtilage primarily through hedging, the flexibility afforded has failed to deliver a fundamental shift in the way in which parking is addressed in housing developments. This, in turn, has knock-on impacts for achieving other design requirements, and good placemaking as a whole. This is illustrated in the Council’s supporting statement to this Schedule (CD07).

Minimising the impact of parked cars on the street and communal parking areas requires planting of sufficient maturity. The flexibility afforded has resulted in planting which is often insufficient to mitigate the impact of the parked car for a number of years and is susceptible to damage. This is illustrated in the planting schedules shown in the Council’s supporting statement to this Schedule (CD07).

The use of trees/planting to break up parking areas would not necessarily be at odds with the Roads Authority standards as suggested. If within an area that’s prospectively adoptable then suitable root protection can be utilised in order to protect the public road carriageway. Standard details are available within Section 3.4.10 of the National Roads Development Guide (NRDG) (CD75, pages 133-135). Large areas of parking (i.e. parking courts) are outwith the boundary of the public road and therefore maintenance is a matter for the developer and their ongoing maintenance provider to address.

To overcome the challenge of judging the dominance of car parking on the street scene, address the issues arising from a more flexible policy approach, and provide certainty to the development industry, the Council has introduced a threshold for car parking. Indicative site capacities within the Plan take into account the design requirements of

policy PP1, including car parking. The requirements provide the certainty the development industry consistently 'ask' for and can be factored into development appraisals so that they can be reflected in land values at the outset, thereby not having a detrimental impact on development viability. However, given the concerns raised by the development industry in regards to development viability, the Council is amenable to increasing the threshold for car parking within the front curtilage of properties from a maximum of 25% to 40%.

If the Reporter is so minded, the Council would have no objection to the following modification to Policy PP1, (iv) Parking, bullet point 1, second sentence: *"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"*.

Policy Detail

Springfield Properties plc (10/13/3) (10/13/1), Homes for Scotland (1035/9/3) (1035/9/2)

Policy PP3 Placemaking of the adopted Moray Local Development Plan 2015 (LDP2015) (CD15, page 9) is a short policy which cross-references Scottish Government policy on Designing Streets and Creating Places. Policy PP3 hasn't provided the prescriptive detail required to deliver high quality placemaking, as illustrated in the supporting statement to this Schedule (CD07).

Whilst policy PP1 Placemaking is longer than the adopted LDP2015 policy PP3 Placemaking, this reflects that PP1 is the primary, overarching policy of the Plan and that the Urban Design Supplementary Guidance has been removed which is in line with the emerging Planning (Scotland) Act to streamline the planning process. The principles of design included within policy PP1 have been in circulation for some time as they are set out in National Policy and the LDP 2015 and associated Urban Design Supplementary Guidance. The detail provided gives the development industry certainty about the Local Authority's requirements which can be built into development appraisals and reflected in the purchase price of land at the outset.

SPP sets out that the purpose of planning is to create better places, support the prevention agenda and efficiency in public services, and that the design-led approach should be applied at all levels with LDP's cited for the local level. The Scottish Government's policy on Creating Places states that "Good design is not a costly, aesthetic layer to be added at the conclusion of an enterprise. Good design is a process that uses creativity and innovation to deliver the best outcomes. Good design can guarantee we get it right first time, avoiding scenarios where we are left with problem buildings or places that fail our communities. This goes to the very heart of the Government's preventative spend agenda", (CD55, page 19). This reflects the 2011 Christie Report which concluded that "public services often tackle 'symptoms' not 'causes' leading to 'failure demand', (CD62, page 22) and that 40% of all spending on public services is accounted for by interventions that could have been avoided by a preventative approach, (CD62, page viii).

The flexibility currently afforded through the adopted LDP 2015 policy PP3 Placemaking, Supplementary Guidance and National Policy has continued to deliver uniform design solutions and 'anywhere' development as the norm and needs to change if Government aspirations for creating successful places and supporting the prevention agenda is to be

achieved. Developers continue to propose uniform designs supported by standardised design statements and planting schedules that are 'cut and pasted' from previous submissions illustrating a lack of commitment to the high quality placemaking they elude to. The outcomes of this 'flexible' policy approach are illustrated in the Council's supporting statement to this Schedule (CD07). To ensure good placemaking and the associated wider benefits are delivered, it is considered that key components need to be embedded in policy rather than guidance as the latter has less weight in the decision making process.

Policy PP1 cross-references other relevant policies in the Plan rather than repeat their content entirely, which is considered to be good practice. Policy PP1 effectively brings all the elements to 'create better places' (CD53, para.36) together which has significant benefits for Quality Auditing (QA) purposes (CD51).

Designing Streets and Creating Places are referenced within policy PP1 in that development proposals must comply with these. Policy PP1 expands upon the key points of these national policies to provide a Placemaking policy that is specific to Moray.

At MIR stage, Homes for Scotland requested that the reiteration of Designing Streets was removed with a reference included instead which is at odds with their representation to the Proposed Plan.

Policy DP1 and Policy PP1 apply to different types of development and have different thresholds: policy DP1 applies to all development whereas policy PP1 only applies to residential developments of 10 units and above. Therefore, it is not considered appropriate to merge policy DP1 and PP1.

The detail provided within Policy PP1 and DP1 addresses the 'ask' by developers who consistently request clarity and certainty from the Council, and the planning system as a whole, as to what the requirements for development are.

No modification is proposed.

Policy PP1, Policy PP3 and Policy DP1

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/2), (285/10/3), (285/10/1)

Support for the requirement for a Biodiversity Plan is noted. It is agreed that the proposed wording for policy PP1 is clearer in regards to extending and enhancing wildlife corridors and green/blue networks. A minor amendment from the suggested wording changing "if possible" to "where physically possible" is preferred as this is in keeping with the response provided to the Scottish Government's representation (490/4/7) to policy EP2 Biodiversity in Schedule 4 Issue 6 Environment Policies.

If the Reporter is so minded, the Council would have no objection to the following modification to policy PP1: *"Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats"*.

The Plan contains a number of policies to safeguard and enhance protected species and habitats and promote biodiversity: Policy EP1 sets out that 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 are to be prepared to accompany the planning application; policy EP2 Biodiversity is dedicated to retaining, protecting and enhancing biodiversity; and policy PP1 Placemaking sets out the requirement for a Biodiversity Plan for residential developments of 10 units or more. These policies seek to minimise the impact of development on wildlife, habitats and biodiversity and ensure that mitigation is put in place, where necessary. Therefore, it is considered that the level of detail proposed for policy DP1 is more appropriate for the detailed planning application stage where the impact on all protected and sensitive species and habitats can be assessed rather than specifying exclusively through policy and that any mitigation necessary is embedded in policy rather than through seeking Developer Obligations via policy PP3.

No modification to policy DP1 or policy PP3 is proposed.

Policy PP2 & Policy DP1

Restriction to Built Environment/Development

Force 9 Energy (886/2/2), (886/2/1)

Policy PP2 cites 'for employment land' as economic growth must be balanced with the need to safeguard Moray's natural and built environment. Proposals outwith designated sites such as inward investment developments, distilleries, etc. will be supported provided the criteria of policy PP2 and other relevant environmental policies are met. Policy DP9 includes a reference to the economic benefits of wind energy proposals, and this is considered the most appropriate place for this reference.

Policy DP1 applies to all types of development, which could include proposals for infrastructure, pylons, solar farms, etc. Restricting the policy to 'built' development only, would result in other types of development being inadequately covered by policies in the LDP and the need to provide an additional policy which would largely reiterate policy DP1, and is at odds with the emerging Planning (Scotland) Act to streamline the planning process.

No modification is proposed.

Policy PP3

General

Jonathan Meighan (333/5/1)

The Moray Local Development Plan 2020 (LDP2020) aims to create sustainable, successful places that are planned and co-ordinated with infrastructure and facilities to ensure places function properly. This approach is set out in the requirements of the Primary Policies, specifically PP1 Placemaking and PP3 Infrastructure and Services and Environment policies such as EP2 Biodiversity and EP5 Open Space. The Plan supports the prevention agenda for health, which includes creating places that provide opportunities for social interaction and community cohesion.

No modification is proposed.

Policy Detail

Robertson Group (8/3/4), Springfield Properties plc (10/13/4), Homes for Scotland (10/35/9/4)

Policy PP3 Infrastructure and Services (CD01, pages 32-34) is an overarching, primary policy of the Plan which reflects its length and scope. A pragmatic and reasonable approach will be taken in its implementation to take account of the size of the development and ensure proportionality. The level of detail provides certainty to the development industry over the infrastructure requirements for a development proposal in order that these can be factored into development appraisals and land value at the outset.

The Council is committed to an infrastructure first approach as advocated through the emerging Planning (Scotland) Act, and works closely with NHS Grampian, key agencies, and other Council Services to plan and co-ordinate the delivery of development and infrastructure.

No modification is proposed.

Access to Trunk Roads

Robertson Group (8/3/4), Barratt North Scotland (15/1/4), Springfield Properties plc (10/13/4)

This policy relates to the A98 and A941 which are part of the strategic road network in Moray. The aim of the policy is to limit the proliferation of accesses on strategic routes through Moray as this introduces a risk of accidents and reduces the capacity of the road network. This requirement is currently included as Policy T6 in the MLDP 2015 (CD15, page 73). It is accepted that larger sites within the MLDP 2015 will require access from key routes and this is recognised by the inclusion of such accesses as TSP's, relating to specific site access requirements. For example, Elgin TSP18 identifies the need for new accesses onto the A941 to serve the Findrassie development.

No modification is proposed.

Information Communication Technology (ICT) and Fibre Optic Broadband

Barratt North Scotland (15/1/4), NHS Grampian (300/6/3)

Support for the requirement for ICT and fibre optic broadband by NHS Grampian (300) within policy PP3 is noted.

The UK Government Future Telecoms Infrastructure Review (CD73, pages 15-16) sets out that the UK Government aims to have 15 million premises connected to full fibre by 2025 and provide nationwide coverage by 2033. Currently the UK has 4% full fibre connections and is 35th in the global broadband league table.

To ensure the UK Government's aims are achieved and that homes and premises are future proofed to embrace the changing nature of employment with more companies

offering homeworking, high speed broadband connectivity being a major factor for people purchasing a new home, and service delivery with the NHS investigating different ways of operating, the provision of fibre optic connectivity is essential. Therefore, it is considered appropriate to require ICT and fibre optic broadband connections for all premises unless it can be justified that it is technically unfeasible.

No modification is proposed.

Provision of Infrastructure

Springfield Properties plc (10/13/4), Network Rail (1041/5/3), Speyside Community Council (1535/1/1)

Support for the planning and co-ordination of infrastructure and development to ensure places function properly is noted.

The Council works closely with NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their LDP Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents.

The Spatial Strategy is addressed in Schedule 4 Issue 1 which sets out that approach is considered to be the most sustainable, directing development to the main service centres with the best public and active travel connections, which supports the SPP (CD53, para 40) principle of directing the right development to the right place and to not allow development at any cost (CD53, para.28).

No modification is proposed.

Inclusion of Developer Obligations in Policy PP3

Springfield Properties plc (10/13/4)

Policy PP3 is an overarching primary policy which deals with infrastructure and services as a whole, of which developer obligations is an integral part. Given the significant cross-over with other requirements, developer obligations is considered to be fundamental to policy PP3 which should be read as one policy.

No modification is proposed.

Developer Obligations Supplementary Guidance (SG)

Springfield Properties plc (10/13/4), Network Rail (1041/5/3)

Policy PP3 (CD01, page 33) sets out that developer obligations will be sought in accordance with Scottish Government Circular 3/2012 to mitigate any measurable adverse impact the development proposal will have on local infrastructure as defined in criteria d). It is not considered appropriate to exclude certain bodies from developer obligations as this would be neither a fair nor transparent approach as any adverse impacts resulting from development must be mitigated, regardless of the developer. For the avoidance of

doubt, developer obligations are not sought to address existing need as this would not accord with Circular 3/2012.

The Council works closely with NHS Grampian and other Council Services to ensure that the evidence base for infrastructure for which developer obligations are sought is robust and up-to-date. Network Rail has not provided an evidence base upon which developer obligations can be sought for rail infrastructure, and therefore cannot be included in policy PP3 as an infrastructure requirement as it would fail to meet the five tests set out in Circular 3/2012 (CD56, pages 5-8).

Supplementary Guidance on Developer Obligations sets out in detail the methodology and rates used to calculate developer obligations (CD16, pages 12-19). The Council is committed to full and upfront public consultation. The first Developer Obligations SG was in the public domain for 19 months prior to approval by the Scottish Government in 2016 and was subject to two 12-week public consultation periods at which developers, including Springfield Properties plc, presented to elected Members. The updated Developer Obligations SG was subsequently publically consulted on for 8 weeks prior to approval by the Scottish Government in March 2018. It is considered that significant public consultation has been carried out on Developer Obligations SG, and that the detail included provides sufficient information for developers to factor developer obligations into their developer appraisals and land values. This in turn, provides greater certainty to the development industry over the Council's requirements at the outset. The Council encourages early discussion on developer obligations and offers a free service whereby draft developer obligation assessments can be prepared prior to planning applications at the request of the developer to inform their development appraisals.

Where a developer considers that developer obligations will render a commercially viable development unviable then they can submit a viability assessment to the Council, which must be verified by the District Valuer (DV). Where the level of developer obligations sought is not appropriate, the Council will seek to negotiate a more appropriate level. To address viability issues raised by the development industry in Moray and allow land values to adjust accordingly, a maximum cap of £6,500 per residential unit was introduced through the updated SG which sets out that the cap will be reviewed in December 2019 (CD16, pages 8-9).

No modification is proposed.

Healthcare

Springfield Properties plc (10/13/4), NHS Grampian (300/6/3), Speyside Community Council (1535/1/1)

Support from NHS Grampian (300/6/3) for the requirement that development proposals need to provide healthcare infrastructure is noted.

The principle of mitigating the impact of new development on healthcare infrastructure was established through policy IMP3 Developer Obligations of the adopted LDP 2015 (CD15, page 86) and statutory Supplementary Guidance on Developer Obligations (CD16), first approved by the Scottish Government in October 2016. The Council continues to consider it to be appropriate to seek contributions towards healthcare as these facilities serve the social and welfare needs of the community similar to education and transportation infrastructure.

In appeal PPA_230_2201(CD67, para.60) the Reporter stated “.., I am not satisfied, on the point of principle, that there is any difference between requiring contributions for healthcare and contributions for education ..., as both sorts of contribution serve the social and welfare needs of the community”. The Council is fully committed to working with its Community Planning Partners, which includes NHS Grampian to ensure that the local population has access to healthcare facilities which are essential to creating communities and delivering high quality places where ensuring accessible health services and “creating safe places that nurture health has long been central to the public health agenda”, (CD69, page 10). This is in accord with the Place Principle, signed off by the Scottish Government in February 2018, which requests that a joined-up, collaborative, and participative approach is taken to “improve the lives of people, support inclusive growth and create more successful places”, (CD71).

Moray Council works closely with NHS Grampian to maintain a robust and up-to-date evidence base for seeking developer obligations towards healthcare infrastructure. Developer obligations are sought to mitigate the impact of a new development that adversely impacts on healthcare infrastructure, and are currently sought towards primary healthcare facilities (GP’s, Dental Chairs and Community Pharmacies) for new, extended or internally reconfigured premises to increase capacity and serve residents generated by new development. To date, approximately £1.36 million has been secured towards healthcare facilities in Moray to mitigate the impact of new development on the health care service.

Staffing on healthcare facilities is a matter for NHS Grampian who is currently considering different ways to provide the health service, such as through advances in digital infrastructure, which could change service delivery and impact on staffing required. This is reflected in the requirement in policy PP3 criteria a) vii) to ensure that all premises have ICT and fibre optic broadband connections.

No modification is proposed.

Public Transport

Speyside Community Council (1535/1/1)

The Council continues to explore every opportunity to maximise opportunities to access the demand responsive transport service within the current budgetary limitations. Much of Moray’s scattered community make up does not fit conventional scheduled bus services and the Council takes every opportunity to explore funding streams as they become available.

No modification is proposed.

Education

Speyside Community Council (1535/1/1)

Developer obligations are sought towards a new school or extension of an existing school, where the school roll is at or above 90% capacity. A School Estate Strategy is currently being prepared by the Council to consider the school estate across Moray and will be reported to the Council at a later date.

No modification is proposed.

Active Travel Strategy/Core Path Plan

Dr Janet Trythall (404/4/3)

Support for Active Travel Strategy and Core Path Plan is noted.

No modification is proposed.

Greenhouse Gas Emissions

Scottish Government (490/4/4)

The Building Standards Technical Handbook 2017 (CD59) sets out that every building must be designed and constructed in a way to be able to reduce carbon dioxide emissions. Minimum standards have been set to be exceeded as part of the Building Standards process.

Policy PP2 Climate Change of the Moray Local Development Plan 2015 (CD15, page 8) sought to implement similar requirements to Section 3F of the Town and Country Planning (Scotland) Act 1997 and reduce greenhouse gas emissions. However, the Council is not resourced or trained to support such a policy and it is considered that this requirement is best implemented through Building Standards.

No modification is proposed.

Policy PP3 and Policy DP1

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/4) (15/1/2), Scottish Government (490/4/4) (490/4/2)

The Government's Programme for Scotland 2018-2019 (CD61, page 7) reflects and expands upon the commitment in the Programme for Scotland 2017-2018 to phase out petrol and diesel cars and vans by 2032 with proposals for 1500 new charge points, £20 million to help people and businesses switch to electric vehicles, 500 new ultra-low emission vehicles in the public sector, and over 100 new green buses (CD60, page 5). Given the commitment by the Scottish Government to reduce the country's carbon footprint and advancing nature of high technology it is important to ensure that developments are future proofed. Therefore, it is considered reasonable to require that communal parking areas provide electric charging points within new developments as these will serve residents in flats who do not have access to their own electric car charging point, or visitors. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.

It is feasible to provide communal chargers that have a payment system incorporated and therefore paid by the individual car user. This is how the majority of charging points in public places already operate. The provision of electric car charging points reduces trip hazards given cars will be parked adjacent to the facility rather than residents having to retrofit cables across pavements and communal areas into properties.

Car sharing spaces will only be required where there is a known demand/need as identified by the Transportation Manager. The provision of these spaces will allow for any future car share vehicles to be accommodated without impacting on the provision of allocated parking.

Designing Streets (published 2010) predates the growth in the use of electric and hybrid vehicles and the Scottish Government's commitment to phase out the need for new petrol and diesel cars and vans across Scotland by 2032. Therefore this requirement cannot be aligned with Designing Streets but rather the most up-to-date Government Programme.

The Council is agreeable to the modification proposed by the Scottish Government to the first sentence of Appendix 2 Parking Standards, referenced in policy DP1.

If the Reporter is so minded, the Council would have no objection to the following modification: *"...the Scottish Government pledge to phase out the need for new petrol and diesel cars and vans across Scotland by 2032, the current policy aims and long term goal is a move towards the use of alternative fuels and electric or hybrid vehicles"*.

Rail Network

Network Rail (1041/5/3), (1041/5/1)

The requirement to assess the impact of development on rail infrastructure/facilities is covered in Transport Scotland's Transport Assessment Guidance. In addition the text around transport (PP3 a.iii) states "...these requirements are not exhaustive and do not pre-empt any measures that may result from the Transport Assessment process". The Council considers the requirement to consider rail is therefore covered and no further text changes are required.

The railway stations (Keith, Forres, Elgin) in Moray have all been subject to recent upgrades as part of the Aberdeen to Inverness rail improvement however, as above, Transport Assessment guidance will require assessment of rail facilities where relevant.

There are only three level crossings in Moray, two of which are fairly remote from development and therefore limited impact is envisaged (Brodie, Kinloss).

In terms of TSP3, the requirements of Network Rail are noted and accepted, and will be considered via assessment of any planning application.

In terms of TSP27, the impacts on The Wards level crossing will be fully considered as part of technical assessments. The proposed signalisation of this junction could incorporate additional queue detection equipment to monitor queues and adjust signal timings to ensure queuing traffic does not impact on the operation of the level crossing.

No modification is proposed.

Policy DP1

Impact Assessments

Robertson Group (8/3/1)

Policy DP1 is intended to cover all development types and sizes, including extensions and conversions as these can be of a significant scale and impact. A pragmatic approach will be taken to the application of the policy criteria. To address the concern raised, the Council would be amenable to amending the wording in the first sentence of the policy from 'proportionate' to 'reasonable'.

If the Reporter was so minded, the Council would have no objection to the following modification: *"This policy applies to all development, including extensions and conversions and will be applied reasonably"*.

Transportation – Hammerheads and Turning Areas

Robertson Group (8/3/1), Barratt North Scotland (15/1/2), Homes for Scotland (1035/9/2)

The preference for turning areas reflects a desire to reduce reversing manoeuvres within developments particularly in regard to servicing and other larger vehicles. This also supports the preference to avoid cul-de-sacs and therefore create developments that do not require turning areas. There are alternatives available to traditional hammerheads such as 'road stubs' or 'hatchets' which can be demonstrated as effective via swept path analysis. Examples of these are shown in figure 18 of the SCOTS National Roads Development Guide (CD75, page 84). The Council is amenable to additional text within the policy to clarify this point and avoid any ambiguity.

Experience has found that hammerheads are often subject to indiscriminate on-street parking which limits the area for larger vehicles to turn, e.g. refuse vehicles.

It is considered that policy DP1 reiterates the requirements of both Designing Streets and the SCOTS National Roads Development Guide. The representations have not specified where or how policy DP1 contradicts these National Policies.

If the Reporter was so minded, the Council would have no objection to the following modification to the second sentence of criteria f): *"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"*.

Impact on the Community

Elgin Community Council (1832/3/1)

Policy DP1 seeks to ensure that development is of a high quality in that it is integrated within its built and natural environment, designed to a high standard including protecting people's privacy and amenity, adequately serviced, and that any impacts are identified, assessed and mitigated. Many of the development principles have been carried forward from previous LDP policies and are not considered to be overly onerous.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue 3	Development Policies DP2, 5, 6, 7, 8, 10	
Development plan reference:	<p>Development Policy DP2 Housing (Volume 1, page 38)</p> <p>Development Policy DP5 Business and Industry (Volume 1, page 55)</p> <p>Development Policy DP6 Mixed Uses (MU) and Opportunity Sites (OPP) (Volume 1, page 57)</p> <p>Development Policy DP7 Retail/ Town Centres (Volume 1, page 57)</p> <p>Development Policy DP8 Tourism Facilities and Accommodation (Volume 1, page 60)</p> <p>Development Policy DP10 Minerals (Volume 1, page 71)</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>DP2 Housing</p> <p>Robertson Group (8)</p> <p>Springfield Properties plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Homes for Scotland (1035)</p> <p>Fiona Duncan (1826)</p> <p>CHAP Group (Aberdeen) Ltd. (2165)</p> <p>DP5 Business and Industry</p> <p>Scottish Government (490)</p> <p>DP6 Mixed Use (MU) and Opportunity Sites (OPP)</p> <p>Grant and Geoghegan (1860)</p> <p>DP7 Retail/ Town Centres</p> <p>Asda Stores Ltd (206)</p> <p>Dr Janet Trythall (404)</p>		

DP8 Tourism Facilities and Accommodation	
Dr Janet Trythall (404)	
DP10 Minerals	
Dr Janet Trythall (404)	
Provision of the development plan to which the issue relates:	<p>Development Policy DP2 Housing</p> <p>Development Policy DP5 Business and Industry</p> <p>Development Policy DP6 Mixed Uses (MU) and Opportunity Sites (OPP)</p> <p>Development Policy DP7 Retail/ Town Centres</p> <p>Development Policy DP8 Tourism Facilities and Accommodation (</p> <p>Development Policy DP10 Minerals</p>
Planning authority's summary of the representation(s):	
<p>DP2 Housing</p> <p>Need for design statements</p> <p><u>Robertson Group (8/3/6)</u></p> <p>Concerned this is a blanket policy with no threshold which could render smaller developments undevelopable e.g. if not in compliance with public transport.</p> <p>Affordable Housing/ Housing Mix</p> <p><u>Fiona Duncan (1826/2/1)</u></p> <p>Welcome changes made regarding off site provision of affordable housing, which has previously been over used/abused by developers. Understand that offsetting for smaller developers may be required to make development economically viable, but wish to see standard conditions applied to planning permissions where timeframes and site locations are conditioned and further off-siting of the same units is not allowed. It would be more open if the proposed site for the off-site provision was part of the original planning application and neighbours are notified as per planning procedures. This would stop incidents like 16/01074/ APP occurring again, where a developer used the case of affordable housing to their advantage.</p> <p><u>Robertson Group (8/3/6)</u></p> <p>The requirement to provide a commuted sum of £4,000 for proposals less than 4 units along with the wider guidance requirements will over burden smaller sites and likely render them undeliverable. Further advice required to ensure overall policy requirement and developer contributions can be reviewed to assess cumulative effects on smaller projects.</p>	

For sites of 4 or more units, requiring a different mix would be very restrictive in small developments unless there is a level of flexibility for Development Management.

Guidance does not explicitly restrict sites for 100% affordable housing development, the proposed text is slightly ambiguous of its intention, this would be acceptable if there are different tenures and this might be best indicated to aid Development Management.

Homes for Scotland (1035/9/5)

Support maximum of 25% affordable housing in line with Scottish Planning Policy.

Concerned that the affordable housing policy together with the accompanying guidance is overly onerous for smaller sites, therefore negatively affecting small scale builders.

Consideration must be given to the cumulative impact that the plan's policies will have on smaller scale businesses, as well as larger home builders.

Requiring 25% affordable units for developments of 4 or more units is one of the most restrictive policies in Scotland. The requirement for developments of less than 4 market housing units to contribute a commuted payment may result in the withdrawal of small scale builders from Moray, given the extra costs to develop. The Plan does not set out the level of commuted sum, although officers have indicated £4,000 per home.

Guidance section of the policy could be more flexible, while not explicitly restricting sites for 100% affordable housing development, it is not very supportive of this type of proposal. Homes for Scotland (HfS) supports creation of mixed communities but HfS considers that any proposal for affordable housing which is acceptable in design terms, should be viewed favourably and any proposal over the 25% threshold should be encouraged.

Springfield Properties plc (10/13/13)

Welcome some of the changes made to this policy. Continue to seek clarification of what this part of the policy means in practice- "pepper potting" raises questions on marketability, management and factoring such dispersed pockets of affordable housing, how they are managed and practical construction issues with houses with varying standards in room and garden sizes.

Requiring developments of less than 4 or more units to contribute a commuted payment (£4,000 per plot) is a further extra cost to developers placing further viability pressure on smaller sites. Aberdeenshire Council recently removed such a similar requirement due to administrative and proportionality concerns.

Policy is counter intuitive to Springfield's focus on delivering high quality homes that allow choice to customers.

Barratt North Scotland (15/1/5)

A mix of tenures is not always possible and wording should be changed from "must" to "should".

CHAP Group (Aberdeen) Ltd. (2165/1/2)

Affordable Housing- guidance section could be more flexible. Whilst the guidance does not explicitly restrict sites for 100% affordable housing it is not very supportive of this type of proposal. Consider that any proposal for affordable housing which is acceptable in design

terms should be viewed favourably. Any proposal over the 25% contribution should be encouraged rather than dissuaded through the LDP policy and guidance.

Accessible Housing

Robertson Group (8/3/6)

Strongly object to the provision of accessible housing policy which will bring further viability issues. No evidence provided as to why this should be sought from private developers who otherwise would not choose to construct these. There is no restriction on the purchaser, therefore not fulfilling requirements of the policy.

Policy implies these should be single storey, therefore ground floor cottage flats would meet this stipulation. Two storey houses that either have current or future provisions for a ground floor apartment which is currently a bedroom or quite easily adapted in the form of conversion of the garage.

Accessible units require more land and reduce the overall numbers of the development, subsequently reducing the number of affordable housing units.

Mortgage requirements mean these units do not have a premium value, therefore the other private units are subsidising this policy again, straining development viability.

Homes for Scotland (1035/9/5)

Homes for Scotland (HfS) does not support the proposed Accessible Housing policy in DP2, nor the guidance text or reasoning behind this policy requirement. Object to principle of this policy and the detail of the policy itself, which is overly onerous and not supported by compelling evidence to justify its inclusion.

Each home will be sold to a buyer who may or may not have accessibility needs. As a homeowner that buyer will be entitled to adapt their property, which could mean the property is no longer accessible. There is no way that homes built under this accessible housing policy can be guaranteed to be sold to someone who has an accessible need, nor any way of guaranteeing that these homes will remain accessible.

If a need for accessible housing can be evidenced this could be met through the delivery of affordable housing which can then be allocated specifically to someone with accessibility needs and the home can remain accessible in perpetuity.

While SPP does refer to “supporting delivery of accessible housing”, it does not specifically refer to single storey bungalow development, therefore question the restriction of accessible housing units to bungalows, which constrains other potential solutions such as adapting existing housing stock with options such as converting garages and internal alterations to existing homes or provision of ground floor flats.

Limiting house types to bungalows for a proportion of the site has an effect on land value, and therefore potentially the viability of a site. The increase in cost is not recouped through the sale. Bungalows reduce the overall numbers delivered on the site.

Acknowledge that the HNSA demonstrates an ageing population, but further evidence is required to support private sector delivery of accessible housing. HfS members note that if there was an overwhelming market for bungalows in Moray, the industry would already be responding to that.

Springfield Properties plc (10/13/13)

Springfield Properties plc object to the accessible housing policy, particularly the requirement for these to be located within single storey dwellings. This is overly prescriptive, highly subjective, placing an unreasonable and artificial brake on market conditions with no demonstrable evidence basis or justification beyond conjectural claims that there is aspirational demand for bungalow type properties within a given market area.

Accessibility is about ergonomics, ease of movement and choice, not everyone wants or can afford a bungalow, with flatted developments with lifts and accessible apartments meeting accessibility requirements. Bungalows are land hungry, lower density and lead to sprawl and inefficient layouts. Current policy requirement should be questioned in its entirety, without even more demanding requirements.

Query page 40 wording which reads “there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community”. Suggest that proposals for 100% proposals be given significant support to deliver much needed affordable housing, both within and immediately adjacent to existing settlements.

Barratt North Scotland (15/1/5)

Strongly object to the policy requirement that all “housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form.” The Building Standards Technical Handbook 2017: Domestic Buildings requires all new homes to be built to wheelchair accessible standard, therefore this is not a policy requirement.

The 10% of all units to be single storey is unduly onerous. However, this policy does not guarantee that the initial or subsequent purchaser has accessibility needs or would not seek to make alterations in future. This can only be guaranteed in perpetuity through delivery as social-rented accommodation.

This constrains the home builder and does not allow for other potential solutions or options to come forward to adequately meet the accessible housing need, such as converting garages and internal alterations to existing homes, or provision of ground floor flats. Limiting house types to bungalows has an effect on land value and the viability of a site. Bungalows require a larger plot size and cost more to build, with the additional cost not recouped through sale. The overall development numbers may be reduced which then reduces the number of affordable and accessible units delivered, adding to deliverability issues.

Very little new evidence has been provided to support this policy. Acknowledge that the HNDA demonstrates an ageing population in Moray, but this in itself does not support the private sector delivery of accessible homes. HfS members note that if there was an overwhelming market for bungalows the industry would already be responding.

CHAP Group (Aberdeen) Ltd. (2165/1/2)

Significant concerns regarding part f, which is overly onerous and is not supported by compelling evidence to justify its inclusion in the LDP. Each home built under this policy will be sold to a buyer who may or may not have accessibility needs. The home could be adapted which could result in the home no longer being accessible. There is no way that accessible units can remain accessible in perpetuity.

Conversely if a need for accessible housing can be evidenced in a robust way, this could be met through delivery of affordable housing which can be allocated specifically to someone with accessibility needs.

Further concerned regarding the restriction of accessible housing to bungalows only, which is overly inflexible and does not allow for other potential solutions or options to come forward, such as provision of ground floor flats and or self-contained cottage flats. Limiting this to bungalows has an effect on land value. Bungalows require a larger plot size and cost more to build affecting development viability, reducing overall numbers on the site and reducing affordable and accessible housing delivery.

The evidence base is the same as that used previously. No evidence was given at that time as to whether these individuals would be the customer of these accessible homes for sale provided by the home builder and whether these people were in a position to buy one of these properties. If there was an overwhelming market for bungalows in Moray this would be reflected in developments as part of the overall mix.

DP5 Business and Industry

Scottish Government (490/4/5)

To accord with paragraph 96 of SPP the plan should support opportunities for integrating efficient energy and waste innovations within business environments. The policy could be referenced as part of Policy DP5 on page 55 in relation to creating 'higher quality environments'.

DP6 Mixed Use (MU) and Opportunity Sites (OPP)

Grant and Geoghegan (1860/3/2)

In an ideal world sites would be developed in their entirety but in practice this is not always possible due to market conditions or other matters out with the developer's control. Flexibility should be provided within the policy to enable development on OPP sites which do not prejudice the delivery of the remaining range and type of uses. In some cases initial development would give the overall project the impetus to be realised.

Flexibility should be written into the policy to allow delivery in a range of ways but allowing a planning officer to request further information if it is considered the proposal will prejudice the delivery of the rest of the site. This would make the policy more workable.

DP7 Retail/ Town Centres

Dr Janet Trythall (404/4/4)

In Elgin there should be presumption against any retail development outwith the town centre. There should be a presumption in favour of residential in the town centre with flats above shops.

Existing parking spaces should be protected and no erosion of Cooper Park permitted.

Asda Stores Ltd (206/4/1)

Concerned part b of policy DP7 allows too much uncertainty in terms of what constitutes

“significant footfall” and the terminology “where appropriate”. It is simpler to apply a threshold based on floor area, for example 400sqm gross. This would ensure proposals are adequately assessed in retail terms and the tests set out in SPP. This will ensure correct scrutiny and protect relevant centres from unacceptable impacts.

DP8 Tourism Facilities and Accommodation

Dr Janet Trythall (404/4/8)

Oppose hutting where it is sited on publicly accessible land for recreation.

Support for budget accommodation should be included for bunkhouses and hostel accommodation as part of encouraging active travel and outdoor tourism.

DP10 Minerals

Dr Janet Trythall (404/4/6)

Under c) Restoration and aftercare, quarries that are also Sites of Special Scientific Interest (SSSIs) i.e. Clashach and Spynie must have strong caveats in any planning permissions granted that presume in favour of research and leisure purposes, not landfill, once their quarrying life is over. Traces of fossils can still be found, contribute to science and keep Moray on the tourism map.

Modifications sought by those submitting representations:

DP2 Housing

Need for design statements

Robertson Group (8/3/6)

Requirements under criteria a) need to be in line with major development threshold of 50 units.

Affordable Housing/ Housing Mix

Fiona Duncan (1826/2/1)

Where offsite provision is proposed this should be clear at planning application stage and form part of neighbour notification.

Robertson Group (8/3/6)

Party not specific over change sought regarding affordable housing contributions. Review threshold for requiring a mix of units.

Homes for Scotland (1035/9/5)

Party not specific over change sought.

Springfield Properties plc (10/13/13)

Party not specific over change sought.

Barratt North Scotland (15/1/5)

DP2e) “tenures” should be deleted from the description of requirements, the proposal should read: “Proposals for 4 or more housing units must provide a mix of house type sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.”

CHAP Group Ltd (Aberdeen) Ltd (2165/1/2)

Policy/ guidance to be revised/ expanded to avoid any misinterpretation or confusion.

Accessible Housing

Robertson Group (8/3/6)

Delete Accessible Housing policy.

Homes for Scotland (1035/9/5)

Delete Accessible Housing policy.

Springfield Properties plc (10/13/13)

Delete Accessible Housing policy.

Barratt North Scotland (15/1/15)

DP2f) the requirement for “with all of the accessible units to be in single storey form” should be deleted.

CHAP Group (Aberdeen) Ltd (2165/1/2)

Delete Accessible Housing policy.

DP5 Business and Industry

Scottish Government (490/4/5)

Refer to integrating efficient energy and waste innovations in business environments within policy DP5 page 55.

DP6 Mixed Use (MU) and Opportunity Sites (OPP)

Grant and Geoghegan (1860/3/2)

Add flexibility to policy to enable development on OPP sites that does not prejudice the delivery of the rest of the site.

DP7 Retail/ Town Centres

Dr Janet Trythall (404/4/4)

Amend retail policy so there is a presumption against retail development out with the town centre in Elgin.

Asda Stores Ltd (206/4/1)

Apply a threshold of 400sqm rather than refer to significant footfall.

DP8 Tourism Facilities and Accommodation

Dr Janet Trythall (404/4/8)

Policy should not allow hutting on publicly accessible land.

DP10 Minerals

Dr Janet Trythall (404/4/6)

Quarries that are SSSI's must have conditions in respect of restoration and aftercare that they will be useable for research and leisure purposes and not landfill.

Summary of responses (including reasons) by planning authority:

DP2 Housing

Need for design statements

Robertson Group (8/3/6)

This approach carries on the approach from Policy H1 of the Moray Local Development Plan 2015, seeking the details to support the comprehensive development of a site, unless otherwise stated in the site designation text. If a particular information requirement is not valid or reasonable then it would not be requested by the planning authority. The objector uses the example of public transport on smaller sites, however, smaller sites do not need to provide bus routes through them, but if the proposal is of a scale that required a TS or TA they should demonstrate accessibility to public transport facilities. In rural areas this is not always achievable and would be recognised through the Council's Quality Auditing process.

No modification is proposed.

Affordable Housing/ Housing Mix

Fiona Duncan (1826/2/1)

Support for the changes made is noted. The decision as to whether offsite provision is acceptable to the planning authority would not be made until a planning application was determined, so while the intent behind the suggestion put forward is supported, from an operational and democratic decision making perspective, it would not be possible to neighbour notify to cover the proposed offsite location.

No modification is proposed.

Robertson Group (8/3/6), Barratt North Scotland (15/1/5), Homes for Scotland (1035/9/5), Springfield Properties plc (10/13/13), CHAP Group (Aberdeen) Ltd (2165/1/2)

The current Moray Local Development Plan 2015 policy does not require a contribution towards affordable housing provision for developments fewer than 4 houses. This means that where sites are developed on a piecemeal basis and where individual sites are developed in urban and rural locations then no contribution is secured to help towards meeting the significant need for affordable housing in Moray.

The Council does not consider that this policy will adversely affect the viability of small scale developments. Policy requirements are generally, but not always, known at the point of purchasing a site and should therefore be reflected in land value. If a developer wishes to claim viability then the Council's Developer Obligations Supplementary Guidance (CD16) sets out the steps to follow.

The policy aims to secure 25% affordable housing provision from all developments and to consider a higher percentage contribution where funding is available. The text does not preclude 100% affordable housing proposals from coming forward as this is an approach which the Council recognises is required to meet need and one which the Council itself has and will continue to follow on selected sites. The text in criteria d) has to be read in conjunction with the aspirations of criteria e), so while the Council will support proposals for 100% affordable housing where policy requirements are met, the Council would seek a mix of affordable housing tenures to avoid 100% social rented, introducing low cost home ownership and mixed market rental properties.

The policy sets out criteria on tenure integration which will be discussed as part of the Placemaking considerations at development management stage.

The policy requires a mix of house types, tenures and sizes to meet local needs. If a proposal is submitted which does not comply with this policy, for example, it proposes off site provision for affordable units, then this could 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 Delivery Manager. However, on most sites, developers should be able to meet the requirements of this policy, which support the aspiration for lifetime developments and tenure integration.

No modification is proposed.

Accessible Housing

Robertson Group (8/3/6), Homes for Scotland (1035/9/5), Springfield Properties plc (10/13/13), Barratt North Scotland (15/1/5), CHAP Group (Aberdeen) Ltd (2165/1/2)

Scottish Planning Policy (CD53 para 132) recognises that "local authorities are required to consider the need for specialist provision that covers accessible and adapted housing , wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability."

The changing demographics in Moray, specifically the ageing population and the

significant increase in smaller households, as well as changing health care arrangements support the need for the mix of housing to be closely aligned to the Council's Housing Need and Demand Assessment (CD45 section 5, page 75).

Key points and statistics from the Assessment include;

- * The ageing population of Moray has been identified as a priority issue for specialist provision and the ageing population is projected to increase during the period of the Plan.
- * For more than a decade, the national strategic direction has been to move the balance of care away from care homes to care in the home and community. The number of people in care homes has decreased and the number of people receiving care at home has increased.
- * Table 5.4 on page 78 of the HNDA identifies the significant increases in older households, including a projected increase of 55.9% in households of 2 or more adults aged 75-89.
- * National policy on ambulant disabled and adapted housing, para 5.3 page 81 aims to eliminate unlawful discrimination, advance equality of opportunity and foster good relations and ensure that everyone is able to live longer healthier lives at home or in a homely setting, with a focus on prevention, anticipation and supported self-management. Responsibility for delivery of disabled adaptations in all tenures was delegated to Health and Social Care Moray in April 2016.

Moray Council has sought to increase the supply of ambulant disabled housing to meet the needs of the ageing population and assist the objectives of Health and Social Care Moray. Since 2011, approximately 30% of all affordable housing delivered through Moray Council's Strategic Housing Investment Programme (SHIP) has been ambulant disabled.

Table 5.9 of the HNDA, page 83 identifies that the level of disabled adaptations to social and owner occupied housing in Moray are around the same but are lower than the national average for social housing and higher for owner occupation. The table also indicates that older households are less likely to live in a house with an adaptation than the Scottish average.

Adaptations to properties in all tenures are most often the provision of a level access shower or wet room and/ or stairlift and or ramped external access, but also includes minor works such as grab rails or additional bannisters as well as major property extensions and internal remodelling.

Ensuring the right provision for our ageing population can reduce the need for care at home services and the need for hospital care. Moray Council continues to provide mandatory and discretionary grant assistance for adaptations in the private sector.

On 1 April 2018 the Council's housing list included 507(16%) applicants assessed as requiring ambulant disabled/Wheelchair accessible housing, an increase from 439 in June 2017. Consistently approximately 20% of housing list applicants are in need of ambulant disabled housing, but amongst current owner-occupiers this rises to 43%. This is likely to be driven in part by their inability to source appropriately designed housing in the open market which is affordable within their equity/ savings. It is notable that 60% of owner occupiers seeking ambulant disabled housing have stated they would not accept a flat.

The HNDA para 5.6 recognises that in 2017 there were 6,500 households aged 75+ and it is likely that a significant number of households will look to the private sector for

ambulant/ disabled housing. The availability of private sector options is required to divert pressure from the social sector and also increase tenure choice. It is also a forward looking approach to prevention planning, reducing future expensive adaptation costs and providing options within the private sector, without which all accessible housing requirements would have to be met through social housing.

While private sector housing stock can have adaptations fitted, these may not be reused on sale of the property, with new (often younger) owners likely to remove any adaptations such as removing a level access shower and grab rails and reinstating a bath.

The differences between the requirements of the wheelchair accessible standards and the current Buildings Standards are not considered to be a financial burden upon housebuilders. Page 41 and 42 of the Proposed Plan (CD01) sets out the external and internal design specifications.

The HNDA has evidenced that there is a continuing mismatch between the size and type of housing required, and the size and type of housing available across all tenures, and that accessible housing for market sale tended to sell quickly and at premium prices. 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. The ageing population and other demographic changes are likely to increase this demand.

A wheelchair accessible property is one which conforms to Housing for Varying Needs standards for wheelchair users. Housing for Varying Needs is a design guide which has been used as the design benchmark for affordable housing. The design need is for a home that provides a completely step free environment, space for a wheelchair to circulate and access all rooms, a kitchen and bathroom that suits the occupants particular needs and fittings and services that are within reach and easy use.

The Scottish Government strongly supported this policy when first included in the Moray Local Development Plan 2015 (CD15, page 31), which the Government described as “innovative”.

Single storey format/ viability

The Council wishes to ensure that there is a closer alignment between HNDA requirements and development on the ground. The HNDA identifies a specific need (page 45) for single storey, accessible properties. A greater mix of house sizes also allows up and downsizing within the same community and for longer term care to be provided at homes.

Following consultation on the Elgin South Masterplan, a proposal for 2,500 houses, 2 primary schools and related uses, a report to the Council’s P&RS Committee on 1 November 2016 noted the main issues raised during the consultation process, including a joint drop in event hosted by Moray Council planners and Springfield Properties Ltd staff. One of the key issues raised by members of the public was demand for bungalows in the private sector. (CD48 page 2, para 4.1).

The evidence within the HNDA highlights the unmet demand for wheelchair accessible bungalows within the private sector, however there is a reluctance from housebuilders to meet this need on viability grounds, which is placing further pressure on the Council house

waiting list. As with all developer obligations and policy requirements, these should be reflected in land value and therefore the Council does not accept that this policy adversely impacts in terms of development viability, particularly as modest sized bungalows can be built with small rear gardens, possibly even in a terraced form for little, if any, additional land take.

Cottage flats will not achieve the aims of the policy to support sustainable, diverse communities as the projected ageing population won't find them an attractive option as evidenced in the HNDA (see above).

Accessible in Perpetuity

There can be no guarantee that private sector accessible housing will be purchased by a household with accessible needs, however, the policy aims to create this option, both for current purchasers and future purchasers. Planning consents will identify the plots which are approved as accessible under Policy DP2 and this should ensure that the plot remains accessible in perpetuity. All purchasers will grow older and those who live in accessible houses will be protected from the need to move to ground floor accessible housing in the future and potentially have to join the Council housing list for a social rented accessible property. Delivery of accessible homes only in the affordable sector will do nothing to improve tenure choice for older people in future.

No modification is proposed.

DP5 Business and Industry

Scottish Government (490/4/5)

If the Reporter is so minded the Council would support additional wording being added to the policy in respect of integrating efficient energy and waste innovations within employment sites. The Council would support the addition of the following wording after the second sentence of paragraph in part a) of policy DP5, "Integration of efficient energy and waste innovations must be considered."

DP6 Mixed Use and Opportunity Sites (OPP)

Grant and Geoghegan (1860/3/2)

The policy wording at present would not preclude development coming forward in a phased manner on OPP sites. The only requirement is that a Development Framework is provided that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements. This policy requirement is to ensure that there is a co-ordinated approach to design and layout of the whole site from the outset and avoids piecemeal development that could prejudice the remainder of the site.

No modification is proposed.

DP7 Retail/ Town Centres

Dr Janet Trythall (404/4/4), Asda Stores Ltd (206/4/1)

The policy wording presumes against retail development out with town centres within

section a) of the policy. Only within the ground floor of designated Core Retail Areas would change of use to residential not be supported, otherwise the plan supports a mix of uses within the town centre including residential. The policy does not relate to parking. It is noted that Cooper Park is out with the Elgin town centre boundary and is designated as an ENV open space.

Floor area does not necessarily equate to footfall and therefore applying an arbitrary floor area would not achieve the desired policy outcomes. The term significant footfall is used within SPP (CD53 para 68) and therefore the policy wording is in line with this. A square metre threshold encourages applications just below this and does not consider the function of the unit or the potential to undermine town centres. The term “where appropriate” has been used when referring to the need for a Retail Impact Assessment in recognition that in some cases a full Retail Impact Assessment may not be required and a Retail Statement maybe more appropriate depending on the size and nature of the proposal. This allows flexibility and realism to be applied when considering applications. However, all proposals with significant footfall will require to demonstrate that there are no sequentially preferable sites.

No modification is proposed.

DP 8 Tourism Facilities and Accommodation

Dr Janet Trythall (404/4/8)

Other policies will require to be taken into account when considering any applications for hutting. This includes policy PP3 Infrastructure and Services which states that development proposals will not be supported where they have an adverse impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated. Policy PP3 also states that development proposals will not be supported if they adversely impact on community and recreational sites.

The policy relates to all types of tourist accommodation and does not distinguish between budget and other types of accommodation.

No modification is proposed.

DP10 Minerals

Dr Janet Trythall (404/4/6)

This is considered to be a matter for the development management process as proposals for aftercare and restoration would take account of the natural and built heritage importance of the Clashach and Spynie quarries. Scottish Natural Heritage and the Regional Archaeologist would be consulted on restoration proposals.

Reporter's conclusions:

Reporter's recommendations:

Issue 4	Rural Housing	
Development plan reference:	Development Policy DP4 Rural Housing (Volume 1, pages 44-52)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Robertson Group (8)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>Dr Janet Trythall (404)</p> <p>Homes for Scotland (1035)</p> <p>Phil Mowat (1806)</p> <p>Woodland Trust Scotland (1818)</p> <p>Neil Grant (1860)</p> <p>Mr and Mrs Robert Ince (2006)</p> <p>Dougie Fraser (2221)</p> <p>Grant Russell (2228)</p> <p>John Wills (2229)</p> <p>Nicola Fraser (2230)</p>		
Provision of the development plan to which the issue relates:	Development Policy DP4 Rural Housing	
Planning authority's summary of the representation(s):		
<p>Restrictive Nature of Policy</p> <p><u>Robertson Group (8/3/5)</u></p> <p>The policy is very restrictive to smaller developments, rural housing in appropriate locations should be supported.</p> <p><u>Dougie Fraser (2221/1/1)</u></p> <p>The proposed amendment to the rural housing policy is similar to moving the goalposts halfway through a game of football. How can people be expected to make plans, not knowing what changes are going to be coming forward? Rural housing proposals that are acceptable under the terms of the current Local Development Plan will not meet the terms</p>		

of this revised policy. This policy will impact on people with longer term plans to develop houses in the countryside.

Homes for Scotland (1035/9/7)

The policy is more restrictive than the current LDP and there are concerns over the negative impact this will have on the delivery of smaller scale development opportunities. DP4 will not encourage more small scale house builders to take up opportunities in Moray.

The policy is long and overly onerous, much of the detail could be removed allowing the policy text to be slimmed down, and the remainder added as guidance. More could be added to the policy to encourage the development of small scale sites which are appropriate to meet a defined need in these rural areas.

Phil Mowat (1806/2/001)

The policy restricting development in pressurised and sensitive areas does not allow any flexibility for individuals to build in gapped areas between villages and improve the standard of housing within these areas.

In the recent past building has been allowed within large garden areas, gap sites and village edges for more efficient and eco-friendly houses. The policy should allow for individual house developments within gap sites in rural areas. This representation is supported by mapping identifying a proposed site for housing.

Role of Rural Groupings

Neil Grant (1860/3/3)

Recognise that directing new housing in the countryside to areas where existing services can be supported is in the wider public interest. There are however serious concerns regarding lack of effective housing land within groupings.

Aware that the vast majority of sites identified in rural groupings have historic issues and are not effective for other reasons. There needs to be more clarity provided on how these sites have been found to be effective and how this is monitored.

It is unlikely that much of the pressure for housing in the countryside will be absorbed by rural groups in the way envisaged in the plan. Request the Council support the small scale expansion of existing housing groups (not formally identified) in the countryside which respect the character, layout and building pattern of that group and maintain satisfactory levels of amenity. This approach will support the aims of guiding development to existing housing groups, enabling sensitive development in garden ground or infill sites whilst ensuring there is not a reliance solely on the effectiveness of land within each of the rural groupings.

This amendment would be sufficient to enable some limited extremely sensitive residential development in the countryside that cannot be expected to give rise to unsustainable growth and suburbanisation of the countryside.

New Houses in the Open Countryside

Neil Grant (1860/3/3), Grant Russell (2228/1/1), John Wills (2229/1/1) and Nicola Fraser (2230/1/1)

There are several areas within the policy which could be refined but ultimately most of the policy is workable.

Strongly object to the requirement for 75% enclosure, containment and backdrop made up of existing landform, mature trees, established woodland or buildings. Request the percentage is reduced to 50% as prescribed in the existing Local Development Plan. The 25% percent increase inadvertently wipes out the potential for any new housing in the Moray countryside, except in the rarest circumstances. This requirement serves no purpose in promoting good siting over what the current 50% boundary enclosure criterion can achieve. The removal of field drains, ditches, burns and wire fencing, roads and tracks as suitable boundary treatments should serve to remove any prospect of housing which is poorly sited but meets the minimum requirements of the policy.

If the aim of the policy is to ensure a building has sufficient backdrop or enclosure to guard against inappropriate development in the countryside then the current policy approach has proven sufficient. There are examples of extremely well defined properties in the Moray countryside that would fail the proposed policy test.

If the aim of the policy is to eliminate the possibility of new housing in the countryside then it should not be accomplished through the prescription of an unachievable policy test. This is at odds with Scottish Planning Policy (SPP) and National Planning Framework (NPF) 3 and the objectives of the Proposed Plan itself.

In its current form the rural housing policy is unnecessarily restrictive and detracts from the ability of decision makers to make assessments based on the individual merits of an application.

Landscaping Requirements

Woodland Trust Scotland (1818/2/15)

Welcome the addition that 15% native tree planting must be provided to help integrate a new house into the landscape setting. Provision could be improved by adding wording "At least 15%". Unsure how the figure of 15% was decided upon, and if the percentage is from the total of the trees to be planted, or the percentage of the land use to be occupied by trees. This should be clarified.

Royal Society for the Protection of Birds Scotland (285/10/4)

Planting trees adjacent to wader habitat can have a detrimental impact on the species by allowing predators to overlook nesting and brooding areas and should be avoided.

To address this in section (d) of New Houses in the Countryside bullet point 4 should be amended to add "unless this planting would negatively affect sensitive species or open habitats after "to integrate sensitively."

Design, Transportation and Social Interaction

Mr and Mrs Robert Ince (2006/1/1)

Supportive of new policy. Hardly any houses being built conform to vernacular building style in design or scale, with large houses on plots too small in relation to house size. The number of new houses in the countryside has led to increased traffic and speeding and not created a sense of community.

Reuse and Replacement of Existing Buildings

Dr Janet Trythall (404/4/9)

Existing farm buildings erected through prior notification process must not be used as an acceptable basis for new rural housing. Strongly support the siting, scale, boundaries etc. but they must be taken seriously by developers, planners and Council members.

Modifications sought by those submitting representations:

Restrictive Nature of the Policy

Robertson Group (8/3/5)

Party not specific regarding change sought.

Dougie Fraser (2221/1/1)

Party not specific regarding change sought.

Homes for Scotland (1035/9/7)

Amend policy to remove detail and make this guidance instead. Promote opportunities for small scale housing development.

Phil Mowat (1806/2/1)

Amend policy to allow for individual house developments within gap sites in rural areas, specifically the land identified within the representation.

Role of Rural Groupings

Neil Grant (1860/3/3)

Amend policy to support the small scale expansion of existing housing groups not formally identified.

New Houses in the Open Countryside

Neil Grant (1860/3/3), Grant Russell (2228/1/1), John Wills (2229/1/1) and Nicola Fraser (2230/1/1)

Amend policy to reduce requirement for 75% enclosure, containment and backdrop to 50%.

Landscaping Requirements

Woodland Trust Scotland (1818/2/15)

Amend policy to require at least 15% native tree planting.

Royal Society for the Protection of Birds Scotland (285/10/4)

Amend policy to add “unless this planting would negatively affect sensitive species or open habitats” after to “integrate sensitively”.

Design, Transportation and Social Interaction

Mr and Mrs Robert Ince (2006/1/1)

No change sought.

Reuse and Replacement of Existing Buildings

Dr Janet Trythall (404/4/9)

No change sought.

Summary of responses (including reasons) by planning authority:

Restrictive Nature of Policy

Homes for Scotland (1035/9/7), Robertson Group (8/3/5), Dougie Fraser (2221/1/1)

Scottish Planning Policy (SPP) (CD53, pg. 21) seeks to promote a pattern of development that is appropriate to the character of an area, the challenges it faces and a policy approach tailored to local circumstances. Policies should protect against the growth of unsustainable car based commuting and the suburbanisation of the countryside and most new development should be guided to locations within or adjacent to settlements.

Rural Housing is identified as a key issue in the 2018 Main Issues Report (MIR). The Council prepared a Rural Housing Topic Paper (CD31) which highlights the issues with the current policy approach. The settlement hierarchy is not operating as intended, in particular in the rural context. The spatial strategy set out within the current LDP seeks to direct development to the main towns, smaller towns and villages, rural groupings and lastly to locations in the open countryside. What is actually happening, as evidenced in Table 1 below, is that there are more houses in the countryside completed each year, than houses built in all of the third tier settlements combined (this is all towns and villages with the exception of Elgin, Buckie, Forres, Keith and Lossiemouth).

Table 1 Average Annual House Completions across Development Hierarchy from 2009 - 2015

Elgin	146
Forres, Keith, Buckie and Lossiemouth	119
Aberlour, Alves, Archiestown, Burghead, Craigellachie, Cullen, Cummingston, Dallas, Dufftown, Duffus, Dyke, Findhorn,	34

Findochty, Fochabers, Garmouth, Hopeman, Kingston, Kinloss, Lhanbryde, Mosstodloch, Newmill, Portgordon, Portknockie, Rafford, Rothes, Rothiemay, Urquhart	
Rural Groupings	10
Houses in the Open Countryside	42

Other issues highlighted include cumulative build up, landscape impact and design quality. To address these issues a new policy approach has been formulated that seeks to reinforce a settlement hierarchy whereby housing in the open countryside is accommodating only a small proportion of rural housing development with the majority directed to identified rural groupings.

In order to achieve this, a more restrictive policy approach is being promoted in respect of new houses in the open countryside, however this is offset by the identification of new groupings with development opportunities in areas of high demand for rural housing and expansion of existing groupings. This approach is considered to continue to provide a variety of opportunities for small scale housing development in rural Moray.

The rural housing policy has been subject to extensive consultation during the preparation of the Main Issues Report and Proposed Plan. It is accepted that fewer sites will meet the criteria however this is considered necessary to improve the siting and design of new rural housing. This approach is not seen as having a negative impact on opportunities for rural housing but instead is directing development to the least environmentally sensitive areas and promoting a more sustainable pattern of growth.

No modification is proposed.

Phil Mowat (1806/2/1)

The site identified for development is located within a rural housing pressurised and sensitive area. These areas are made up of identified housing in the countryside hotspots, landscape designations including Special Landscape Areas (SLA's) and environmental designations including Natura and Ramsar sites. Due to landscape and visual impacts associated with build-up and environmental sensitivities, no new housing will be permitted within these areas.

The principle reason for this site being identified as sensitive is because of its location within the Burghead to Lossiemouth Special Landscape Area (SLA). The request to amend the Rural Housing policy to allow development in gap sites and specifically the site identified will not achieve the desired outcome as the site will still be within the SLA. Any residential development within the SLA is limited to appropriate extensions to or change of use of existing buildings. The identified site is currently located in the Coastal Protection Zone which will be superseded by the SLA, this designation is equally as restrictive in terms of new housing, so there is no real change in circumstance in this location.

It is noted that a separate representation has been made to Policy EP3 Special Landscape Areas and Landscape Character seeking the same amendment. On that basis it is more appropriate for this modification to be considered as part of the Schedule 4 for Issue 6 Environmental Policies, as it is ultimately the SLA policy that has led to the

identification of this land as a pressurised and sensitive area.

No modification is proposed.

Role of Rural Groupings

Neil Grant (1860/3/3)

In recent years the role of rural groupings in the development hierarchy has been undermined by a permissive housing in the countryside policy, where it has been easy to obtain planning permission for individual houses in the countryside. The proposed policy seeks to reinforce the development hierarchy with rural groupings accommodating the majority of development, with new rural groupings identified at Birnie, Boat O Brig, Brodieshill, Buthill, Darklass, Mains of Inverugie, Miltonhill, Rafford Station and Templestones, some with planning consent, others developer led and one with a Masterplan.

These new groupings combined with existing groupings are considered sufficient to meet the majority of rural housing need and this approach is in keeping with SPP. This network of rural groupings with development opportunities has been subject to extensive consultation to ensure there are no technical issues preventing them from being developed. The incremental growth of clusters (not formally identified) during a plan period was considered and discounted in favour of identifying new groupings with identified development opportunities in areas of high demand for rural housing. It also needs to be recognised that there are still a significant number of live consents for individual plots across Moray that will also contribute to meeting demand. As part of the monitoring of the Local Development Plan the implementation and effectiveness of the rural housing policy will be considered.

No modification is proposed.

New Houses in the Open Countryside

Neil Grant (1860/3/3), Grant Russell (2228/1/1), John Wills (22291/1) and Nicola Fraser (2230/1/1)

The recognition that ultimately most of the policy is workable is welcomed. The policy has been formulated from an evidence base set out in the Rural Housing Topic Paper (CD31). It is accepted that the policy is lengthy but this is considered necessary to provide the level of detail required to deliver high quality development in the countryside. The 75% enclosure requirement was specifically developed to ensure sites are contained and can be absorbed into the landscape. It is considered that this cannot be achieved successfully with only 50% enclosure containment and backdrop.

The following illustration from the Proposed Plan provides an example of a house in the countryside that meets the 50% boundary requirement.



The amendment seeking a reduction to 50% enclosure would continue to allow insensitively sited houses that could have a detrimental visual and landscape impact. The Rural Housing Topic Paper (CD31, pg. 4, 5 & 6) highlights that in some areas significant change has occurred in the traditional settlement pattern and its setting. In some locations new houses are so numerous and prominent they have imposed a more suburban character in the countryside contrary to SPP.

It is accepted that the 75% requirement is a significant policy change and a more restrictive policy criteria, however it is contended that the policy is achievable. Policy testing has been undertaken to confirm there are sites capable of meeting the criteria, it is accepted that there will be fewer new houses deemed acceptable than is currently the case. This will support the policy aim to reinforce the settlement hierarchy and direct growth to towns and villages. As illustrated above at present proposals in the corner of a field with post and wire fencing on two boundaries with no substantial containment can be deemed acceptable. Compliance with the new policy will require fuller consideration of siting a house within the landscape taking account of immediately adjoining landform and features resulting in sensitively sited development.

No modification is proposed.

Landscaping Requirements

Woodland Trust Scotland (1818/2/15), Royal Society for the Protection of Birds Scotland (285/10/4)

The landscaping requirements aim to assist new houses to integrate sensitively. The requirement for 15% of the plot to be planted is a decrease from the current policy which stipulates 25%. The decision to reduce the planting requirement is based upon the more stringent siting requirements meaning less landscaping should be required to help screen and soften development. On this basis it is not considered necessary to amend the requirement to state at least 15%.

It is considered that the policy is clear in its intention that it is 15% of the entire plot that requires to be planted and no further clarification is required. The additional text

requested to avoid the negative impact of tree planting on sensitive species and open habitats is not supported. Policy EP2 Biodiversity in the Proposed Plan applies to all development and requires development proposals to retain, protect and enhance features of biological interest. Scottish Natural Heritage and other consultees are able to provide specialist input at planning application stage if there are any specific site issues that require to be addressed.

No modification is proposed.

Design, Transportation and Social Interaction

Mr and Mrs Robert Ince (2006/1/1)

Supportive comments are noted. The rural housing policy seeks to promote high quality rural design and address issues in relation to scale and massing of buildings. The transportation implications of each proposal are considered as part of the detailed planning application process. The policy aims to create a sustainable network of rural groupings with development opportunities that can assist in creating opportunities for social interaction.

No modification is proposed.

Reuse and Replacement of Existing Buildings

Janet Trythall (404/4/9)

The Reuse and Replacement policy only applies to traditional stone and slate buildings. It is unlikely that this type of building would be constructed as part of the agricultural prior notification process.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue 5	DP9 Renewable Energy	
Development plan reference:	Policy DP9 (Volume 1, Page 61 – 70)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds (RSPB) Scotland (285)</p> <p>Janet Trythall (404)</p> <p>Scottish Government (490)</p> <p>Force 9 Energy (886)</p> <p>Scottish Natural Heritage (SNH) (1027)</p> <p>Fred Olsen Renewables Ltd (1047)</p> <p>Christopher Moran Energy Limited (2178)</p> <p>Airvolution Clean Energy (2186)</p> <p>innogy Renewables UK Ltd (2213)</p>		
Provision of the development plan to which the issue relates:	Policy DP9 <i>Renewable Energy</i>	
Planning authority's summary of the representation(s):		
<p>Compliance with Scottish Planning Policy (SPP)</p> <p><u>Scottish Government (490/4/06)</u></p> <p>Propose that a new sub-section be inserted to accord with Paragraphs 158 to 160 of SPP in respect of heat supply.</p> <p><u>Force 9 Energy (886/2/3)</u></p> <p>As a standalone element of the policy, Part a) contains no criteria which recognises the potential benefits of renewable energy proposals and therefore lacks balance, if taken in isolation, i.e. it would be the only element of Policy DP9 which might apply to solar or hydro development.</p> <p>Do not consider it necessary to include any criteria in respect of agricultural land, which is too loosely defined and which does not feature as necessary criteria in SPP 2014.</p> <p><u>Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)</u></p>		

The requirement under Part a) ii) that there is no “*permanent loss or damage*” upon agricultural land of any quality is also considered to be inappropriate and overly restrictive. The Proposed Plan provides no definition of agricultural land and the approach within Paragraph 80 of SPP applies either to prime agricultural land or land of lesser quality that is locally important; not to all agricultural land as the Proposed Plan currently states.

The reference to the need for developments to “*respect the main features of the site and wider environment*” at Part b) iii) bullet point 2 is vague and unnecessary as landscape and visual impacts are addressed elsewhere in the policy.

Airvolution Clean Energy (2186/1/2)

Should be made clear that when assessing individual applications for renewable energy proposals, the Council will also address the presumption in favour on a case by case basis having regard to the guiding principles set out in paragraph 29 of SPP, as well as applying the detailed assessment criteria set out in paragraph 169 of SPP, where relevant.

States that since publication of The Moray Onshore Wind Energy Supplementary Guidance (MOWESG), there have been a number of very significant Scottish Government energy publications including The Scottish Government’s Onshore Wind: Policy Guidance (OWPS), Scotland’s Economic Strategy (SES) and Climate Change Plan which sets new 2030 and 2050 energy targets that have not been taken into consideration in the current MOWESG.

Spatial Framework

Force 9 Energy (886/2/3)

‘Part b) i) The Spatial Framework’ should simply provide guidance on how the Council will treat the Spatial Framework under the terms of SPP 2014. Reference to MOWESG and the Moray Wind Energy Landscape Capacity Study (Landscape Capacity Study) gives these documents undue prominence and weight against the Spatial Framework, a position which is contrary to SPP 2014 which states that the Spatial Framework is “designed to bring consistency and additional constraints should not be applied at this stage” (SPP para 163).

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Part b) applies only to onshore wind energy development and it is noted that there are a number of aspects of this part of the policy that are inconsistent and contrary to the national policy position, as well as inconsistent with the preceding Part a). The Landscape Capacity Study does not form part of the Spatial Framework and inclusion would be contrary to the policy position in SPP. The document is referenced later in the policy, namely Part b) iii).

SPP 2014 requires Planning Authorities set out a Spatial Framework identifying those areas that are likely to be most appropriate for onshore wind farms, following the approach set out in Table 1, and indicating the minimum scale of development that the framework is intended to apply to. Table 1 divides the Spatial Framework into three groupings and this approach requires to be followed in order to deliver consistency nationally. Additional constraints should not be applied at this stage. Notes that no provision is made in the Spatial Framework approach for dealing with landscape capacity (including turbine height

banding) and cumulative impact and that SPP is clear that additional constraints like these should not be applied at this stage in the interests of consistency nationally.

Airvolution Clean Energy (2186/1/2)

Believes that the text in Part b) i) is overly restrictive in respect of Group 2 areas. The policy states that proposals in these locations will 'only' be appropriate in certain circumstances and this does not reflect what SPP says in Table 1 which makes it clear that wind farms '*may be appropriate in some circumstances*' in these areas and that further consideration will be required to ascertain the extent to which any significant effects can be substantially overcome.

Believes it is important to emphasise that Map 3 does not supersede Map 1, with the Council reverting to Map 1 during the determination of applications as it provides the main basis for decision making for onshore wind turbine proposals in line with SPP.

innogy Renewables UK Ltd (2213/1/1)

The blanket application of the Group 2 Spatial Framework criteria in relation to peat is inappropriate. It is noted that the SNH Peat Map, which is to be used for the preparation of Spatial Frameworks, states that the map can only indicate that carbon-rich soils, deep peat and priority peatland habitat are likely to be present, and will be helpful in the initial site selection process undertaken by developers. The caveat that more detailed site-specific information may refine such areas isn't recognised in the Proposed Plan.

Policy Guidance Maps

RSPB Scotland (285/10/5)

Policy states that the maps have been identified by "removing additional constraints from the spatial framework map of the areas likely to be most appropriate for wind farm development"; however no explanation is provided as to what the "additional constraints" are and whether factors other than landscape capacity were taken into account in identifying these Areas of Greatest Potential.

Concerns that the Areas of Greatest Potential in Maps 1, 3 and 4 do not reflect ecological sensitivities and identify mainly upland areas of open ground. These areas can be of particular importance for upland raptors such as hen harrier, merlin and golden eagle. Hen harrier and golden eagle are both in Annex 1 of EU Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). For species on Annex 1 and the regularly occurring migratory species, Article 4 of the Birds Directive requires special conservation measures to be taken to ensure their survival and reproduction in their area of distribution. Hen harrier and merlin are on the Red List of Birds of Conservation Concern.

Janet Trythall (404/4/5)

Referring to Map 1, notes that an area is identified for potential development in an L-shaped corridor from the coastal Special Landscape Area (SLA) at Covesea, down Covesea Road and south of Duffus and states that this is inappropriate in landscape terms. Queries why this area is then excluded as an area of significant protection in Map 2.

Force 9 Energy (886/2/3)

Notes that Map 3: Policy Guidance Map for Large Typologies (80m and over to blade tip) within the Proposed Plan is intended to be a reproduction of Map 1 from the Council's MOWESG. States that the map within the Proposed Plan does not fully reflect the terms of the same map in the MOWESG in that it omits details including 'Planning Wind Turbine Locations' and 'Potential Development Areas for extension and repowering'.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Object to the inclusion of Maps 3 to 5, lifted from the Landscape Capacity Study, in Policy DP9. Believes that the current inclusion of selected maps from the Landscape Capacity Study, alongside the Spatial Framework Mapping, is misleading and inappropriate. Notes that this approach has in the past been proposed by other Planning Authorities in the preparation of Local Development Plans (LDPs), specifically referencing Scottish Borders Council's Proposed Plan in 2012, but has been rejected by Reporters at Examination stage.

Airvolution Clean Energy (2186/1/2)

Notes that Volume 1 of the Proposed Plan makes no reference to the repowering and extensions of wind energy developments. While it is referenced in the MOWESG, it is proposed that some commentary is included to recognise the important opportunity this presents. The Scottish Government's OWPS notes that whilst not all landscapes will have the capacity to accommodate larger turbines, *'fewer larger turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated'*.

Believes that the Proposed Plan should make it clear that the Council will support, in principle, the repowering of wind farms at existing sites, noting the commentary in paragraph 170 of SPP that 'areas identified for wind farms should be suitable for use in perpetuity'. This would provide much needed clarity on this issue for the development industry through the lifetime of the LDP 2020 and would reflect the contents of paragraph 35 of the OWPS which states the Scottish Government's *'clear support in principle for repowering at existing sites'*.

innogy Renewables UK Ltd (2213/1/1)

Notes that a 2km buffer for settlements and Rural Groupings is applied at Map 2. SPP Table 1 does indicate a 2km separation distance from settlements and states that this should be *"an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement"*. With reference to the Volume 3 Rural Groupings, these areas are identified as clusters of houses with additional amenity land and potential areas of development. As the boundaries defined include potential developable areas for housing, they do not constitute existing settlement boundaries. Evidence should be provided to demonstrate how the planning authority has considered landform and other features in reaching a conclusion on the 2km buffer rather than just applying a blanket 2km buffer zone.

The Areas of Greatest Potential in Map 3 contain a number of operational and consented

wind farms and therefore cannot be considered as areas of search for new development and therefore gives an inaccurate view on potential. Requirements of SPP in identifying strategic capacity are not being met as potential development areas identified already contain existing wind farms. These areas should be differentiated and supported with an explanation in the policy.

Landscape Capacity Study

SNH (1027/9/1)

Since the Council's MOWESG was published, a number of wind farm proposals for turbines over 150 meters in height have been submitted in Scotland, which appears to be a growing trend, and this should be reflected in the Plan.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Landscape Capacity Study is not the subject of consultation and would not be before the Examination process in due course. Therefore it can only be dealt with to the extent that it is referred to in the Proposed Plan. As the Landscape Capacity Study has not had any form of independent scrutiny, it would be entirely inappropriate to include such a study's finding within the body of the LDP when it has not been subject to fuller public engagement in the preparation of such studies in accordance with SPP. It should be explicitly stated that the Landscape Capacity Study is only an initial reference point. This would be consistent with the Reporter's Report of Examination for Scottish Borders Council's Proposed Plan in 2012 where they stated their belief that it is reasonable to mention that the Landscape Capacity Study is only an initial reference point.

Airvolution Clean Energy (2186/1/2)

Does not consider it appropriate that Policy DP9 sets a requirement for applications to 'address' or be '*subject to a detailed consideration*' of the Landscape Capacity Study.

The summary from the Landscape Capacity Study that supports Map 3 only makes reference to Landscape Character Type (LCT) 10 but areas within other LCTs can also be acceptable for typologies over 80 metres to blade tip.

Considers references to '*Large Typologies to 130m*' and '*Very Large Typologies to 150m*' to be outdated due to advancing turbine technology and specifications which is resulting in an increase of demand for larger turbines and is likely to be more common place through the life of the Local Development Plan.

Notes that reference is made to both the MOWESG and the Landscape Capacity Study on three occasions within Policy DP9 and concerned about the robustness of carrying forward a relatively recent piece of supplementary guidance, namely the relationship between LDP and supplementary guidance. Notes that comments from the Chief Planner regarding the use of supplementary guidance, namely that supplementary guidance is limited to the provision of further information or detail and that the LDP expressly identifies the matters to be dealt with in supplementary guidance.

innogy Renewables UK Ltd (2213/1/1)

Considers that the turbine typologies identified in the Proposed Plan, in particular Map 3 –

Policy Guidance Map for Large Typologies, are out of date and do not accurately reflect the rapidly changing nature of onshore wind development and notes that the onshore wind industry now regularly consider turbines up to and above 200m to tip. The Landscape Capacity Study does recognise that the industry is developing wind turbines at heights up to 150m and 200m to tip and this is welcomed. However, turbines at this tip height are only considered in a repowering scenario and it appears to be assumed that turbines at this scale only need to be considered for repowering existing sites. This assumption is now reflected in the Proposed Plan and needs to be addressed in order for the policy to provide a working spatial framework for wind, and for it to be of assistance in determining all new wind farm applications (repowering and greenfield developments).

The policy suggests there is scope for Very Large Typologies to 150m and this should be reflected in Map 3.

Detrimental Impact

Force 9 Energy (886/2/3)

Believes that some of the criteria are written in absolute terms, for example in respect of cumulative impacts, as the policy hurdle is to avoid 'any detrimental impact' which is a policy hurdle few windfarm developments will achieve given acknowledgement that most wind farm developments will bring about some significant landscape and visual effects.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The focus of dealing with "*relevant unacceptable significant adverse effects*" becomes lost and inconsistent later in the policy with varying phrases and 'sub-tests' introduced. This approach needs to be rationalised. For example, within Part b) iii), reference is made to "*without significant detrimental impact*" and in iv) reference is made to "*any detrimental impact*". The phrase "*any detrimental impact*" also appears with regard to impact on local communities and under vi) Other. Therefore, the policy test needs to be consistently expressed throughout the whole policy to avoid the contradictory expressions that it contains at the present time.

The requirement at Part b) iii) for onshore wind farms to be accommodated without "*significant detrimental impact*" on landscape character or visual amenity is set at high bar and differs from the requirement at Part a) iii).

Under Part b) iv) to vi), the requirement for onshore wind energy development to address "*any impact*" is onerous. The policy tests throughout the policy can be rationalised by relying on the introductory wording and by taking a more proportionate approach to the appraisal of impacts. Part b) vi) also references the need for proposals to "*avoid or adequately resolve other impacts*" which is inconsistent with policy test wording.

Airvolution Clean Energy (2186/1/2)

Considers that it is not appropriate to expect development proposals to fully address the Landscape Capacity Study as it is well established that landscape capacity studies have limitations when it comes to assessing individual planning applications.

Replacing "*any detrimental impact*" would present a more realistic context for assessing onshore wind proposals as well as introducing the concept of acceptability into the

planning balance where there is currently none in the policy.

Under Part b) vi) Other, wording should recognise that while not all identified impacts may be resolved, they can be mitigated to acceptable levels.

innogy Renewables UK Ltd (2213/1/1)

Does not believe it is reasonable to require that proposals avoid or resolve impacts. Some adverse impacts may nevertheless be acceptable when considered in the planning balance.

LDP Policy and Interpretation

Force 9 Energy (886/2/3)

Criteria that recognises the potential benefits of onshore wind developments is welcome in Part b) ii), however the manner in which the section of policy is worded from that point is confusing.

Reference to the MOWESG should note that the document (which includes the Landscape Capacity Study as a technical appendix) is set in positive terms, which would reflect wording following Map 3, as suggested in SPP 2014 para 162, as these documents essentially “identify where there is strategic capacity for wind farms and areas with greatest potential for wind development”.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

In a similar approach to the emerging Dumfries and Galloway LDP, clarification should be included on the word “unacceptable”.

Part a) i) requires developments to be “*compliant with policies to safeguard and enhance the built and natural environment*”. This element is considered unnecessary, entirely unrealistic and set unattainably high as it is inevitable that there will be a range of significant and potentially adverse impacts which will be mitigated to a greater or lesser degree. Tensions amongst various policies within an LDP when considering overall accordance of a particular development with individual policies is taken into account through relevant legislation when determining an application. This approach is also contrary to the case of City of Edinburgh Council v The Secretary of State for Scotland SLT 120, which advises careful identification and assessment of relevant development plan policies rather than requiring compliance with all.

Airvolution Clean Energy (2186/1/2)

Policy states that renewable energy proposals will be considered favourably where they ‘*are compliant with policies to safeguard and enhance the built and natural environment*’. Wording should ensure that Policy DP9 remains the main policy against which renewable energy applications will be considered.

Welcomes the acknowledgement in the introductory sections of Proposed Plan that generating electricity from renewable sources and promoting low carbon, are important considerations for the Council. Considers modifications proposed make the overall tone of the document more positive towards renewables and to better reflect the Scottish

Government's aspirations set out in SPP, the OWPS and SES.

General

Janet Trythall (404/4/5)

Moray is already saturated with wind farms to its detriment in terms of landscape which should be protected and promoted and protected for its value to tourism, residents and wildlife. Moray already produces far more electricity than it can use and notes that wind energy is not an efficient technology in terms of carbon saving. States that any landscape assessment of a potential site can only find against whatever the height of the turbines.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The wording of the policy test set out in Part a) that developments "*avoid or address any unacceptable significant adverse impacts*" is supported as an acceptable and appropriate policy test to set out at the outset of the policy, with reference to various land use considerations. Wording generally reflects the terminology used in assessing proposals where environmental impact assessments will be required.

Airvolution Clean Energy (2186/1/2)

Particularly welcomes the statement that renewable energy proposals 'will be considered favourably' in principle. Referring to Part b) ii), welcomes that onshore wind proposals will be determined through assessment of the details of the proposal '*including its contribution to renewable energy generation targets and effect on greenhouse gas emissions, net economic impact, including socio-economic benefits such as employment, associated business and supply chain opportunities and the extent to which it avoids or mitigates any unacceptable significant adverse impact.*' Agrees that wider economic benefits are acknowledged, with benefits likely to extend beyond the immediate site boundary and should not therefore be discounted in the wider planning balance.

Modifications sought by those submitting representations:

Compliance with SPP

Scottish Government (490/4/06)

Include sub-paragraph as follows:-

d) *Heat*

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

Where no heat network is present or planned:

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

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

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

Force 9 Energy (886/2/3)

Replace Part a) with:-

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

- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *The scale of contribution to renewable energy generation targets;*
- *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.*

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Replace requirement under Part a) ii) that there is no “*permanent loss or damage*” upon agricultural land of any quality with the requirement to consider the planning balance of socio-economic and environmental effects on the agricultural unit, under the suggested definition of acceptability.

Remove “*respect the main features of the site and wider environment*” from Part b) iii) Bullet Point 2.

Airvolution Clean Energy (2186/1/2)

Amend Part a) to make it clear that when assessing individual applications for renewable energy proposals, the Council will also address the presumption in favour on a case by case basis having regard to the guiding principles set out in paragraph 29 of SPP, as well as applying the detailed assessment criteria set out in paragraph 169 of SPP, where relevant.

Review Proposed Plan and extant MOWESG to ascertain whether this meets the test of

the relevant Act and Regulations and ensure it reflects the latest Scottish Government targets and aspirations relating to the continued growth of the onshore wind sector in Scotland through taller turbines, extensions or repowering proposals.

Spatial Framework

Force 9 Energy (886/2/3)

Replace Part b) i) with:-

“Areas with Potential (Map 1): where wind farms are likely to be acceptable subject to detailed consideration against policy criteria, set out in Part a).”

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Remove reference to the ‘*Moray Onshore Wind Energy Landscape Capacity Study*’ from Part b) i).

Party not specific regarding change sought in respect of additional constraints to the Spatial Framework.

Airvolution Clean Energy (2186/1/2)

Replace “*will only be appropriate in circumstances*” in Part b) i) with “*may be appropriate in some circumstances*” and reflect that further consideration will be required to ascertain the extent to which any significant effects can be substantially overcome. (Modification is implied based on the objection wording rather than specified).

In Part b) i), emphasise that Map 1 provides the main basis for decision making in respect of onshore wind turbine proposals.

innogy Renewables UK Ltd (2213/1/1)

Party not specific regarding change sought.

Policy Guidance Maps

RSPB Scotland (285/10/5)

Remove Maps 3, 4 and 5 or insert an explanation of the factors that have been taken into account when producing these maps.

Amend Maps 1, 3 and 4 to reflect ecological sensitivities and avoid upland areas of open ground due to presence of protected species. (Modification is implied based on the objection wording rather than specified).

Janet Trythall (404/4/5)

Party not specific regarding change sought.

Force 9 Energy (886/2/3)

Amend Map 3 to reflect MOWESG Map 1 consistently in respect of Potential Development Areas for extension and repowering.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Remove Maps 3 to 5

Remove “(See Maps 3-5)” from Part b) iii) Bullet Point 1.

Airvolution Clean Energy (2186/1/2)

Include reference to extensions and repowering of onshore wind turbines.

innogy Renewables UK Ltd (2213/1/1)

Review assessment of each Rural Grouping against the criteria of Group 2 Area of Significant Protection and amend Map 2 accordingly.

Amend Map 3 to differentiate areas containing operational and consented wind farms and support with an explanation in the policy.

Landscape Capacity Study

SNH (1027/9/1)

Replace “*Very Large 130m - 150m*” typology with “*Very Large, Over 130m*” and amend MOWESG and Policy Guidance Maps accordingly.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Remove the findings of the Landscape Capacity Study and state that the Landscape Capacity Study is an initial reference point only.

Airvolution Clean Energy (2186/1/2)

In Part b) i) and iii), remove requirement for applications to ‘*address*’ or be ‘*subject to a detailed consideration*’ of the Landscape Capacity Study.

Amend ‘Summary from Landscape Capacity Study’ for Map 3 to reflect that areas within other LCTs can also be acceptable for typologies over 80 metres to blade tip.

Amend references to ‘*Large Typologies to 130m*’ and ‘*Very Large Typologies to 150m*’ to reflect turbines in excess of 150m to blade tip.

Party not specific regarding change sought in respect of supplementary guidance.

innogy Renewables UK Ltd (2213/1/1)

Amend references to ‘*Large Typologies to 130m*’ and ‘*Very Large Typologies to 150m*’ to reflect turbines in excess of 150m to blade tip.

Amend Map 3 to reflect scope for ‘*Very Large Typologies to 150m*’.

Detrimental Impact

Force 9 Energy (886/2/3)

Replace Part b) ii) to iv) with:

ii) Detailed Considerations

The proposal will be determined through assessment of the details of the proposal including:

- Its contribution to renewable energy generation targets and effect on greenhouse gas emissions;*
- Net economic impact, including socio-economic benefits such as employment, associated business and supply chain opportunities;*
- Landscape and Visual Impact including;*
- The extent to which the proposal addresses the guidance set out in the Moray Onshore Wind Energy Supplementary Guidance which identifies where there is strategic capacity for wind farms and areas with greatest potential for wind development (Maps 3-5);*
- The extent to which the proposal can be accommodated within its landscape setting without unacceptable significant impacts 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, guidance for which is set out in the Moray Onshore Wind Energy Supplementary Guidance.*
- Cumulative Impact: The extent to which the proposal addresses unacceptable detrimental impact from two or more wind energy developments, including the scope for mitigation;*
- Impact on Local Communities: The extent to which the proposal addresses unacceptable detrimental impact on communities and local amenity in respect of noise, shadow flicker and visual dominance, including the scope for mitigation.*
- The extent to which the proposal addresses any unacceptable impacts on aviation and defence interests, including flight paths and radar.*
- The extent to which the proposal avoids or adequately mitigates unacceptable impacts on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests including core paths, visitor centres, tourist trails and scenic routes.*
- Proposals for decommissioning and restoration.*

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Amend references to “*without significant detrimental impact*” and “*any detrimental impact*” to a consistent phrase to avoid contradictory expressions.

Remove “*significant detrimental impact*” from Part b) iii) Bullet Point 2 and replace with a reference that proposals will only be approved provided that there are no relevant unacceptable significant adverse effects or impacts that cannot be satisfactorily mitigated.

Under Part b) iv) to vi), remove “*any impact*” and “*avoid or adequately resolve other impacts*” and rationalise by relying on the introductory wording and take a more

proportionate approach to the appraisal of impacts.

Airvolution Clean Energy (2186/1/2)

Replace Part b) iii) Bullet Point 2 with:

“The site is capable of accommodating the development subject to the acceptability of the impact on landscape character or visual amenity.”

Replace *“Any detrimental impact”* with *“Subject to the acceptability of the impact”* at Part b) iv).

Replace *“The proposal addresses any detrimental impact”* with *“Subject to the acceptability of the impact of the proposal”* at Part b) v).

Replace *“The proposal addresses any impacts”* with *“The proposal satisfactorily mitigates the impact”* at Part b) vi) Bullet Point 1.

Replace *“The proposal avoids or adequately resolves”* with *“The proposal avoids or adequately mitigates”* at Part b) vi) Bullet Point 2.

innogy Renewables UK Ltd (2213/1/1)

Replace *“The proposal avoids or adequately resolves other impacts”* with *“The proposal avoid or address any impacts”* at Part b) vi) Bullet Point 2

LDP Policy and Interpretation

Force 9 Energy (886/2/3)

Replace Part b) ii) to iv) as above (See ‘Detrimental Impact’).

Clarify that the MOWESG and Landscape Capacity Study is set in positive terms, as suggested in SPP 2014 para 162, and these documents essentially *“identify where there is strategic capacity for wind farms and areas with greatest potential for wind development”*.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

Include the following footnote for the term “unacceptable”:-

“Acceptability will be determined through an assessment of the details of a proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed”.

Remove Part a) i).

Airvolution Clean Energy (2186/1/2)

Amend overall tone of the document to be more positive towards renewables and better reflect the Scottish Government’s aspirations as set out in SPP, the OWPS and SES.

Replace Part a) i) with:

“They are considered against the requirements of other relevant policies and proposals.”

General

Janet Trythall (404/4/5)

No more wind farms permitted in Moray.

Fred Olsen Renewables Ltd (1047/3/2), Christopher Moran Energy Limited (2178/1/2) and Airvolution Clean Energy (2186/1/2)

No modifications are proposed – supportive comments noted.

Summary of responses (including reasons) by planning authority:

Background Information

Since 2002, The Moray Council has produced policy guidance on wind energy, promoting a positive approach to wind farms reflecting the Policy Principle of SPP (CD53, pg. 13) that “Planning should direct the right development to the right place.” This is evidenced by the number of consented and operational wind farms in Moray. CD46 provides a table with all consented and operational wind farms over 80m in height.

The MOWESG (CD22) was subject to public consultation with the Landscape Capacity Study and was approved by the Scottish Government - with minor amendments - as statutory supplementary guidance, forming part of the Moray LDP (MLDP) 2015, in 2017 and will be reviewed in 2020. The inclusion of Maps 3 – 5 reflects the Council's intention to better integrate the MOWESG (CD22) into policy and acknowledges the Planning Bill's proposal which will remove statutory supplementary guidance from future Plans.

Policy Guidance Maps were included in the MLDP 2015 Proposed Plan. As part of the Examination of the MLDP 2015, a hearing session was held on Issue 8a ‘Renewable Energy Proposals’. Whilst the Reporter removed the Policy Guidance Maps from the policy, the Reporter did recognise the importance of providing detailed mapping and concluded that the mapping should be referenced in supplementary guidance (CD14, pg. 127-133). As set out above, the mapping is now within the MOWESG, forming part of the statutory MLDP 2015 (CD22, pg. 12-23).

Compliance with SPP

Scottish Government (490/4/06)

The Council recognises the requirement to include a sub-section on heat in order to comply with paragraphs 158 to 160 of SPP (CD53, pg. 37-38).

If the Reporter is so minded, the Council would not object to the additional text suggested by the Scottish Government being added to Part b) ii). The revised wording and layout of the policy set out at the end of the schedule, incorporating all proposed modifications, is considered suitable.

Force 9 Energy (886/2/3)

The Council does not agree with this representation. Policy DP9 recognises the potential benefits of renewable energy proposals. The 'Introduction' of the Proposed Plan Volume 1 – Policies (CD01, pg. 4) sets out that that the Plan is to be read as a whole and therefore other policies may be relevant in the determination of an application.

No modification is proposed.

Force 9 Energy (886/2/3), Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Council accepts that agricultural land is too loosely defined and is inconsistent with approaches elsewhere in the Plan which aims to protect prime quality agricultural land.

If the Reporter is so minded, the Council would not object to the amendment of “*agricultural land*” to “*prime agricultural land*” at Part a) ii). The revised wording and layout of the policy set out at the end of the schedule, incorporating all proposed modifications, is considered suitable.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Council does not agree with this representation. The reference to the need for developments to “*respect the main features of the site and wider environment*” was previously supported by the Reporter following Examination of the MLDP 2015 (CD14, pg. 134). This approach also complies with the Policy Principle of SPP (CD53, pg. 13) which states that “Planning should direct the right development to the right place”. This enables developments to retain existing topography, woodland etc.

No modification is proposed.

Airvolution Clean Energy (2186/1/2)

The guiding principles set out in Paragraphs 29 and 169 of SPP (CD53, pg. 9-10 and 40-41) cover a wide range of principles and considerations and these have been reflected in Policy DP9 and other policies. The 'Introduction' of the Proposed Plan Volume 1 – Policies (CD01, pg. 4) sets out that that the Plan is to be read as a whole and therefore other policies may be relevant in the determination of an application.

No modification is proposed.

The Council recognises that new Scottish Government publications and targets will be released during the lifetime of a Plan and supplementary guidance. The MOWESG (CD22) will be reviewed in 2020 and will reflect updated targets and new publications such as the Scottish Government's OWPS, SES and Climate Change Plan. The revised MOWESG will require to be approved by the Scottish Government prior to adoption.

Targets in these Scottish Government publications are set at a national level and there are no specific targets set for Moray. To date, Moray has contributed towards national targets and this is evidenced by the number of approved / under construction and operational wind farms in the region. CD46 provides a table with all consented and operational wind farms over 80m in height.

The Council considers that Policy DP9 and the supporting mapping is consistent with SPP and note that no objection has been received from the Scottish Government.

No modification is proposed.

Spatial Framework

Force 9 Energy (886/2/3), Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Council accepts that the MOWESG (CD22) and Landscape Capacity Study (CD23) are guidance documents providing further detail to Policy DP9. However, these do have significant weight forming part of the statutory MLDP 2015.

If the Reporter is so minded, the Council would not object to references to the MOWESG (CD22) and Landscape Capacity Study (CD23) being removed from Part b) i) 'The Spatial Framework' and moved to Part b) ii 'Detailed Consideration'. The revised wording and layout of the policy set out at the end of the schedule, incorporating all proposed modifications, is considered suitable.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The consideration of additional constraints such as landscape capacity and cumulative impact is not included in the Spatial Framework (Map 1), in compliance with SPP (CD53, pg. 39, Table 1). However, further detail is contained within the MOWESG (CD22, pg. 31 and 50-56) and reflected in Maps 3, 4 and 5 of the Proposed Plan. This was previously supported by the Reporter following Examination of the MLDP 2015 (CD14, pg. 127-133).

No modification is proposed.

Airvolution Clean Energy (2186/1/2)

The policy wording at Part b) i) in respect of Group 2 (Areas of Significant Protection) was introduced by the Reporter following Examination of the MLDP 2015 (CD14, pg. 134) and is carried over from Policy ER1 into Policy DP9. The Council do not support the proposed change in wording which dilutes the protection of areas under Group 2.

No modification is proposed.

Map 1 provides the Spatial Framework in accordance with SPP (CD53, pg. 39, Table 1). The inclusion of policy guidance maps provide detailed guidance, along with the MOWESG (CD22) and Landscape Capacity Study (CD23). The 'Introduction' of the Proposed Plan Volume 1 – Policies (CD01, pg. 4) sets out that that the Plan is to be read as a whole and therefore other policies may be relevant in the determination of an application. No objection has been received from the Scottish Government.

No modification is proposed.

innogy Renewables UK Ltd (2213/1/1)

The Spatial Framework has been developed in compliance with SPP and the

requirements of Table 1 (CD53, pg. 39, Table 1), including criteria relating to peat based on SNH Peat Mapping and national dataset. Detailed guidance is provided in the MOWESG (CD22, pg. 27-73). No objection has been received from the Scottish Government.

No modification is proposed.

Policy Guidance Maps

RSPB Scotland (285/10/5)

The format of the Spatial Framework is set out in SPP (CD53, pg. 39, Table 1) and further detailed policy guidance mapping is provided within the MOWESG (CD22, pg. 12-23). Detailed guidance is provided in the MOWESG (CD22, pg. 27-32) on protected species and sensitive habitats and these areas will be addressed as part of the development management process.

No modification is proposed.

A number of constraints - including LCTs, Special Landscape Areas (SLAs), settlements/rural groupings and national designations - were taken into account when identifying Areas of Greatest Potential.

If the Reporter is so minded, the Council would not object to a table (see end of schedule) being included as Appendix 3 which details the methodology used in identifying the Areas of Greatest Potential and the inclusion of wording in 'Justification / Notes' and on Maps 3 – 5 to cross-reference the methodology. The following wording is considered suitable:

“The methodology used in identifying the Areas of Greatest Potential is set out in Appendix 3, as shown on page XX.”

RSPB Scotland (285/10/5), Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Spatial Framework (Map 1) and Policy Guidance Maps (Maps 3 – 5) comply with the requirements set out in Paragraphs 161 and 162 of SPP. Paragraph 161 of SPP (CD53, pg. 38) requires a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in Table 1 (CD53, pg. 39). This results in a very broad-brush framework which doesn't differentiate between different scales of turbines proposals over 35m. Paragraph 162 of SPP (CD53, pg. 38) goes on to further require authorities to identify where there is strategic capacity for wind farms and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. The Council has successfully argued at the Examination of the MLDP 2015 that to comply with the requirements of Paragraph 162, a further level of mapping is required (CD14, pg. 131).

The inclusion of Maps 3 – 5 meets the requirements of SPP Paragraph 162 and the Council's intention to better integrate the MOWESG (CD22) into policy. This also acknowledges the Planning Bill's proposal which will remove statutory supplementary guidance from future LDPs. The maps are clearly defined within policy as to whether they relate to the Wind Farm Spatial Framework or Policy Guidance Maps. No objection has

been received from the Scottish Government.

No modification is proposed.

Janet Trythall (404/4/5)

SPP sets out the format of the Spatial Framework and Table 1 identifies the datasets which will be used to identify the areas of significant protection (CD53, pg. 38-39). The area identified near Covesea does not fall within the framework set out in SPP and is therefore excluded from Maps 1 and 2.

No modification is proposed.

Force 9 Energy (886/2/3), Airvolution Clean Energy (2186/1/2) and innogy Renewables UK Ltd (2213/1/1)

The Council accepts that the Potential Development Areas for extensions and repowering, as well as the locations of approved / under construction and operational wind turbines, have been excluded in error on Map 3.

If the Reporter is so minded, the Council would not object to Map 3 being amended to include Potential Development Areas for extensions and repowering and the locations of approved / under construction and operational wind turbines. Site Map 5-1A is considered a suitable replacement to Map 3.

CD46 provides a table with all consented and operational wind farms over 80m in height. An example of Map 3 has been provided with the group boundaries of operational and consented wind farms over 80m high removed from Areas of Greatest Potential Large along with inclusion of the previously omitted Potential Development Areas for extensions and repowering and the locations of approved / under construction and operational wind turbines (see Site Map 5-1C). The Council considers that this would provide developers and communities with a clearer picture of the areas of potential.

If the Reporter is so minded, the Council would not object to Map 3 being amended with the group boundaries of operational and consented wind farms over 80m high removed and the inclusion of Potential Development Areas for extensions and repowering and the locations of approved / under construction and operational wind turbines. Site Map 5-1C is considered a suitable replacement to Map 3.

innogy Renewables UK Ltd (2213/1/1)

The Council considers that the 2km buffer for settlements and Rural Grouping applied to Map 2 complies with SPP (CD53, pg. 39, Table 1). The MOWESG (CD22) was approved by the Scottish Government as statutory supplementary guidance in 2017, forming part of the MLDP 2015, with no modifications proposed to this buffer.

No modification is proposed.

Landscape Capacity Study

SNH (1027/9/1), Airvolution Clean Energy (2186/1/2) and innogy Renewables UK Ltd (2213/1/1)

The Landscape Capacity Study (CD23, pg. 20-26) identifies that there are some limited scope for very large turbines (up to 150m high) to be accommodated in the more extensive upland landscape. It was concluded that turbines towards (and over) 200m high to blade tip would be too large to accommodate without significant widespread and unacceptable affects. The Council considers that the typologies and associated policy guidance maps are consistent with Paragraph 162 of SPP (CD53, pg. 38) in identifying where there is strategic capacity for wind farms and areas with the greatest potential for wind development. The approach adopted also provides direction and certainty to developers and communities and complies with the Policy Principle of SPP which states that “Planning should direct the right development to the right place” (CD53, pg. 13). The Council believes that it would therefore be misleading to promote a typology (over 150m) which does not have an area in Moray with sufficient capacity to accommodate it.

Text is included in the MOWESG (CD22, pg. 21, final paragraph) which explains that “*If turbines are proposed which exceed the turbine heights identified in the landscape capacity study the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated in an effort to show a proposal can be supported.*”

No modification is proposed.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Council does not agree with this representation. The MOWESG (CD22), along with the Landscape Capacity Study, was most recently approved for public consultation by the Council’s Planning and Regulatory Services Committee at its meeting on 6 September 2016 (see CD47). Public consultation was held between 12 September and 14 November 2016, with a drop-in exhibition held in New Elgin Hall on 17 October 2016. The final version of the guidance was approved by the same Committee on 28 February 2017 (see CD49). The MOWESG (CD22) was approved by the Scottish Government - with minor amendments - as statutory supplementary guidance, forming part of the MLDP 2015, in 2017 and will be reviewed in 2020.

No modification is proposed.

Fred Olsen Renewables Ltd (1047/3/2), Christopher Moran Energy Limited (2178/1/2) and Airvolution Clean Energy (2186/1/2)

The Landscape Capacity Study (CD23) is strategic level guidance and is a technical appendix to the MOWESG (CD22). The Landscape Capacity Study is intended to be interpreted at the development management stage and this detailed assessment will be carried out by the Council’s appointed Landscape Capacity Adviser.

If the Reporter is so minded, the Council would not object to additional text being provided under ‘Justification/ Notes’ to provide further clarification of the status of the Landscape Capacity Study (CD23). The following wording is considered suitable:

“The Landscape Capacity Study is strategic level guidance and is a technical appendix to the statutory MOWESG. Interpretation of the Landscape Capacity Study as part of the development management process will be applied on case-by-case basis by the Council’s appointed Landscape Capacity Adviser.”

Detrimental Impact

Force 9 Energy (886/2/3), Fred Olsen Renewables Ltd (1047/3/2), Christopher Moran Energy Limited (2178/1/2), Airvolution Clean Energy (2186/1/2) and innogy Renewables UK Ltd (2213/1/1)

The Council accepts that there is an inconsistent approach to the wording in respect of “*detrimental impact*”.

If the Reporter is so minded, the Council would not object to “*any detrimental impact*” being replaced with “*significant adverse impact*” in order to provide a more proportionate and consistent approach to the assessment of impacts. The revised wording and layout of the policy set out at the end of the schedule, incorporating all proposed modifications, is considered suitable.

LDP Policy and Interpretation

Force 9 Energy (886/2/3)

In terms of the layout, the Council can see merit in reformatting Part b ii) to vi) to provide clarity to the reader.

If the Reporter is so minded to reformat Part b) ii) to vi) in order to provide clarification, the Council would not object to the proposed reformatting as set out at the end of the schedule.

The MOWESG (CD22) will be carried forward as statutory supplementary guidance in support of Policy DP9 when the MLDP 2020 is approved. The Landscape Capacity Study (CD23) will continue to form a technical appendix to the MOWESG (CD22).

No modification is proposed.

Fred Olsen Renewables Ltd (1047/3/2) and Christopher Moran Energy Limited (2178/1/2)

The Council does not agree that a footnote is required for the word “unacceptable”. Acceptability will be determined through the development management process by the Planning Authority.

No modification is proposed.

The Council does not support the removal of Part a) i). The wording was inserted by the Reporter following Examination of the MLDP 2015 (CD14, pg. 133-134). The ‘Introduction’ of the Proposed Plan Volume 1 – Policies (CD01, pg. 4) sets out that the Plan is to be read as a whole and therefore other policies may be relevant in the determination of an application.

No modification is proposed.

Airvolution Clean Energy (2186/1/2)

Policy DP9 will remain the main policy against which renewable energy applications will be

considered and provides a positive framework for considering a wide range of renewable energy technologies, not just onshore wind. There is a need to specifically cross reference to other policies which may be relevant in the determination of an application and this is reflected in the 'Introduction' of the Proposed Plan Volume 1 – Policies (CD01, pg. 4) which sets out that the Plan is to be read as a whole.

No modification is proposed.

General

Janet Trythall (404/4/5)

The Council is required to comply with the terms of SPP (CD53) and therefore cannot apply a ban on the approval of any further wind farms. Any future planning application(s) will be judged on its own merits.

No modification is proposed.

Fred Olsen Renewables Ltd (1047/3/2), Christopher Moran Energy Limited (2178/1/2) and Airvolution Clean Energy (2186/1/2)

The supportive comments are noted.

No modification is proposed.

For the Reporter's clarity, the revised policy, taking account of the modifications proposed and supported as detailed above, is set out as follows:

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 damage of prime agricultural land;*
- iii) They avoid or address any 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.*

b) Onshore Wind Turbines

In addition to the assessment of the impacts outlined 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 will only be appropriate in circumstances where any significant adverse impacts on the qualities these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential (Map 1): where wind farms are likely to be acceptable subject to detailed consideration.

ii) Detailed Consideration

The proposal will be determined through assessment of the details of the proposal against Part a), policy criteria, the Moray Onshore Wind Energy Supplementary Guidance (MOWESG) and the Moray Wind Energy Landscape Capacity Study (Landscape Capacity Study). Detailed assessment of impact will include consideration of the extent to which:

Landscape and Visual Impact:

- *The proposal complies with the Guidance set out in the MOWESG and Landscape Capacity Study (See Maps 3-5).*
- *The proposal is capable of accommodating the development without 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

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

Impact on Local Communities

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

Socio-Economic Benefit

- *The proposal contributes to renewable energy generation targets and its effect on greenhouse gas emissions.*
- *The proposal's net economic impact, including socio-economic benefits such as employment.*
- *The proposal's associated business and supply chain opportunities.*

Other

- *The proposal addresses 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.

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 other renewables must also be met.

The Council will consult with the Forestry Commission Scotland (FCS) to help predict potential woodfuel supply projections in the area.

d) Heat

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

Where no heat network is present or planned:

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

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

Where heat networks are not viable, proposals should include the use of microgeneration

technologies and heat recovery associated with individual properties, unless demonstrating this is unnecessary or unviable.

The criteria set out in relation to other renewables must also be met.

Justification/Notes

Renewable energy proposals can be in a variety of forms, including wind, hydro, solar, geothermal and biomass and bring a new technology approach to provision. Moray offers the potential for renewable energy proposals and this policy provides a range of criteria to consider applications against. Proposals for heat and power generation need to be carefully considered to avoid significant adverse impacts upon the environment.

The Council's MOWESG and Landscape Capacity Study provide further information. The Landscape Capacity Study is strategic level guidance and is a technical appendix to the statutory MOWESG. Interpretation of the Landscape Capacity Study as part of the development management process will be applied on case-by-case basis by the Council's appointed Landscape Capacity Adviser.

The methodology used in identifying the Areas of Greatest Potential is set out in Appendix 3, as shown on page XX.

Appendix 3

Authority	Constraint
The Moray Council	Landscape Capacity Types with high or high-medium sensitivities to wind turbine development: Large Medium Small-Medium
	Countryside Around Towns (CATs)
	Special Landscape Areas (SLAs)
Scottish Natural Heritage (SNH)	Ramsar Sites
	Special Areas of Conservation (SACs)
	Special Protection Areas (SPAs)
	Sites of Special Scientific Interest (SSSIs)
	Peat Class 1 and 2
Historic Environment Scotland (HES)	Battlefields
	Gardens and Designed Landscapes
	Scheduled Ancient Monuments
Other	Settlements / Rural Groupings: Large = 2km buffer Medium = 1km buffer Small-Medium = 200m buffer

	Residential Properties (CTAX Banded): Large = 1km buffer Medium = 1km buffer Small-Medium = 200m buffer
	Core Paths, Rights of Way, Sustrans, Rail Network and Roads / Streets: Large = 120m buffer routes Medium = 75m buffer routes Small-Medium = 50m buffer routes
Reporter's conclusions:	
Reporter's recommendations:	

Issue 6	Environment Policies	
Development plan reference:	<p>Environment Policy EP1 Natural Heritage Designations (Volume 1, pages 74-75)</p> <p>Environment Policy EP2 Biodiversity (Volume 1, page 77)</p> <p>Environment Policy EP3 Special Landscape Areas and Landscape Character (Volume 1, pages 78-79)</p> <p>Environment Policy EP4 Countryside Around Towns (Volume 1, page 79)</p> <p>Environment Policy EP5 Open Space (Volume 1, pages 80-87)</p> <p>Environment Policy EP6 Settlement Boundaries (Volume 1, page 88)</p> <p>Environment Policy EP7 Forestry, Woodlands and Trees (Volume 1, pages 88-92)</p> <p>Environment Policy EP8 Historic Environment (Volume 1, page 93)</p> <p>Environment Policy EP12 Management and Enhancement of the Water Environment (Volume 1, pages 97-100)</p> <p>Environment Policy EP16 Geodiversity and Soil Resources – (Volume 1, page 103)</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>EP1 Natural Heritage Designations</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>Force 9 Energy (886)</p> <p>EP2 Biodiversity</p> <p>Springfield Properties plc (10)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>Scottish Government (490)</p>		

Scottish Natural Heritage (1027)

Woodland Trust Scotland (1818)

EP3 Special Landscape Areas and Landscape Character

Springfield Properties plc (10)

Royal Society for the Protection of Birds Scotland (285)

Dr Janet Trythall (404)

Crown Estate Scotland (861)

Force 9 Energy (886)

Phil Mowat (1806)

Innogy (2213)

EP4 Countryside Around Towns

Pitgaveny Estate (214)

EP5 Open Space

Robertson Group (8)

Springfield Properties plc (10)

Scottish Government (490)

Woodland Trust Scotland (1818)

EP6 Settlement Boundaries

Springfield Properties plc (10)

EP7 Forestry, Woodland and Trees

Royal Society for the Protection of Birds Scotland (285)

Scottish Forestry (1136)

Woodland Trust Scotland (1818)

EP8 Historic Environment

Scottish Government (490)

Innogy (2213)

EP12 Management and Enhancement of the Water Environment Scottish Environment Protection Agency (569) Scottish Natural Heritage (1027) EP16 Geodiversity and Soil Erosion Royal Society for the Protection of Birds Scotland (285) Dr Janet Trythall (404) Airvolution Clean Energy (ACE) (2186)	
Provision of the development plan to which the issue relates:	Environment Policy EP1 Natural Heritage Designations Environment Policy EP2 Biodiversity Environment Policy EP3 Special Landscape Areas and Landscape Character Environment Policy EP4 Countryside Around Towns Environment Policy EP5 Open Space Environment Policy EP6 Settlement Boundaries Environment Policy EP7 Forestry, Woodlands and Trees Environment Policy EP8 Historic Environment Environment Policy EP12 Management and Enhancement of the Water Environment Environment Policy EP16 Geodiversity and Soil Resources
Planning authority's summary of the representation(s):	
EP1 Natural Heritage Designations <u>Royal Society for the Protection of Birds Scotland (285/10/6)</u> Request the addition of "and Ramsar site" after Natura 2000 site in the text for EP1. <u>Force 9 Energy (886/2/4)</u> The policy tests relating to local designations create a significant barrier to development. A distinction within the policy of the relative importance of each area of designation should be drawn by the tests. Suggested wording change. "Local Designations Development proposals likely to have an unacceptable significant adverse effect on Local	

Nature Reserves, wildlife sites or other valuable local habitats will be.....”

EP2 Biodiversity

Springfield Properties plc (10/13/5)

Policy EP2 Biodiversity is not required. Do not support moves to require further habitat creation and biodiversity enhancements via planning policy at a time when many land use activities, predominantly agriculture, forestry and other land-management practices appear to be chiefly responsible for loss of biodiversity and habitats and have the biggest impacts on the environment.

The submission of a Biodiversity Plan is unnecessary, developers already include compensatory bat boxes, riparian zones, hedges, wildflower meadows and significant tree planting within developments.

Royal Society for the Protection of Birds Scotland (285/10/7)

Modification sought to replace second sentence with “Development must safeguard and if possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.” This is clearer than “connect into” wildlife corridors/green networks.

Scottish Government (490/4/7)

To accord with Paragraph 194 of SPP a modification sought to amend policy to read “Development proposals should retain, protect and enhance features of biological interest and provide for their appropriate management, where possible.”

Scottish Natural Heritage (1027/9/3)

Some features that could be incorporated into development from the outset to benefit biodiversity may not be habitats. Recommend a minor word change in the fourth paragraph, to better reflect the intentions of EP2 (and PP1), suggest substituting “biodiversity features” for “habitat creation”.

Woodland Trust Scotland (1818/2/2)

This is a very good policy and welcomed, with the exception of the provision on compensatory measures which should be worded to exclude irreplaceable habitats such as ancient woodland. Change policy to add ‘In the case of irreplaceable habitats, such as ancient woodland, no amount of compensation can make up for loss, therefore, development likely to impact on such sites should be located away from these areas.’

EP3 Special Landscape Areas and Landscape Character

Royal Society for the Protection of Birds Scotland (285/10/8)

Supportive of the requirement for new roads and hill tracks to avoid sensitive nature heritage sites.

Dr Janet Trythall (404/4/2)

Strong support for the coastal Special Landscape Areas.

Force 9 Energy (886/2/5)

The tests set out in the criteria relating to local designations within the policy create a significant barrier to wind development. Will prevent development within SLA's which is contrary to Scottish Planning Policy (SPP).

Propose additional wording to the policy. Include the word "unacceptable" in the first paragraph to read "avoid unacceptable adverse effects on the landscape..."

Include "energy generation or transmission" as a suitable use in part a)ii) of the policy.

Innogy (2213/1/2)

Special Landscape Areas do not fall into Group 1 or 2 of SPP Table 1 and should be considered as Group 3. Policy should be amended to include onshore wind farm proposals as a potential acceptable use of Special Landscape Area's. Suggest rewording of the policy.

Policy currently states that proposals "should avoid adverse effects on the landscape and visual qualities the area is important for..." Adverse effects may still be acceptable.

Crown Estate Scotland (861/6/10)

Object to policy as it is very restrictive of new development which will have a stifling impact on communities within Special Landscape Areas. Want the policy exceptions in section a) to include scope for tourism facilities and accommodation and diversification projects as well as smaller scale renewables and ground mounted solar schemes which can be integrated into the landscape. This is necessary due to the uncertainty of Brexit.

Crown Estate Scotland manages land within the Lossiemouth to Portgordon Coast, the Portgordon to Cullen Coast, Lower Spey, The Spey Valley and Ben Rinn (SLA's) which limits development in many areas on Fochabers Estate.

Phil Mowat (1806/2/2)

The Special Landscape Areas have grown greatly beyond the former Coastal Protection Zone. There is little flexibility for individual buildings in gap sites in the wording of the policy. Previously building was allowed in garden areas and on village edges and gap sites within the Coastal Protection Zone. Areas of natural beauty must be protected but there is a case for appropriate development in these areas. The use of gap sites and suitably large garden areas where individuals can build modern, fuel efficient eco houses could be regarded as an asset and helps with village sustainability. Propose that wording is altered to allow flexibility for individual buildings in these areas, with consideration afforded to gap sites with appropriate building to take place under the guidance of the planning department. Respondent has provided a map of "Area C" which is a gap site between villages where he would like to build.

Springfield Properties plc (10/13/23)

The objection seeks to review the need to establish the most appropriate boundary to the “Burghead to Lossiemouth Coast” Candidate Special Landscape Area (cSLA) ensuring that the key objectives of SPP are met.

The ‘Burghead to Lossiemouth Coast’ has been identified as a cSLA based upon its coastal “scenic” qualities. Including the land extending to the south of the B9040, Cummingston, Hopeman, and north of Clarkly Hill is inconsistent with the reasoning behind its designation and is not supported by the findings of the Landscape Character Assessment (LCT 2019) published by SNH in February 2019. This splits the coastline between Burghead and Lossiemouth into two distinct landscape character types.

In contrast to the previously completed Landscape Character Assessment undertaken by SNH in 1998 the LCT 2019 reduces the extent of land covered by the Coastal Landscape Character Types. The new LCT’s are defined to the south by boundaries located to the north of the B9040.

Boundary of the cSLA should be redrawn to follow the route of the B9040 coastal road. This is consistent with SPP, the findings of the range of Landscape Character Assessments and Guidance Documents, and with the rest of the southern boundary between Lossiemouth and Burghead.

When selecting the boundaries to any proposed Local Landscape Designation consideration needs to be given to “what clear and permanent feature will best encompass the proposed area that can be tangibly identified on the ground.”

Although not adopted in the Draft Guidance 2017, SNH/HES acknowledge the scope for Authorities to work together to allow consistency in designations across landscape types. In this instance to be applied to the boundary between Moray Council and Aberdeenshire Council where the characteristics are similar and where both sides of the political boundary are subject to Special Landscape Area status.

The objection provides extracts from the SNH Landscape Character Assessment 2019 which shows that the ‘Burghead to Lossiemouth Coast cSLA’ is covered by four Landscape Character Types.

- Beach Dunes and Links (LCT 281)
- Cliffs and Rocky Coast (LCT 282)
- Coastal Forest (LCT 283)
- Coastal Farmlands (LCT 284)

SNH recognises the distinct characteristics of a ‘natural, rugged, irregular and complex coastline...coastal-orientation, intimacy and sense of isolation within fishing towns...sense of wild character’ (Page 1 Key Characteristic LCT 282), that includes Burghead in the west to Covesea, whilst from Covesea to Lossiemouth in the east ‘there is a strong sense of perceived naturalness’ (Page 3, LCT 281) in a coastline which exhibits ‘low lying, long, curving sand and pebble beaches...of a large scale, mainly natural landscape dominated by coastal processes...giving a sense of isolation away from settlements.’

This range of key characteristics sets this apart from the Coastal Farmlands (LCT 284) to the south which SNH acknowledge is also a ‘relatively well settled landscape where the fertility of soils has for several thousand years encouraged agricultural land use’ (Page 2 LCT 284). This is a settled landscape where historic often “planned villages” and

communities have continued to grow from their cores and remain highly visible along the coastline adding to the character and sense of place.

Do not challenge the values and characteristics of the 'Burghead to Lossiemouth Coast cSLA' set out in the statement of importance. However the southern boundary of the cSLA includes an area of land that bears none of the qualities of the Cliffs and Rocky Coast (LCT 282) and Beaches Dunes and Links (LCT 281) landscapes for which this cSLA is recognised and has been proposed for this designation. This is inconsistent in the application of SLA's in this area, undervaluing the key attributes of the landscape and effectively introducing a buffer zone around part of the SLA.

The boundaries to an SLA must be clear, precise, and defensible. The extent of land covered by an SLA policy must relate fully to that of the valued landscape and to be consistent with SPP buffer zones must not be established.

The southern boundary of the 'Burghead to Lossiemouth Coast cSLA' should follow the B9040 from Burghead in the west to Lossiemouth in the east as the B9040 forms an inland boundary. Footpaths that link with Duffus inland over the ridge in the Covesea area are not deemed to warrant inclusion in the cSLA and the road is a better boundary. Boundary should be consistent with the south central and south eastern boundaries of the cSLA and the Aberdeenshire Coast cSLA which would promote greater consistency in the designation of landscapes.

Viewpoints are intended to be used for further analysis as part of the assessment process to establish a landscapes scenic quality. No need to include land to the south of Cummingston, Hopeman, and the B9040 in the cSLA. The review should just acknowledge that views were used as part of the analytical process to help determine the qualities and value of the landscape at this location to identify the key components of the landscape to warrant its designation as a Special Landscape Area.

EP4 Countryside Around Towns

Pitgaveny Estate (214/4/4)

Policy should be amended to state that small scale solar development, such as "solar meadows" is supported within the CAT. These can generate electricity to farming businesses, Estates and other businesses that may be based within a CAT. Solar array development can assist in providing "private wire" connections to housing developments, assisting developers to meet building regulation requirements. Small scale solar development is low impact which is unobtrusive and entirely removable. It can be easily screened through topography, planting, existing walls and there is no noise or construction traffic issues.

EP5 Open Space

Affordable Housing on ENV

Springfield Properties plc (10/13/7)

Object to the policy wording that states change of use from ENV for essential community infrastructure is permitted in exceptional circumstances, except for housing. The promotion of 100% affordable in instances such as Stonecross (16/01074/APP), where the

Reporter found that affordable housing in an ENV area was a public use which outweighed its value as a public space. Strongly contend that these areas can deliver multiple benefits for local residents which deliver both much-needed affordable housing whilst enhancing areas of either surplus and/or below standard ENV areas.

Threshold for Policy Application

Robertson Group (8/3/7)

The policy applies no matter the size or nature of the development. This could render smaller developments undevelopable. A threshold level or split in the policy for development size should be included.

Scottish Forestry Strategy

Woodland Trust Scotland (1818/2/3)

The Open Space policy could include a provision to increase tree canopy cover across Moray's towns in line with the commitment to increase tree canopy cover in towns and cities within the Scottish Forestry Strategy (Feb 2019).

Drawing Reference

Woodland Trust Scotland (1818/2/3)

The diagrams should be referenced in the policy text, or in the justification/notes section.

Quality Standard Assessment

Woodland Trust Scotland (1818/2/3)

Unclear at what point the Quality Standard assessment will be made and how failure to meet the assessment criteria will be addressed.

Temporary Greening

Scottish Government (490/4/8)

New sub-section should be inserted as part of Policy EP5 to accord with paragraph 229 of SPP, with wording as follows: 'Temporary greening can be an appropriate way to create safe and attractive places until development comes on stream. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term.'

EP6 Settlement Boundaries

Springfield Properties plc (10/13/6)

Proposals for 100% affordable housing outwith but immediately adjacent to settlement boundaries should be given significant support to deliver much needed affordable housing.

Moray Council waiting lists total 3,585 households as of June 2017.

EP7 Forestry, Woodland and Trees

Consultation with Scottish Forestry

Royal Society for the Protection of Birds Scotland (285/10/10), Scottish Forestry (1136/6/1)

Scottish Forestry has a wider remit than commercial forestry and there may be an impact on forests which are not managed commercially. The policy wording limits the scope of consultation with Scottish Forestry (as Forestry Commission Scotland will become after 1st April 2019). It is important that all trees, woodlands, and forests are considered and the policy wording should be widened to include all woodlands and forests.

Compensatory Planting

Scottish Forestry (1136/6/1)

Scottish Forestry should be consulted on compensatory planting proposals as they require to determine if these should be subject to an Environmental Impact Assessment. A screening opinion request should be completed and submitted in line with the Woodland Creation Application Guidance. Developers proposing compensatory planting should follow the site assessment and woodland design guidance within the document.

The Justification/Notes section states that Compensatory planting will be native species. In line with the Control of Woodland Removal Policy planting should be on a like for like basis unless significant additional public benefits can be demonstrated by planting alternative species.

Woodland Removal and Trees and Tree Preservation Orders

Woodland Trust Scotland (1818/2/4)

The Ancient Woodland Inventory is incomplete and flawed. Stating in the policy “removal of woodlands which appear on the AWI will not be supported” is restrictive as it does not protect ancient woodland not in the inventory. Reference should just be made to ancient woodland instead. Reference to the first Ordnance Survey from the 1860s and/or a survey should be conducted to establish the value of the woodland.

The Scottish Government has published its new Scottish Forestry Strategy 2019-29 which states that unnecessary loss of ancient woodland should be avoided; this policy should be updated to reflect this.

Scottish Forestry (1136/6/1)

The last paragraph of part b) should include a presumption against removal of woodland for development for all the woodland types in the Control of Woodland Removal Policy where there is a “strong presumption against” removal.

Concerned section c) encourages development in woodlands and should be amended to make clear proposals will be assessed under the Control of Woodland Removal Policy

with the overall presumption against development in woodland. Only if a proposal is acceptable under the Control of Woodland Removal Policy would the current policy wording to retain and protect healthy trees be required.

Development, including access, must be designed to avoid any negative impact on trees. Design must give consideration to the long term relationship with trees as they grow to full height and spread. The effects of shading, leaf/needle cast, branch cast, wind blow, and impacts on the water tables should be assessed. This will require buildings to be set back from the retained trees. In rural areas the impact of commercial forestry operations and timber transport should be considered so no additional constraints are placed on forestry operations which may limit their viability and development is not adversely affected by forestry operations.

Trees and Development Guidance

Scottish Forestry (1136/6/1)

Within the Trees and Development Guidance category U trees are discounted from the development assessment. The text should be amended so the area and habitat value of category U trees are considered in the initial Control of Woodland Removal Policy assessment. If development is supported compensatory planting is required for all category U trees.

Woodland Trust Scotland (1818/2/4)

To minimise biosecurity concerns only trees sourced and grown in the UK should be planted.

Remove ash from the recommended species due to the moratorium on planting ash trees due to ash dieback.

Ancient Woodland on site Boundaries

Woodland Trust Scotland (1818/2/4)

Additional wording should be added to the policy protecting ancient woodlands adjacent to site boundaries. The following wording is proposed 'where development is likely to cause damage to an area of ancient woodland, the development should be located away from this area, ensuring that appropriate buffer areas are left between the woodland edge and the development boundary.'

EP8 Historic Environment

Scottish Government (490/4/9)

The use of "national designations" in the wording of the policy title may cause confusion. This should be amended as other archaeological resources would be locally or regionally important. If they were nationally important they would be scheduled.

The first sentence should read "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.” This is in accordance with SPP.

To align with Paragraph 145 of SPP the first part of the sentence of Policy EP8 (a) should read “Development proposals will be refused where they will adversely affect **the setting of** scheduled monuments and...” Planning authorities have no remit over direct impacts on scheduled monuments with Historic Environment Scotland being the consenting authority for Scheduled Monument Consent. Planning authorities only have a remit over unscheduled archaeology and the setting of scheduled monuments and this is a material consideration in the assessment of planning applications.

Innogy (2213/1/3)

With reference to the wording “unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance”, SPP paragraph 145 states that “permission should only be granted where there are exceptional circumstances”, rather than “social or economic benefits of national importance.” Suggest that the wording is changed to reflect SPP to allow the materiality and weighting of any benefits to be assessed by the decision maker.

Suggest that the wording needs to be revised as the measures proposed go beyond what is suggested in SPP paragraphs 150 and 151.

Paragraph 1 should include the word “unacceptable” as adverse impacts may still be acceptable.

The word “local” should be removed from “Local public benefits clearly outweigh the archaeological value of the site” as benefits may be national in nature and also justify an (unacceptable) adverse effect.

Bullet point 2 should be deleted as SPP does not require this. Consideration of alternatives is not a reasonable request.

Bullet point 3 should be revised. It may be the case that adverse effects cannot be mitigated, but that the adverse effects are found to be acceptable by meeting the test set out at bullet point 1, whereby the benefits of the proposal outweigh the archaeological value of the site.

EP12 Management and Enhancement of the Water Environment

Scottish Environment Protection Agency (569/12/2)

Note since the draft version of this Policy, under Section a) flooding, additional wording has been added “Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable **as they are unsustainable in the long term due to sea level rise and coastal change.**”

Support the introduction of the reference in the Plan to sea level rise and coastal change however have concerns with the insertion of the reference in this sentence. Stilts can also interfere with flows, trap debris and create islands of development which can lead to an increase in flood risk to people and property contrary to the flood risk principles of SPP. In addition this wording implies land raising and buildings on structures would be acceptable

in non-coastal areas and if there are no sea level rise issues or coastal change, which is not the case.

Object to the use of this wording and request that the wording be removed from the sentence or alternatively the sentence is expanded to also include the other reasons why stilt solutions are a problem.

Scottish Natural Heritage (1027/9/4)

Recognise that efforts have been made to incorporate coastal change into policy EP12 Management and Enhancement of the Water Environment and DP1 Development Principles.

Do not consider that this meets the requirements of paragraphs 88 – 91 of SPP in relation to coastal planning, or that it addresses the issues for Moray.

Around 60% of the Moray coastline is made of soft material susceptible to erosion. The proportion of soft coastline experiencing erosion has tripled in recent times from 10% to 34%. A significant length of coast has experienced substantial erosion. There is likely to be increasing erosion and flooding issue to be managed into the future. Coastal settlements, such as those along the coast between Kingston and Cullen, are already experiencing these issues.

There is a need to have robust policy in place to address the current and longer term effects of coastal change, and to manage expectations around coastal assets important to the people, nature and economy of Moray. It is strongly recommended that a coastal change policy is included in the plan, or that policy EP12 is amended to include a separate section on coastal change.

EP16 Geodiversity and Soil Erosion

Royal Society for the Protection of Birds Scotland (285/10/9)

Welcome the inclusion of the statement “Commercial peat extraction will not be permitted” in Policy EP16.

Dr Janet Trythall (404/4/1)

Strongly endorse the reference to peat disturbance and extraction in the context of windfarm developments. This should be more heavily emphasized in windfarm development evaluation as a reason for refusal.

Airvolution Clean Energy (ACE) (2186/1/3)

The text in Policy EP16 is overly restrictive. The policy states that proposals in peat and/or land habitat will ‘only’ be appropriate in certain circumstances. This does not reflect SPP which makes it clear that wind farms ‘may be appropriate in some circumstances’ in these areas and that further consideration will be required to ascertain the extent to which any significant effects can be substantially overcome.

The use of the word ‘only’ in the draft policy is more negative than the language used in SPP.

Request the policy is amended as follows to reflect SPP. “In considering major developments, minerals and large scale renewable energy proposals, consideration will be given to effects on areas of peat and/or land habitat and how these can be substantially overcome through siting, design or other mitigation “

Modifications sought by those submitting representations:

EP1 Natural Heritage Designations

Royal Society for the Protection of Birds Scotland (285/10/6)

Amend wording to add “and Ramsar” site after Natura 2000 site in the policy text.

Force 9 Energy (886/2/4)

Amend wording to add “unacceptable”.

EP2 Biodiversity

Springfield Properties plc (10/13/5)

Delete policy.

Royal Society for the Protection of Birds Scotland (285/10/7)

Change second sentence to read “Developments must safeguard and if possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.”

Scottish Government (490/4/7)

Change policy text to add wording “should” and “where possible”.

Scottish Natural Heritage (1027/9/3)

Change policy text to replace “habitat creation” with “biodiversity features” in paragraph 4.

Woodland Trust Scotland (1818/2/2)

Change text to add “In the case of irreplaceable habitats, such as ancient woodland, no amount of compensation can make up for loss, therefore development likely to impact on such sites should be located away from these areas.”

EP3 Special Landscape Areas and Landscape Character

Royal Society for the Protection of Birds Scotland (285/10/8)

No change.

Dr Janet Trythall (404/4/2)

Farming must require full planning permission not just Prior Notification. Hill tracks should require full planning permission.

Force 9 Energy (886/2/5)

Include the word unacceptable in the first paragraph of the policy after avoid to read “avoid unacceptable adverse effects on the landscape...”

Include “energy generation or transmission” as a suitable use in part a)ii) of the policy.

Innogy (2213/1/2)

Include onshore wind farm proposals as a potential acceptable use in Special Landscape Area's.

Policy should be reworded with the insertion of the word “unacceptable” after “avoid”.

Crown Estate Scotland (861/6/10)

Include tourism facilities and accommodation and diversification projects as well as small scale renewables in part a) of the policy.

Phil Mowat (1806/2/2)

Policy amended to allow individual buildings in gap sites within Special Landscape Areas.

Springfield Properties plc (10/13/23)

Amend southern boundary of the Burghead to Lossiemouth Coast SLA to follow the B9040. A plan of the proposed boundary change has been included with the objection.

EP4 Countryside Around Towns

Pitgaveny Estate (214/4/4)

Amend policy EP4 to allow small scale solar development.

EP5 Open Space

Springfield Properties plc (10/13/7)

Party not specific regarding change, assume remove “excluding housing.”

Robertson Group (8/3/7)

Policy should provide threshold levels or split the policy in terms of development size.

Woodland Trust Scotland (1818/2/3)

Amend policy to include provision to increase tree canopy.

Reference the diagrams within the policy or justification/notes.

Clarity of timing of Quality Standard assessment required.

Scottish Government (490/4/8)

New sub section within Policy EP5 regarding temporary greening stating “Temporary greening can be an appropriate way to create safe and attractive places until development comes on stream. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term.

EP6 Settlement Boundaries

Springfield Properties plc (10/13/6)

Implied that policy should be amended to allow 100% affordable proposals immediately outwith the settlement boundary.

EP7 Forestry, Woodland and Trees

Royal Society for the Protection of Birds Scotland (285/10/10)

In the second sentence under a) Forestry the word ‘commercial’ is removed.

Scottish Forestry (1136/6/1)

In the second sentence under a) change wording to “The Council will consult with Scottish Forestry on proposals which are considered to adversely affect forests and woodlands”.

Add requirement for Scottish Forestry to be consulted on compensatory planting proposals and for EIA screening opinion to be submitted. Requirement for compensatory planting must follow the Scottish Forestry Guidance for Woodland Creation.

Amend requirement for compensatory planting to be native species to require like for like basis unless there is public benefits of alternative species.

Whilst not specified by the party it is assumed based on the Control of Woodland Removal Policy the change required is to expand the presumption against woodland removal to include woodland integral to the value of designated or special sites (Special Areas of Conservation {SACs}; Special Protection Areas {SPAs}; Sites of Special Scientific Interest {SSSIs}; Ramsar sites; National Nature Reserves {NNRs}; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; Scheduled Monuments; National Scenic Areas; and woodlands listed within the Inventory of Gardens and Designed Landscapes); woodlands critical to water catchment management or erosion control; woodlands listed as ‘Plantations on Ancient Woodland Sites’ (PAWS) or where woodland removal would lead to fragmentation or disconnection of important forest habitat networks.

Amend text to make clear proposals will be assessed under the Control of Woodland Removal Policy.

Amend wording to ensure negative impacts on trees are avoided and the long term growth

of trees must be taken into account in assessments.

Amend text to ensure the area and habitat value of Category U trees is taken into account in the Control of Woodland Removal Policy assessment and compensatory planting is required where removed.

Woodland Trust Scotland (1818/2/4)

Reference should be made to Ancient Woodland and not the Ancient Woodland Inventory. Policy should be updated to reflect Scottish Forestry Strategy 2019-29.

Add wording to paragraph 3 of part b) 'where development is likely to cause damage to an area of ancient woodland, the development should be located away from this area, ensuring that appropriate buffer areas are left between the woodland edge and the development boundary.'

Add requirement to Trees and Development Guidance requiring trees to be sourced and grown in the UK.

Remove reference to ash within landscaping.

EP8 Historic Environment

Scottish Government (490/4/9)

Change the policy title to "Scheduled Monuments and Unscheduled Archaeological Sites."

Change first sentence to read, "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."

Change sentence of Policy EP8 (a) to read "Development proposals will be refused where they adversely affect the setting of scheduled monuments and..."

Innogy (2213/1/3)

Remove "social or economic benefits of national importance" and replace with "exceptional circumstances."

Add "unacceptable" into paragraph 1 as adverse effects may still be acceptable.

Remove "local" from bullet point 1.

Delete bullet point 2

Suggest rewording of bullet point 3 to reflect that even if adverse effects could not be mitigated, they could be deemed acceptable as per bullet point 1. No specific wording given.

EP12 Management and Enhancement of the Water Environment

Scottish Environment Protection Agency (569/12/2)

Delete the wording “as they are unsustainable in the long term due to sea level rise and coastal change.”

Scottish Natural Heritage (1027/9/4)

Addition of a coastal change policy.

EP16 Geodiversity and Soil Erosion

Royal Society for the Protection of Birds Scotland (285/10/9)

No changes identified.

Dr Janet Trythall (404/4/1)

No changes identified.

Airvolution Clean Energy (ACE) (2186/1/3)

Amend policy to read “In considering major developments, minerals and large scale renewable energy proposals, consideration will be given to effects on areas of peat and/or land habitat and how these can be substantially overcome through siting, design or other mitigation “

Summary of responses (including reasons) by planning authority:

EP1 Natural Heritage Designations

Royal Society for the Protection of Birds Scotland (285/10/6)

Following a representation from Scottish Natural Heritage, the Council supports amending all references to “Natura 2000 site” to “European site” which is also applicable to Ramsar sites. This change is considered non notifiable and is therefore not included within this Schedule.

No modification is proposed.

Force 9 Energy (886/2/4)

The Council does not support the addition of the word unacceptable before significant adverse effect. This is on the basis that it is extremely unlikely that a significant adverse effect would be considered acceptable.

EP2 Biodiversity

Springfield Properties plc (10/13/5)

Biodiversity creation and enhancement was identified as a key issue in the Main Issues Report (MIR). The Environment Topic Paper (CD30, pg. 4) states “New development will have an impact on wildlife and nature conservation and therefore, there is a need to place

greater emphasis on identifying and promoting opportunities for improving biodiversity.” The policy approach sits within a wider policy framework that seeks consideration of green infrastructure, biodiversity and open space collectively with the aim of creating a high quality greenspace and connected blue/green networks. The provision of a Biodiversity Plan is not considered an onerous requirement and if, as stated, biodiversity creation and enhancement is being undertaken then this can easily be evidenced and is part of the commitment to quality placemaking Springfield Properties Plc has referred to in Schedule 2.

No modification is proposed.

Scottish Government (490/4/7)

Para 194 of SPP states the planning system should seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. The addition of wording “should” and “where possible” in the context of EP2 Biodiversity is considered to dilute the aim of the policy and provides the opportunity for a case to be made not to create and enhance biodiversity on site. The explicit use of the word “must” throughout the Proposed Plan is intentional and based upon experience of “should” being weak and interpreted by developers as being optional. It is not considered necessary to add where possible as this will be assessed on a site by site basis as part of the planning application process, where the developer can evidence why it is not possible to retain, protect and enhance features. This policy approach is considered in keeping with SPP para 195 which highlights the Council’s duty to further the conservation of biodiversity.

No modification proposed.

Woodland Trust Scotland (1818/2/2)

The Proposed Plan requires to be read as a whole and policies are not considered or applied in isolation. Policy EP7 Forestry, Woodland and Trees in the Proposed Plan supports the Scottish Government’s Control of Woodland Removal policy and states that removal of woodland identified in the Ancient Woodland Inventory will not be supported.

If the Reporter is so minded the Council would support the addition of text within the justification section of EP2 Biodiversity clarifying that compensatory planting in respect of woodland removal is dealt with under a separate policy. The following wording is suggested. “It should be noted that reference to compensatory habitat creation within the policy does not apply to woodland removal which must meet the requirements set out in EP7 Forestry, Woodlands and Trees.”

Royal Society for the Protection of Birds Scotland (285/10/7) and Scottish Natural Heritage (1027/9/3)

The Council recognises merit in the suggested amended wording that is more explicit in regards to extending and enhancing wildlife/green corridors. A minor amendment from the suggested text changing “if possible” to “where physically possible” is preferred and is in keeping with the response to the Scottish Government’s representation.

If the Reporter is so minded, the Council would not object to revised text and the following wording is suggested “Development must safeguard and where physically possible extend

or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.”

The Council recognises the merit of removing “habitat creation” and replacing it with “biodiversity features.” If the Reporter is so minded, the Council would not object to revised text and the following wording is suggested. “Developers must demonstrate through a Placemaking Statement which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development.”

EP3 Special Landscape Areas and Landscape Character

Dr Janet Trythall (404/4/2)

Issues relating to prior notification are not relevant to the Local Development Plan review process.

The final paragraph of Policy EP3 ii) Landscape Character makes reference to hill tracks and how their impact on the landscape must be taken into consideration. This wording is deemed to be sufficient to address the issue raised.

No modification is proposed.

Wind Energy

Force 9 Energy (886/2/5), Innogy (2213/1/2)

It is suggested that the policy criteria create a significant barrier to onshore wind energy proposals and that it should be added as an exception.

SPP requires local authorities to identify and protect locally designated areas and to clearly explain the reasons for their designation. In line with SPP, a review of all of Moray’s landscapes was undertaken which was supported by a steering group consisting of a commissioned landscape expert, Moray Council planners, the Regional Archaeologist and Scottish Natural Heritage staff.

The objection from Innogy refers to table 1 of SPP page 39, which sets out a Spatial Framework for wind turbines and that Special Landscape Area’s (SLA’s) are not contained in them. The Proposed Plan contains Policy DP9 Renewable Energy which is supported by the Moray Onshore Wind Energy Supplementary Guidance. This policy and supporting documentation provides a positive spatial framework for where renewable energy proposals will be considered favourably if they meet the policy criteria.

The Proposed Plan provides a clear spatial framework where wind energy proposals could be deemed acceptable. It is therefore deemed to be appropriate that this is not included as an acceptable use in the policy criteria for development in SLA’s. Given the importance that the designations play in protecting Moray’s diverse and high quality landscape it is not proposed to change the current wording to include onshore wind energy as an appropriate use.

No modification is proposed.

Adverse Effects

Force 9 Energy (886/2/5), Innogy (2213/1/2)

The objections state that the word “unacceptable” should be included in the first paragraph of the policy. Special Landscape Areas were designated to protect Moray’s high quality landscape from development proposals that would have any adverse impact on them. Given the sensitivity of the landscapes covered within the designations this wording is deemed appropriate. Whether or not a proposal is deemed to have acceptable or unacceptable impact on the landscape will be determined and assessed during the planning application stage.

No modification is proposed.

Acceptable Uses

Crown Estate Scotland (861/6/10)

The objection seeks to include tourism facilities and accommodation and diversification projects as well as small scale renewables as acceptable uses in part a) of the policy.

Parts of Moray’s landscape are under significant pressure from development, particularly housing in the open countryside. SLA’s were designated to protect Moray’s most valued landscapes from inappropriate development as well as provide a better understanding and awareness of their special qualities.

The term “small scale renewables” is ambiguous and open to interpretation. By including this as an acceptable use could potentially undermine the designation, the qualities of the landscape, and the reasoning for the designation.

The objection provides no clarity as to what type of tourism uses would be acceptable in SLA’s. While the Council promotes sustainable economic growth it must not be to the detriment of the natural environment and similarly including these uses could undermine the designation.

Given the importance that the designations play in protecting Moray’s diverse and high quality landscape it is not proposed to change the current wording to include tourism and accommodation and diversification projects, and small scale renewables as an acceptable use.

No modification is proposed.

Housing in Gap Sites

Phil Mowat (1806/2/2)

The Special Landscape Area (SLA) designations are the result of a landscape review which sought to rationalise existing designations such as the Coastal Protection Zone (CPZ) and Areas of Great Landscape Value (AGLV). These designations have been in successive local plans with little documentation as to why they were designated. The review rationalised these into the one single designation which is now the SLA. It also provided an understanding of the landscape and why it is deemed to be special.

The respondent objects to the lack of flexibility for individual buildings in gap sites within SLA's and suggests that the wording is amended to reflect this. The applicant has also provided a map with his submission showing an area of land "Area C" between two properties where he would like to build. This land is located within the Burghead to Lossiemouth Coast SLA and is not within a designated rural grouping.

The SLA designation incorporated the CPZ designation and as the respondent correctly states that this has increased in size compared to the previous CPZ. Area C is located within the CPZ of the MLDP2015 for which there is a general presumption against new development for housing, unless proposals utilise an existing building for replacement or renovation. Like the proposed SLA policy, this was to protect sensitive coastlines from inappropriate and overdevelopment which could be detrimental to its character.

The area of land proposed for housing in Area C is large and could accommodate more than one property. While the site could potentially be deemed as "infill", one of the key characteristics when travelling along the B9040 is the open views across the coastal slope towards the sea. These views are particularly important given the proximity of Cummingston and Hopeman and are one of several key reasons for the SLA and previous CPZ designations.

On this basis it would not be deemed appropriate to change the policy criteria as suggested as it could unintentionally lead to the undermining of sensitive SLA designations.

No modification is proposed.

Springfield Properties plc (10/13/23)

The Moray Landscape review was undertaken and supported by a steering group consisting of a commissioned landscape expert, Moray Council Planners, the Regional Archaeologist and Scottish Natural Heritage. The review was undertaken in accordance with the approach advocated in the SNH/HES guidance on reviewing local landscape designations where cultural heritage, recreational and nature conservation value are considered together with scenic qualities in a more holistic approach as to what compromises landscape.

The objection refers to 'candidate' SLA's, however, the Moray Local Landscape Designations review was approved by the Planning and Regulatory Services Committee on 18 December 2018 following a 6 week public consultation (CD 37). During the public consultation the 'Burghead to Lossiemouth Coast SLA' generated the largest number of comments with 16 supportive comments and a petition of support with 182 signatures. There was one objection from Springfield Properties plc.

The southern boundary of this area aims to encapsulate coastal character and the immediate backdrop to the coast where the distinct pattern of coastal settlements can be appreciated. The ridge behind the coast also features a community woodland and footpaths on Clarkly Hill which were considered to be important to include when considering recreational value and potential links between the coast and inland. On this basis the ridgeline offers a defined boundary to the SLA which allows the wider aspects of the landscape to be included in the designation as per the SNH/HES guidance.

Local landscape designations do not always accord with landscape character types (LCT)

as they often incorporate a number of LCT's as this increases scenic diversity which is the holistic approach advocated in the SNH/HES guidance to reviewing landscapes.

The comparison with the North Aberdeenshire Coast SLA is not relevant in this case as the context and landscape features are different. Furthermore the North Aberdeenshire Coast SLA does not sit immediately adjacent to the Burghead to Lossiemouth Coast SLA.

No modification is proposed.

EP4 Countryside Around Towns

Pitgaveny Estate (214/4/4)

The primary purpose of the Countryside Around Towns (CAT) is to prevent development sprawl into the countryside. A key focus is maintaining a distinction between the built up area and the countryside. Without a definition of what is considered to be "small scale" there is a danger that solar meadows could blur that distinction and give the appearance of developed countryside. This could undermine the purpose of the CAT.

No modification is supported.

EP5 Open Space

Affordable Housing on ENV

Springfield Properties plc (10/13/7)

Part a) of the policy aims to protect open space designated as ENV from development. The only exception to this is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners. Housing has been specifically excluded from this exception. Affordable housing investment is planned through the Strategic Housing Investment Plan (SHIP) which sets out how investment will be directed over the next 5 years. Given planning for investment in affordable housing looks at a five year timescales any ENV sites that are of strategic importance to the affordable housing programme are more appropriately considered through the Local Development review process. Stonecross is not a precedent for development on ENV. At Stonecross proposals were recommended for approval by planning officers as the ENV consisted of dense Scots Pine woodland which was reaching maturity, and the ENV was not overlooked by adjacent property and was subject to anti-social behaviour.

The Local Development Plan review process would allow for an assessment to be made of the impact of the loss of any open space. Existing open spaces are an important asset for communities and should not be eroded. This plan led approach is essential to delivering high quality places and the necessary infrastructure to allow people to live healthy lives. Policy DP2 has a requirement for proposals of 4 or more units to provide 25% of the total units as affordable. Whilst there is a demand for affordable housing in Moray, this must be done on designated housing sites to ensure that Moray's settlements expand in a planned manner. The lack of maintenance or poor standard of an open space should not be used as a back door for windfall housing development.

No modification is proposed.

Threshold for Policy Application

Robertson Group (8/3/7)

Part b iii) of the policy varies the quantity of open space required within development depending on the number of housing units or type of use proposed. Therefore, within smaller development a lower percentage of the site requires to be open space. It is reasonable for the accessibility and quality standard to apply regardless of development size. It is important for open space to be accessible to all users regardless of the size or nature of the site. The easier a space is to access the more likely it is to be used. Quality plays an important role in ensuring spaces are fit for purpose and serving the needs of the community. It is considered the five criteria and associated bullet points are broad enough to provide flexibility on how open space is delivered regardless of development size.

No modification is proposed.

Scottish Forestry Strategy

Woodland Trust Scotland (1818/2/3)

Reference specifically to increasing tree canopy cover is not required. The combination of policies PP1 Placemaking, EP2 Biodiversity, EP5 Open Space, Trees and Development Guidance and site specific requirements mean that the number of trees is likely to increase whilst also ensuring open space provides multi-functional benefits without focusing solely on tree canopy coverage. In some circumstances new tree planting may not be appropriate as it could lead to the loss of important open habitat such as wetlands and semi-natural grasslands.

No modification is proposed.

Drawing Reference

Woodland Trust Scotland (1818/2/3)

If the Reporter is so minded, the Council would support adding text to the Justification/Notes to reference the policy drawings. The following wording is suggested "The drawings within the policy provide examples of how good quality multi-functional open space can be achieved within development."

Quality Standard Assessment

Woodland Trust Scotland (1818/2/3)

Paragraph 2 of section b) of the policy states that "Open space provision must meet the accessibility, quality and quantity standards set out below ..." Therefore if a development failed to achieve a "very good quality score" it would be expected that either amendments to the proposal are sought or that the application is considered for refusal.

If the Reporter is so minded, the Council would not object to additional text being added to the second sentence of the first paragraph under ii) Quality Standard so this reads "Quality will be assessed by planning officers **at the planning application stage** against the five criteria below using the bullet point prompts."

Temporary Greening

Scottish Government (490/4/8)

Whilst the Council would support temporary greening it is not considered this needs a specific policy reference. It is unlikely that temporary greening proposals would require planning consent and where this did there is sufficient support within primary policies for this. Given the marginal nature of many sites within Moray in terms of viability it is extremely unlikely that temporary greening would be pursued by landowners or private developers given the additional costs. Moray has comparatively low levels of brownfield land compared to other authorities, with the last audit identifying 16.6ha. Whilst many of these are long standing bringing these sites forward is often difficult due to constraints that significantly impact on viability. Temporary greening is therefore only likely in exceptional circumstance and is not likely to be funded by the Council or other public bodies whose budgets are under considerable pressure. Finance from the Scottish Government would be required to support this policy requirement if it were to be introduced and there is no indication in the representation of that being made available.

No modification is proposed.

EP6 Settlement Boundaries

Springfield Properties plc (10/13/6)

Policy EP6 is long established and aims to guide development within towns and villages, prevent ribbon development, and maintain a clear distinction between the settlement and the countryside. SPP states that the planning service should be plan led. The plan led approach is essential to delivering high quality places and all the necessary infrastructure to allow people to live healthy lives.

Policy DP2 has a requirement for proposals of 4 or more units to provide 25% of the total units as affordable. While the respondent is correct in that there is a demand for affordable housing in Moray, this must be done on designated housing sites to ensure that Moray's settlements expand in a planned manner.

The objection states that significant weight should be given to affordable housing proposals. This infers that applications for housing on the edge of settlements for 100% affordable housing should be acceptable. This approach would not only undermine the principles of the plan led planning system and SPP but it would fail to provide tenure integration which can be achieved on designated housing sites.

No modification is proposed.

EP7 Forestry, Woodland and Trees

Consultation with Forestry Commission

Royal Society for the Protection of Birds Scotland (28510/10), Scottish Forestry (1136/6/1)

The comment regarding the scope of consultation with Scottish Forestry is noted. If the Reporter is so minded the Council would support amending the wording from "commercial

forests” to “forests and woodlands.” Greater clarity could also be provided to section a) of the policy by changing the policy heading and if the Reporter is so minded the Council would support amending this to “a) Moray Forestry and Woodland Strategy.”

Compensatory Planting

Scottish Forestry (1136/6/1)

The policy seeks to clearly set out the requirement for compensatory planting and the issues raised are considered to be procedural rather than policy matters. A procedure agreed with Scottish Forestry is considered to be a better way of dealing with the issues relating to EIA and woodland design. The Council will include an action within the Action Programme to develop and agree a procedure with Scottish Forestry to support implementation of the policy.

At present the service level agreement for compensatory planting specifies native tree planting. It is noted this wording is within the Justification/Notes and not within the policy itself.

No modification is proposed, however an action to develop a procedure will be included in the Action Programme.

Woodland Removal and Trees and Tree Preservation Orders

Woodland Trust Scotland (1818/2/4)

The Ancient Woodland Inventory whilst considered incomplete by the Woodlands Trust is considered to be the best source of information available to the Council. It is also noted that within the first paragraph of part b) of policy EP7 there is a general presumption against woodland removal unless there are significant and clearly defined public benefits.

No modification is proposed.

It is noted that the since the publication of the Proposed Plan in January 2019 the Scottish Forestry Strategy was published in February 2019. The justification/notes section of Policy EP7 could be updated to reflect this.

If the Reporter is so minded the Council would support referencing the Scottish Forestry Strategy 2019 within the justification/notes. Wording is suggested in the amended policy below.

Scottish Forestry (1136/6/1)

SAC's, SPA's, Ramsar sites, SSSI's, NNR's and NSA's are considered within Policy EP1 Natural Heritage Designations and therefore consideration of any development that results in woodland removal in these areas would be considered under this policy. Policy EP7 also states that “Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1....will not be supported.” Policy EP8 Historic Environment would not support proposals that have an adverse impact on the setting of a Scheduled

Monument. Similarly Policy EP11 Battlefields, Gardens and Designed Landscapes does not support development that would adversely affect Gardens and Designed Landscapes or their setting. Policy EP1 Natural Heritage Designations and Policy EP2 Biodiversity include policy to protect European and other protected species and require proposals to safeguard and connect into wildlife corridors, green/blue networks and prevent fragmentation of existing habitats. Therefore, other than Ancient Woodlands, it is considered that sufficient policy protection is provided to woodlands where the Control of Woodland Removal Policy has a strong presumption against removal (CD57, pg. 7). However, it is acknowledged that the policy could be re-structured and wording amended to make it clearer that there is tiered approach to the policy whereby woodland removal will not be supported within Ancient Woodland and native woodlands within sites protected under policy EP1 and that within other areas woodland removal maybe supported if certain criteria are met. Excluding housing from “public benefits” would bring the policy in line with Policy EP5 Open Space. If the Reporter is so minded the Council would support restructuring and amending the policy as set out below.

Part c) of the policy was primarily intended to relate to individual or small groups of trees within a site with part b) relating to the control of woodland removal. The wording of the policy and policy structure could be changed to make it clearer that in the first instance there is a presumption in favour of the retention of trees and that tree removal will only be considered where it is technically unfeasible to retain these. Clearer links to the Scottish Government’s policy (CD57 Control of Woodland Removal Policy and CD58 Control of Woodland Removal Policy Implementation Guidance) and a definition of what constitutes woodland removal could be added to the Justification/Notes section to provide greater clarity as to which part of the policy applies. Including a separate sub heading on “Compensatory Planting” will aid clarity by clearly setting out where and how this will be sought.

If the Reporter is so minded the Council would support amending Policy EP7 and Justification/Notes as follows

“Policy EP7 Forestry Woodland 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 all other relevant Local Development Plan policies. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests and woodland.

b) Tree Retention and Survey

Proposals must retain healthy mature trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where mature 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.

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 in the Ancient Woodland Inventory 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.

Justification/ Notes

Moray is recognised for the quality of its scenery and natural heritage for which forests and woodlands play an integral part of. They are an important renewable and beneficial resource in terms of climate change, economic, landscape, recreational, biodiversity and tourism opportunities. In line with the Forestry Commission Scotland's guidance document "The Right Tree in the Right Place", the Council supports the good management of this resource to balance the potential economic benefits with protecting and enhancing forests and woodland from inappropriate development and uses.

The Scottish Government is committed to maintain and enhancing Scotland's forest and woodland resource. Preventing inappropriate woodland removal is a key policy within the Scottish Forestry Strategy February 2019, and the Control of Woodland Removal Policy

(along with associated Implementation Guidance published in February 2019). Woodlands identified in the Ancient Woodland Inventory are important not just for the trees, but for the soil structure, flora and fauna that rely on such woodlands. Ancient woodland ecosystems have been created over hundreds of years and are irreplaceable.

For the purposes of policy EP7, “woodland removal” under part c) is defined as the permanent removal of 0.1 hectares or more of woodland for the purposes of conversion to another type of land use. Proposals affecting a tree or trees covering an area less than 0.1 hectares will be considered against criteria b).

Development proposals which result in the permanent loss of woodland will be required to provide compensatory planting which will be of a native species and will include the cost of management and establishment of the woodland/ greenspace. Further details of mechanisms to deliver compensatory planting are available from Moray Council.

The Forestry Commission Scotland, the Moray Access Manager and Scottish Natural Heritage will be consulted on issues relating to the recreational and biodiversity value of woodland.

Proposals for works to trees in Conservation Areas and trees covered by a TPO must be made in writing and be supported by a tree surgeons report to provide justification for its removal”

Policy EP7 (and Policy DP1 Development Principles) requires a tree protection and mitigation plan to be submitted with any proposal that has the potential to impact on trees or their roots. Therefore, proposals should be designed to avoid negative impacts on trees. The detail set out in the submission from Scottish Forestry would be best considered in the Guidance rather than the policy.

If the Reporter is so minded the Council would support the following amendments to the Guidance on page 91.

- Amend bullet point three to “Height and canopy spread in metres **(including consideration of full height and spread).**”
- Additional final bullet point “Consideration of the long term relationship with trees (including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations).”

Trees and Development Guidance

Scottish Forestry (1136/6/1), Woodland Trust Scotland (1818/2/4)

The wording in the guidance could be clarified to make it clearer that the development assessment process referred to is not assessment in terms of the Control of Woodland Removal Policy (i.e. part b of policy EP7) but rather the tree survey which may influence the development design. Similarly additional wording to clarify that where trees are removed compensatory planting will be required regardless of tree category could be introduced.

Requiring trees to only be sourced and grown in the UK is a level of detail beyond that

intended for guidance. Policy and regulation regarding biosecurity and impact of trees is led by Scottish Forestry rather than through the Local Development Plan.

The comments regarding the issues surrounding planting ash trees is noted and the Council would support removing this from the Guidance text.

If the Reporter is so minded the Council would support the following amendments to the Guidance on page 91 and 92.

- Amend first sentence of sixth paragraph by deleting “development assessment” and replacing with “Based on the guidance in BS5837, only category U trees are discounted from the **Tree Survey and Tree Protection Plan** process.”
- Add new sentence to end of paragraph six stating “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.”
- Remove “Ash” from the list of recommended planting in the final paragraph of the guidance on page 92.

Ancient Woodland on Site Boundaries

Woodland Trust Scotland (1818/2/4)

Part c) of the policy requires that where mature trees exist on or border a site a tree survey and tree protection and mitigation plan is required. This is required regardless of whether the trees are ancient woodland or not. The policy requires safeguarding distances to be identified to ensure damage to root systems is not caused.

No modification is proposed.

EP8 Historic Environment

Scheduled Monument Policy Title

Scottish Government (490/4/9)

Following discussion with Historic Environment Scotland, if the Reporter is so minded the Council would not object to the title of Part a) of Policy EP8 Historic Environment being changed to “Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.”

Adverse Impacts on the setting of Scheduled Monuments

Scottish Government (490/4/9), Innogy (2213/1/3)

If the Reporter is so minded the Council would not object to the first sentence of policy EP8 on page 93 being amended. The following wording is suggested “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.”

The Scottish Government's response aims to align the proposed policy with SPP (CD53, pg. 35 (Para.145) by including additional wording to clarify that proposals will be refused where they will have an adverse impact on the "setting" of a scheduled monument. If the Reporter is so minded, the Council would not object to additional wording being added to the first part of the second sentence of Policy EP8 (a) to read "Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and..."

No modification is proposed.

The objection from Innogy requests that the end of the second sentence of part a) of the policy is reworded. The existing wording states that development will be refused unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly out-weighted by the "social or economic benefits of national importance." The proposed wording being sought in the objection seeks to replace "social or economic benefits of national importance" with "exceptional circumstances".

SPP and the National Planning Framework 3 recognise the importance and value that the historic environment has and that it is a key economic and cultural asset. It is the Council's view that the existing wording reflects the national importance of these designations and the social and economic and cultural benefits that they have. The existing wording is more appropriate than the suggested wording which is an ambiguous statement as it is not clear as to what will constitute an "exceptional circumstance" which could undermine the Planning Authorities ability to protect these Historic Designations.

No modification is proposed.

Local Designations

Innogy (2213/1/3)

SPP and the National Planning Framework 3 recognise the importance and value that the historic environment has and that it is a key economic and cultural asset. SPP (CD53, pg. 33 (Para.137)) states that "change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced."

The respondent states that the word "unacceptable" be included as adverse impacts may still be acceptable. The Council does not agree that the wording should be changed as it is the Council's jurisdiction to protect the Historic Environment from any adverse impacts that a proposal may have on sites of archaeological importance. Whether a proposal is deemed to have an "acceptable adverse" impact on a designation will be down to the individual proposal. This will be assessed at the planning application stage where an assessment on any adverse impacts will be made.

No modification is proposed.

The respondent requests that the word "local" is removed from the first bullet point. The three bullet points in part b) of the policy have been carried over from the MLDP2015 and received no objection from Historic Environment Scotland. The Council is responsible for the protection of local designations and it is deemed appropriate that any proposal that is

deemed to outweigh archaeological value has local benefits.

No modification is proposed.

The respondent states that bullet point two is not required. SPP (CD53, pg. 13 (Para.40)) states that planning should direct the right development to the right place and in Paragraph 137, page 33 it states that the planning system must promote the care and protection of the designated and non-designated historic environment. Given the Council's responsibility to protect the Historic Environment and Local Designations it is deemed entirely reasonable that if a proposal were to potentially have an adverse impact on a designation that the policy seeks to ensure that there are no other alternative sites available that could accommodate the proposal to reduce or remove the impact on the designation.

No modification is proposed.

The respondent requests that bullet point 3 is revised. It is suggested that it may be the case that adverse effects cannot be mitigated but are found to be acceptable by meeting the test set out at bullet point 1, whereby the benefits of the proposal outweigh the archaeological value of the site. It is the Council's view that to protect Local Designations the bullet points are necessary to provide this protection which requires any adverse effects on local designations to be mitigated at the expense of the developer regardless of the wider potential public benefits.

No modification is proposed.

EP12 Management and Enhancement of the Water Environment

Scottish Environment Protection Agency (569/12/2), Scottish Natural Heritage (1027/9/4)

The Council recognises merit in deleting the reference to stilts, sea level rise and coastal flooding as this could be misinterpreted.

If the Reporter is so minded the Council would not object to the deletion of the following wording "as they are unsustainable in the long term due to sea level rise and coastal change" from the final paragraph of section a) flooding.

The Council has discussed this representation further with Scottish Natural Heritage and reached an agreed position with regards to the preparation of a separate policy on coastal change.

If the Reporter is so minded, the Council, Scottish Natural Heritage and SEPA would support the addition of the following Coastal Change policy.

EP17 Coastal Change

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

In vulnerable areas, proposals for new developments will only be permitted if they demonstrate that they:

- are adaptive to anticipated coastal change, and
- avoid the need for coastal defence measures over their lifetime, and
- will not have a detrimental impact on coastal processes.

Beyond this, only in exceptional circumstances will proposals within areas vulnerable to coastal change be approved and only where it has been demonstrated that there are:

- no alternative solutions, and
- imperative reasons of over-riding public interest including those of a social or economic nature.

EP 16 Geodiversity and Soil Erosion

Royal Society for the Protection of Birds Scotland (285/10/9), Dr Janet Trythall (404/4/1)

Supportive comments in respect of the policy are noted.

Airvolution Clean Energy (ACE) (2186/1/3)

The amended policy wording is not supported. The specific wording of EP16 has been carried forward from the existing policy in the MLDP2015. In SPP (CD53, pg. 39) Table 1 Spatial Framework identifies areas of significant protection which includes carbon rich soils, deep peat and priority peatland habitat. SPP states that in these areas windfarms may be supported in some circumstances. The policy sets out the circumstances the Council require to be met in order to support development.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue 7	Elgin	
Development plan reference:	<p>Volume 2: Settlement Statements</p> <p>Elgin</p> <p>R1 Bilbohall North page 102</p> <p>R2 Edgar Road page 102</p> <p>R3 Bilbohall South page 103</p> <p>R4 South West of Elgin High School page 104</p> <p>R5 Bilbohall West page 105</p> <p>R6 Knockmasting Wood page 106</p> <p>R7 The Firs page 107</p> <p>R9 Hamilton Drive page 109</p> <p>R11 Findrassie page 110</p> <p>R14 South Lesmurdie page 114</p> <p>R16 Barmuckity page 115-116</p> <p>R19 Easter Linkwood and Linkwood page 117</p> <p>R22 Spynie Hospital page 119</p> <p>LONG 2 Elgin South page 121</p> <p>I5 Pinefield Industrial Estate page 123 / ENV 4 Sports Area Pinefield Playing Field page 148</p> <p>I6 Linkwood East page 123</p> <p>I7 Barmuckity Business Park page 124 / Barmuckity Business Park Strategic Framework page 153-156</p> <p>I16 Burnside of Birnie page 129-130</p> <p>LONG 3 Burnside of Birnie page 131</p>	Reporter:

	<p>MU1 Riverview page 131</p> <p>OPP5 Auction Mart, Linkwood Road page 135</p> <p>OPP8 Lossie Green page 141</p> <p>OPP9 Town Hall page 142</p> <p>OPP11 Walled Garden page 143</p> <p>Site Not Taken Forward – EL4 Hattonhill</p> <p>Site Not Taken Forward – EL5 Oldmills Road</p> <p>Site Not Taken Forward – EL16 Bain Avenue (ENV2 and 3 in Proposed Plan)</p>	
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Bilbohall Masterplan Area (Sites R1 Bilbohall North, R2 Edgar Road, R3 Bilbohall South, R4 South West of Elgin High School, R5 Bilbohall West, R6 Knockmasting Wood, and R7 The Firs)</p> <p>Scotia Homes Ltd (480) David MacBeath (866) Keith Anderson (1867) Carolyn Anderson (1869) Ian Davidson (1871) Sheila Cassidy (1872) Peter Long (1874) Denise Long (1875) Malcolm Wilcox (1879) Eileen and Andrew Rae (1880) Rafik Hamdy (1885) Fiona Osunrinade (1887) Sofie Wright (1894) Bernard Cassidy (2176) Joan Wilcox (2188) Michelle Mackenzie (2189) Fiona Davidson (2190) Katherine Mackintosh and Frank Reid (2191)</p> <p>R9 Hamilton Drive</p> <p>William Fitzsimmons (2215) Alex and Margaret Gordon (2217)</p> <p>R11 Findrassie</p> <p>Woodland Trust Scotland (1818)</p>		

Jenny Benson (2115)

R14 South Lesmurdie

Norman Birch (1611)

R16 Barmuckity

Wayne Miles (1858)

R19 Easter Linkwood and Linkwood

Woodland Trust Scotland (1818)

R22 Spynie Hospital

NHS Grampian (300)

Kelvin Hirst (1999)

Iain Bufton (2172)

Gillian Mackay (2187)

LONG 2 Elgin South

Woodland Trust Scotland (1818)

Site Not Taken Forward – EL4 Hattonhill

Oldmills Farm Partnership (2214)

Site Not Taken Forward – EL5 Oldmills Road (ENV6 in Proposed Plan)

Oldmills Farm Partnership (2214)

Site Not Taken Forward – EL16 Bain Avenue (ENV2 and 3 in Proposed Plan)

Springfield Properties plc (10)

Fiona Duncan (1826)

Gillian Mackay (2187)

I5 Pinefield Industrial Estate/ENV4 Pinefield

New Elgin JFC (2124)

I6 Linkwood East

Jack Brown (1012)

I7 Barmuckity

Wayne Miles (1858)

I16 and LONG 3 Burnside of Birnie

David Mackay (1549)
Alex and Rachel McClure (1747)
Strathdee Properties (1798)
Elgin Community Council (1832)
Charles William Hill (2192)

MU1 Riverview

Woodland Trust Scotland (1818)

OPP5 Elgin Auction Mart

ANM Group Ltd (868)
David Bailey (885)
Jenny Main (1979)

OPP8 Lossie Green

Elgin Community Council (1832)

OPP9 Town Hall

Bill Hope (1248)

OPP11 Walled Garden

Stephen Duff (319)
Ken Kennedy (326)
James Richardson (610)
Anonymous (1229)
Bill Hope (1248)
Juliet Govier (1577)
Alison Walton (1735)
Elgin Community Council (1832)
Anne Rodda (1963)
Sheona Davidson (1964)
Pamela Napolitano (1965)
John Sherry (1966)
Tim Aspden (1967)
Nicholas Chambers (1968)
Daniel Stewart (1969)
Jennifer Reidford (1994)
Lorraine Campbell (2000)
Edwin Parkin (2013)
Caitlin McCormack (2026)
Grant Croudace (2027)
Evelyn Lawson (2028)
Hazel Croudace (2029)
Kathryn Darley (2030)
Gillian Bain (2031)
Alanna Magee (2032)

Andy Brown (2033)
Peter Carvell (2034)
Yvonne Alexander (2035)
Charlene Marshall (2036)
Raymond Aitken (2037)
Mrs L Robertson (2038)
Ben Moore (2039)
Joseph Souter (2040)
Michele Smith (2041)
Stephanie Sparkes (2042)
Jacquie Melrose (2043)
Eleanor Melton (2044)
Toni McIlwraith (2045)
Kristine Duffus (2046)
Cindy Gee (2047)
Margaret Sammon (2048)
Janice Mackenzie (2049)
Elizabeth Boyall (2050)
Laura Mawson (2051)
Nigel Kirby (2052)
Judith Spark (2053)
Joan Scott (2054)
Rebecca Adams (2055)
Elise Cox (2056)
Joshua Willis (2057)
Fiona Cumming (2058)
Anna Campbell (2059)
Heather Hagen (2060)
Charlotte Friston (2061)
AM (2062)
Charlotte Smith (2063)
Kirsten Steele (2064)
Kenneth Kennedy (2065)
Nikki Yoxall (2066)
Michaela Munro (2067)
Jolene Young (2068)
Lynne Minion (2069)
Jeniffer Mackean (2070)
Maggie Brown (2071)
Siobhan Mainland (2072)
Ms S Jeffrey (2073)
Anna Mcpherson (2074)
Esther Dale (2075)
Lara Beach (2076)
Ian Taylor (2077)
Kaye McIntosh (2078)
Dr Tom McCallum (2080)
Cameron Smith (2081)
Dagmar Gross (2082)
Sheila Cochrane (2083)
Beatrice Dobney (2084)
Ellice Walker (2085)

Ian Bremner (2086)
Una Gault (2087)
Lesley Williamson (2090)
Charlotte Coxon (2091)
Monika Jakiel (2092)
Jennifer Upson (2093)
Elizabeth Duncan (2094)
Frances Wardhaugh (2095)
Julie Ann Henderson (2096)
Cleo Hart (2097)
Natalie Campbell (2098)
Gordon Forsyth (2099)
Isabel MacColl (2101)
Stuart James (2102)
Helen Dixon (2103)
JE Allan (2104)
Valerie Weston (2107)
Dawn Mylchreest (2108)
Gillian Karpa (2109)
Sarah Macpherson (2110)
Jane Charles (2118)
Mr R Craib (2119)
David Sharp (2123)
Scottish Rock Garden Club (2125)
Alan Souter (2126)
Margaret Sharp (2127)
Leon Lumsden (2128)
Morag McCloy (2129)
Angela Innes (2135)
Duncan Alexander (2136)
Carol Casburn (2137)
James MacDonald (2138)
Stephen Scott (2139)
Emma Ritchie (2140)
Anna Pearson (2141)
Leah Horner (2142)
Tracey Willetts (2143)
Iain Ritchie (2144)
Susan Ritchie (2145)
Rebecca Ritchie (2146)
Louisa Thain (2148)
Rev Anne Attenburrow (2149)
June Harris (2150)
Mrs R Cruickshank (2151)
George and Isobel Esson (2155)
James Topping (2156)
David Southcombe (2157)
Menita Roberts (2161)
John and Susan Hammond (2163)
Ross Grant (2166)
Janet E Milne (2170)
Anne Chadwick (2173)

<p>Dr Miriam Brown (2174) RR Cook (2179) Martin Keith (2182) Jim Walton (2183) Michelle Slater (2185) Scotland's Garden and Landscape Heritage (2193) Mike Rodda (1963) Pamela Sutherland (2195) David Chadwick (2196) David A Stewart (2197) Anne Wibberley (2198) Amanda Willox (2199) Allysha Stewart (2200) Karen Mcarthur (2202) Shelagh M Scott (2216) Penelope Roberts (2218)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Housing, employment and other designations within the Elgin Settlement Statement.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Bilbohall Masterplan Area (Sites R1 Bilbohall North, R2 Edgar Road, R3 Bilbohall South, R4 South West of Elgin High School, R5 Bilbohall West, R6 Knockmasting Wood, and R7 The Firs)</p> <p><u>Scotia Homes Ltd (480/5/1)</u></p> <p>Scotia Homes Ltd support sites R4, R5 and R6 as they are effective well connected to existing services and infrastructure will be considered as part of the master planning process. Support revised capacity of R4 to 107 units to reflect the Bilbohall Masterplan Supplementary Guidance approved in November 2018.</p> <p>Traffic Management and Road Safety</p> <p><u>David MacBeath (866/3/1), Keith Anderson (1867/2/1) , Carlyne Anderson (1869/2/1), Ian Davidson (1871/2/1), Sheila Cassidy (1872/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Eileen and Andrew Rae (1880/2/1), Rafik Hamdy (1885/2/1), Fiona Osunrinade (1887/2/1), Sofie Wright (1894/2/1), Bernard Cassidy (2176/1/1), Joan Wilcox (2188/1/7), Michelle Mackenzie (2189/1/1), Fiona Davidson (2190/1/1), Katherine Mackintosh and Frank Reid (2191/1/1)</u></p> <p>Roads infrastructure cannot support the level of development proposed.</p> <p>Proposals for the railway bridge at Mayne Farm Road are inadequate and a replacement bridge is required. The bridge is not sufficient to carry the development traffic and visibility is restricted. No survey of the structural stability of the bridge has been undertaken. Queries if creating two lanes on the existing bridge is possible and if this would allow two buses to pass. Access over the railway bridge will lead to very long queues blocking existing roads and preventing access by emergency vehicles. No detail is provided on how pedestrians will cross the railway line.</p>	

All proposals at the railway bridge put pressure on the local network including

- Traffic turning on to Wittet Drive where there is no visibility. No improvements are proposed.
- Traffic will be increased along Fleurs Drive, Pluscarden Road, Wards Road and Mayne Road. No data on the traffic impact or the suitability for buses has been provided.
- Impacts on houses on Mayne Road.

The Masterplan proposal that all additional traffic can be accommodated without improvements is short sighted and wrong. Nothing is proposed to address road safety on the wider network or improve visibility.

Increased volume of traffic and queuing traffic will increase noise and pollution and lead to traffic jams on Wittet Drive.

The natural obstacles to slow traffic within the Masterplan will lead to traffic jams. There is no clarity about what is proposed to manage traffic. Proposal creates a link road through the development. This will create a rat run going to the A96 to avoid the railway level crossing. Proposal resurrects the Western Link Road by default.

Access to the playpark will be difficult due to the arrangements proposed at the bridge. Traffic lights at a bridge beside a children's playpark is a bad idea with buses, tractors and impatient drivers.

Katherine Mackintosh and Frank Reid (2191/1/1)

Works must be completed on TSP3, 4 and 26 before any new housing is commenced as existing infrastructure is not able to cope with additional development. Completion of the Fairfield Avenue development was not allowed without improvements to be completed first.

All construction traffic must be via Edgar Road.

A clear timetable is required for delivery of TSP30 and TSP31. It is noted contributions will be sought towards development despite 56% of vehicles from Bilbohall using this route.

Improvements at TSP27 Edgar Road/The Wards/Glen Moray Drive must be completed prior to any new housing commencing.

A full Transport Assessment is required. A Transport Impact Assessment is required with actual survey information so the actual traffic picture is understood.

The model used by Curtins for the Masterplan has fundamental inconsistencies. The number of car trips modelled is underestimated and does not reflect the parking space requirements.

Rafik Hamby (1885/2/1)

A third access point is required for the proposed numbers.

If the railway line is doubled the railway bridge will be closed meaning the development will only have one access.

David MacBeath (866/3/1), Carolyne Anderson (1869/2/1)

Car parking for the football pitch is opposite 1 Fairfield Avenue. What restrictions will be in place during sporting events to accommodate additional parking?

Impact of noise from cars and buses passing existing properties. The Council should replace garden fencing with acoustic fencing panels to reduce noise and afford privacy.

Eileen and Andrew Rae (1880/2/1)

Parking for the playpark is required to ensure that existing roads are not used.

Fiona Osunrinade (1887/2/1)

Artist impressions of the bridge solution required.

Impacts on Wildlife

David MacBeath (866/3/1), Carolyne Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Malcolm Wilcox (1879/2/7), Rafik Hamby (1885/2/1), Sofie Wright (1894/2/1), Joan Wilcox (2188/1/7), Michelle Mackenzie (2189/1/1), Fiona Davidson (2190/1/1), Katherine Mackintosh and Frank Reid (2191/1/1)

Concerns raised about detrimental impacts on wildlife that currently use the field, detrimental impact on the wetlands and the disconnection between the wetlands and the surrounding countryside.

No wildlife corridors are provided linking the west of the site to the Wards Wildlife Site. This is contrary to the requirements of Policy EP1 to protect local nature reserves and provide surveys for protected species. Landscape corridors must be retained to allow wildlife to continue to move freely between areas. As the Masterplan states the road through the site will be classed as a "Link Road" this emphasises that no provision has been made for wildlife corridors.

Flooding and Infrastructure

Keith Anderson (1867/2/1), Carolyne Anderson (1869/2/1), Peter Long (1874/2/2), Malcolm Wilcox (1879/2/7), Eileen and Andrew Rae (1880/2/1), Fiona Osunrinade (1887/2/1), Ian Davidson (1871/2/1), Sheila Cassidy (1872/2/1), Denise Long (1875/2/2), Rafik Hamby (1885/2/1), Bernard Cassidy (2176/1/1), Joan Wilcox (2188/1/7), Michelle Mackenzie (2189/1/1), Fiona Davidson (2190/1/1)

Concerned that increased hard standing and buildings will cause water run-off which will impact on Fairfield Avenue. Fairfield Avenue is the lowest point in the area and it seems there is no solution to prevent flooding from run-off water, drainage and sewage. Edgar Road already has a history of flooding and the increase of flow from development will increase flood risk.

Guarantees are required that existing properties will not be subject to flooding and who

will be responsible if it occurs. Evidence needed of SEPA reports and test holes. Detailed reports on Flood Risk not available.

Keith Anderson (1867/2/1), Eileen and Andrew Rae (1880/2/1)

Infrastructure including sewage must be guaranteed to be able to cope with the proposed development.

Sofie Wright (1894/2/1)

There is no capacity at doctors, dentists, sport and leisure facilities. There is a poor choice of shops.

Landscape Impacts and Number of Units Proposed

Keith Anderson (1867/2/1), Eileen and Andrew Rae (1880/2/1)

Previous landscape studies showed areas to be unsuitable for development and it is unclear what has changed.

Carolyn Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Fiona Osunrinade (1887/2/1), Fiona Davidson (2190/1/1)

Number of houses risen from 370 to 450. This should be reduced to a more manageable number. R3 originally proposed for 75 and has now increased to 100. Large areas marked as undevelopable unclear why this has changed.

Noise Impact and Air Quality

Sofie Wright (1894/2/1), Katherine Mackintosh and Frank Reid (2191/1/1)

No noise impact assessment has been completed and there is no requirement for one within the designation. This is required for all planning applications and mitigation provided.

Noise impact from increased traffic using Mayne Farm Road/Bilbohall Road will be significant and the traffic calming measures will produce noise. The road should be moved away from existing housing.

The designation does not mention air quality. The Masterplan suggests that there will be no significant impact of air quality however the proposed Local Development Plan 2020 does not require any assessment, this is remiss and must be corrected. Increased traffic and stationary traffic at the railway bridge will impact on air quality.

R1 Bilbohall North

Michelle Mackenzie (2189/1/1)

Further development of R1 is not possible as the area floods.

R3 Bilbohall South

Carolyn Anderson (1869/2/1)

Objects to affordable housing being built on R3 due to the impacts on residents of Fairfield Avenue.

Affordable housing should be located on lower areas further south and the Fairfield end should be kept for private estates that are one storey to avoid impacts on existing properties. Or earth should be moved to separate the affordable housing.

Development will impact on views and cause overshadowing.

Carolyn Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Malcolm Wilcox (1879/2/7), Eileen and Andrew Rae (1880/2/1), Fiona Osunrinade (1887/2/1), Sofie Wright (1894/2/1), Joan Wilcox (2188/1/7), Fiona Davidson (2190/1/1)

There is no detail of the height and distance of properties behind existing properties on Fairfield Avenue. Led to believe these are single storey bungalows but no detail is provided.

Development is on a hill and despite houses being single storey existing properties will be overlooked impacting on privacy. The tree planting proposed will restrict sunshine. The field at R3 provides amenity for the residents of Fairfield and this will be lost with development. This will impact on other recreational use.

The houses to the back of Fairfield Avenue in R3 should be removed from plans and located elsewhere to minimise impacts on existing residents.

Sheila Cassidy (1872/2/1), Bernard Cassidy (2176/1/1), Eileen and Andrew Rae (1880/2/1)

The existing landscaped area behind Fairfield Avenue needs protection from anti-social behaviour and the maintenance of this area should fall to the R3 developers. The existing landscape strip must be fenced off to prevent this becoming a path.

Katherine Mackintosh and Frank Reid (2191/1/1)

Advance planting between Block E in the Masterplan and Fairfield Avenue must commence as soon as ground works are completed to allow trees to establish. Maintenance and replacement of trees for 5yrs required to ensure this is fully established. Planting should come to the road boundary to give existing houses privacy from Blocks B, C and E. The hedgerow along Mayne Farm Road must be replaced to mitigate noise, improve air quality and enhance amenity.

R5 Bilbohall West

Scotia Homes Ltd (480/5/1)

Capacity of site R5 Bilbohall West should be increased from 50 to 91 houses to be consistent with neighbouring sites and to have regard to masterplanning and placemaking principles.

The capacity and density proposed at R5 is significantly lower than other sites within the

Bilbohall Masterplan area and is 50% less than R3. Density should be increased to 91 units based on a density of 12.4 houses per net developable area. This is consistent with adjacent sites. (The developable area is noted as being 5.88 acres within a table within the response).

There is no masterplanning justification for the lower density.

The consultants who prepared the Bilbohall Masterplan Supplementary Guidance were engaged by Scotia Homes Ltd in respect of their response to the Main Issues Report. Having regard to their analysis of the site and having regard to the draft Bilbohall Masterplan at the time two capacity options with layouts were tabled. The lower capacity option for 70 houses failed in terms of connectivity and integration with the Bilbohall Masterplan and site R4. Option 2 for 91 houses integrated better with the Bilbohall Masterplan and would allow for more effective implementation of structural landscaping that more closely follows the ridgeline. The MIR submission is appended to the objection in support of the position.

R7 The Firs

David MacBeath (866/3/1)

Concerned about level of development and impacts on privacy. Car parking area to the rear of 1, 3 and 5 Fairfield Avenue should be restricted to avoid high sided vehicles and CCTV overlooking back gardens.

Keith Anderson (1867/2/1), Carlyne Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Eileen and Andrew Rae (1880/2/1), Joan Wilcox (2188/1/7), Fiona Davidson (2190/1/1)

No clarity provided as to what is to be built, how many houses there will be and their style.

Rafik Hamby (1885/2/1), Fiona Osunrinade (1887/2/1)

Number of units has increased from 4-5 units to 10 units and is beyond what could be accommodated on the current footprint of the old buildings which would impact on the surrounding houses. This suggests the intention is to build flats which would be inappropriate in a suburban family focused development and will result in noise and security risks.

R9 Hamilton Drive

William Fitzsimmons (2215/1/1), Alex Gordon (2217/1/1)

Drainage and Flood Risk

Flooding on the site has already damaged houses on Duncan Drive. The drainage system must be able to cope with an additional 20 units.

Access

The Development Brief shows an indicative access adjacent to 13 Hamilton Drive and

this should be further east or at the existing access point. This is too close to the drive of 13 Hamilton Drive, visibility would also be obscured due to cars parked on the road and where learner drivers practice reversing around corners at Hamilton Crescent. Access to/from the site will be on a hill making it awkward coming out onto Hamilton Drive. Locating it further east would make the route to the Child Protection Unit more direct and less invasive to new development as the facility is accessed 24hours a day.

Layout and Design

Buildings should conform and fit with current houses in Hamilton Drive.

Maintenance and Impacts on Neighbouring Property

The designation requirements include retention of stone boundary walls. The developer must carry out maintenance and restoration work with traditional materials. The hedge along the west and south of the site must be retained and maintained. Removing the hedge would damage the wall. Questions who will be responsible for maintaining the wall between 1 Hamilton Drive and 13 Hamilton Drive.

The pavement between 13 Hamilton Drive and the existing site access is sinking towards where the new houses will be built. The path may fall away into the new buildings or gardens.

Concerned about the impacts of removal of concrete pad, other foundations and access roads in terms of vibration and damage to neighbouring property. When the old hospital was knocked down the hammer drill caused masonry to fall off neighbouring houses due to vibrations.

R11 Findrassie

Jenny Benson (2115/1/1)

There is no need for additional houses and the housing being built currently is not being sold. Services including schools, the hospital, and the leisure centre are unable to cope with current demand. The town is dead, lifeless and struggling. Proposal will impact on wildlife that lives in Findrassie and the pond.

Woodland Trust (1818/2/6)

The North West of the development is adjacent to an area of LEPO woodland, Findrassie Wood. There is no specific mention of a buffer between the existing woodland and the development in the text but the Findrassie Masterplan shows an area of planting between the development and the woodland edge. The appropriate size and type of buffer can be advised at planning application stage. The site requirements should be more specific about buffer woodland creation.

R14 South Lesmurdie

Norman Birch (1611/4/1)

The site is unsuitable for additional housing. The site is small and is constrained by gas, sewerage, water pipes and valves which have to remain accessible. Half the site is

protected by the Flood Alleviation Scheme and the defended flood plain is not suitable for development. The site is the only recreational land and is well used by children, adults and pet owners.

The only access is via Woodside Terrace which is already busy with traffic and parked cars. Additional traffic would be a danger to children. The area is used for parking due to a lack of spaces within existing development.

Would impact on the view/outlook of many residents.

R16 Barmuckity/ I7 Barmuckity Business Park

Wayne Miles (1858/3/1)

Objects to R16 and I7. Development should be spread around all towns so that no one town grows too quickly and loses its character. The countryside is a good introduction to a settlement. Development will impact on the peace, privacy, sunlight and views enjoyed by existing properties. Buildings will be damaged by construction work vibrations. Field is of national historic significance with findings of two round houses and ring ditch found on the site. Also bronze age pieces have been found and more recently a Pictish stone. This requires to be fully researched before being built on.

R19 Easter Linkwood and Linkwood

Woodland Trust Scotland (1818/2/7)

There is a narrow strip of LEPO along Linkwood Road near the southern end of the site. This forms a corridor to a larger area of LEPO woodland, Birkenhill Wood, which is adjacent to site allocation LONG2 Elgin South. The development area should be designed to retain any existing trees. In addition, a buffer between the area of woodland and the development should be included as a site specific requirement.

Note that on page 171 of the Elgin South Masterplan that the woodland areas are to be retained and this should be stated in the site specific requirements. The woodland areas could also be surveyed to assess their ecological value and a management plan and buffer areas can be further informed by this. The site development is likely to increase recreational use, which is encouraged, however paths within the woodland should not result in felling and be designed to ensure they are followed to avoid creation of desire lines and damage to ground flora.

R22 Spynie Hospital

Impacts on amenity, privacy, sunlight and wildlife

Kelvin Hirst (1999/1/1), Iain Bufton (2172/1/1), Gillian Mackay (2187/1/1)

Existing houses back onto a wildlife corridor and enhancement of this area to screen development and preserve wildlife is desirable. Screening to existing houses that are at a lower level is required to preserve privacy avoid overshadowing and mitigate against increased noise. Drainage must be carefully considered to ensure no detrimental effect on lower properties. The area is used by deer, birds, bats, pine marten and red squirrels. Development would increase noise and obscure sun due to the elevated level of land and

housing height. Nothing was planned originally on this part of the site and the impact of development on existing housing with a quiet environmentally friendly backdrop must not be overlooked.

Development would impact on property value and site/location/corner plot status.

Road Safety, Layout and Design and Contamination

Gillian Mackay (2187/1/1)

Objects on road safety grounds. The access is within a 40mph limit and this is not adhered to. A 30mph limit is needed from the entrance to the Findrassie development (R11) to slow traffic down. The road is narrow in places with many school children using this. Parking outside Beechbrae Education Centre should be stopped with double yellow lines. Increased traffic will cause frustration and accidents.

The scale, density and character of this site must be appropriate to the surrounding area. The open space requirements and enhancement and extension of wildlife corridors must be adhered to in line with policies. Impacts on the Spynie Care Home residents must be taken into account and disruption minimised. A play area could be disruptive to the Care Home. The type of housing should be bungalows, property for elderly residents and accessible housing to make this acceptable to the Care Home and existing home owners.

Rubble left on site from the hospital demolition must be tested for asbestos and other contamination.

Site Capacity

NHS Grampian (300/6/4)

Object to the unit allocation as these are too low and lower than other low density sites and adjacent allocated sites. Whilst the capacity is indicative this has a negative effect on site valuation and the units should be revised to be in line with adjacent sites. A capacity of 75-80 units would be more appropriate and in keeping with surrounding sites.

LONG 2 Elgin South

Woodland Trust Scotland (1818/2/5)

A significant part of the Southern Boundary of the site borders on to an area of LEPO, Birkenhill Wood. A buffer between the area of woodland and the development should be a site specific requirement. The appropriate size and type of buffer can be advised on at planning application stage.

Note on page 171 of the Elgin South Masterplan that the woodland areas are to be retained and this should be stated in the site specific requirements. The woodland areas could also be surveyed to assess their ecological value and a management plan and buffer areas can be further informed by this. The site development is likely to increase recreational use, which is encouraged, however paths within the woodland should not result in felling and be designed to ensure they are followed to avoid creation of desire lines and damage to ground flora.

Not Taken Forward – EL4 Hattonhill

Oldmills Farm Partnership (2214/0/2)

Object to removal of the site at Hattonhill from the Local Development Plan. This site is designated within the 2015 Local Development Plan and now that the Western Link Road proposals are no longer progressing the landowner is in a position to bring the site forward for development.

The Main Issues Report proposed the continued allocation of the site. The Proposed Plan removes the allocation and this is now “whitelands” within the settlement boundary.

A reduced capacity from that proposed at the MIR stage of 28 units is now proposed (compared to 38 at the Main Issues stage) with an indicative layout provided that demonstrates open space can be accommodated along with a landscaped buffer to the river and A96.

An access report was submitted with the MIR response in support of the proposal. One point of access is required for the level of housing proposed and an indicative junction design is submitted with the response to the Proposed Plan showing visibility splays can be achieved.

The site is effective and can be brought forward in the short term. Hattonhill should be designated for housing with an indicative capacity of 28 houses.

Not Taken Forward - EL5 Oldmills Road (ENV6 in Proposed Plan)

Oldmills Farm Partnership (2214/2/1)

Revised proposal for site at Oldmills submitted. Propose a 1.1ha site for low density development of 12 units in a highly landscaped setting. Mature trees along boundary maintained and opportunity to create more formalised open space within this important green corridor. The current agricultural land offers no recreational value. Site is suitable for long term housing growth within the centre of Elgin and provides variety to long term housing options.

Proposal would only result in the loss of a small area of greenfield land. The existing agricultural use offers no amenity or recreational value to residents. The proposed development could incorporate amenity space and paths that would enhance the value of this part of the green corridor. Developer requirements could be included for landscaping and open space as well as an ecological assessment.

An access report was submitted at the MIR stage that identifies there is scope for a priority junction on Jock Inksons Brae to provide access to the site.

An assessment of potential flood risk has been made. The proposed site would be free of flooding in a 1:200 year flood event and would not be reliant on the Flood Alleviation Scheme. The site is also almost entirely free of flooding within the 1:1000 year flood event. From the elevated nature of the site, indicative flood extents and Scottish Planning Policy Flood Risk Framework it can be concluded that the majority of the site is likely to be at little or no risk of flooding with only a small proportion at low to medium risk. It is therefore suitable for most forms of development.

Not Taken Forward – EL16 Bain Avenue (ENV2 and 3 in Proposed Plan)

Springfield Properties plc (10/13/10)

Object to non-inclusion of a site at Bain Avenue Elgin. Part of this site was “preferred” at the MIR stage for affordable housing along with significant landscaping on an existing poorly functioning area of ENV greenspace and play area. This site was not taken forward due to objections from SEPA and SNH on surface flooding and loss of open space respectively.

A DIA would accompany any planning application to demonstrate that surface water can be satisfactorily dealt with. The proposal would have considerable compensatory planting and landscaping along with housing as a multi beneficial scheme which delivers much needed affordable housing along with an enhanced area of public greenspace.

Fiona Duncan (1826/2/2)

Welcome that policy EP5 appears to be protecting the open space at Bain Avenue which continues to be identified as an ENV designation.

The way Bain Avenue/McMillan Avenue has been developed demonstrates that there is not an excess of ENV open space. The 2.1ha ENV 2 and 3 shown in the Proposed Plan is for 454 units. This area includes the SUDS which is unusable. On average if each unit contains two people this is 908 people for less than 2.1ha which is below the quantity of open space recommended in the Moray Open Space Strategy Supplementary Guidance (January 2018).

Gillian Mackay (2187/1/2)

Ownership of the play area must be clarified. Title deeds of householder stated that owners all owned an equal share of the land where the play park is with Screen Autumn factoring this. Ownership is shared between the 328 houses in the first phase and changes must have approval of more than 50% of owners.

I5 Pinefield Industrial Estate /ENV4 Pinefield

New Elgin JFC (2124/1/1)

Emergency vehicle access from Ashgrove Road down the path adjacent to the pitches must not be obstructed and full access to pitches must be retained. This is required for the health and safety of all users of the pitches and is part of risk assessment for SFA regulations. Access to pitches must be maintained at all times. Queries if green space can be sold for industrial purposes.

I6 Linkwood East

Jack Brown (1012/2/2)

Use classes 3 Food and Drink, 7 Hotel and Hostels, and 11 Assembly and Leisure as granted in planning consent 09/01477/OUT should be added to the suitable uses.

- This range of uses better reflects existing uses on the site namely two drive

through units, furniture showroom and consent for car showroom.

- Barmuckity Business Park is near opening which will provide a minimum of 22.1ha for classes 4 Business, 5 General Industrial and 6 Storage or Distribution (with a greater mix permitted across 7.41 of this). Therefore part or all of the remaining 1.5ha at I6 being developed for class 3,7 and 11 would not cause a significant reduction in supply.
- The uses proposed would also better reflect those proposed at Barmuckity.
- Had the access for I6 not formed part of a separate planning application the uses proposed would still be permitted under 09/01477/OUT.

The outcome of planning appeal PPA/300-2012 confirmed it was unreasonable to require the provision of a pedestrian and vehicle route between I1 and I6, with the condition removed from consent 09/01477/OUT. The requirement for this is unreasonable and should be removed.

The requirement for a pedestrian/cycle connection to the cycle path along the flood alleviation embankment is an unreasonable cost to a developer as until the cycle path was introduced by the Council this was not a requirement. The developer should only be required to reserve a route for such a connection.

Requirement for a Flood Risk Assessment should be deleted as the site is protected by the Moray Flood Alleviation Scheme.

The requirement for no development within 6m of the flood embankment is unreasonable and too restrictive. It has already been agreed with the Flood Alleviation team that roads, foot/cycle ways, car parking and development that does not prevent access to or damage the embankment is permitted within 6 metres. Amended wording proposed.

I16 and LONG 3 Burnside of Birnie

Strathdee Properties Ltd (1798/3/5)

As landowner support allocation for business and industrial use. Welcome opportunity to work with Moray Council to prepare a Development Framework and consider the Key Design Principles included in the Proposed Plan are deliverable. Supports the use classes identified and notes Class 7 Hotel and Hostels and Class 11 Assembly and Leisure on part of the site increase the viability of the site. Have experience of developing and letting commercial units in the Elgin area and are confident that site I16 can be delivered.

Need for Industrial Land

David McKay (1549/2/1)

LONG 3 should be removed. The industrial site would be larger than central Elgin and out of character with the scenic approach to Elgin. The north of Elgin should be considered as there is minimal industrial land identified there and would keep the size of both industrial areas manageable and in keeping with the rest of Moray.

Alex and Rachel McClure (1747/2/2)

Objects to inclusion of site I16 for industrial uses. The minimum requirement for

employment land in Elgin is 23 hectares. The A96 dualling will reduce the amount of available land and therefore the reasoning to continue to allocate the area that will be considerably smaller rather than seek alternative land is difficult to understand. The need for industrial land of the scale at Burnside of Birnie has not been clearly identified. Barmuckity and other areas remain undeveloped and the published uptake rate is expected to allow the currently allocated employment land to accommodate the period up to 2025.

Preferred A96 Dualling Route

Elgin Community Council (1832/3/2)

The impact of the routing of the A96 needs further consideration and it should form the southern boundary of Elgin. The boundary of I16 should be adjusted.

David McKay (1549/2/1)

LONG 3 should be removed. The A96 dualling route could form a boundary for Elgin with a clear distinction between town and country. As the dualling route is now known it should be taken into account before designating LONG3.

Alex and Rachel McClure (1747/2/2)

Objects to inclusion of site I16 for industrial uses.

- Now that the A96 dualling route has been published full recognition of this must be taken into account when considering the designation. This would sever I16 and makes shared access for I16 and LONG3 impossible.
- The A96 dualling route should form a natural and physical barrier to development to the south. With the land to the south preserved as agricultural land.
- The landscaping, SUDS and drainage for the A96 will further reduce the developable area beyond any reasonable purpose along with the other constraints. The land would not be developable in any reasonable commercial and marketable capacity and the land to the south of the A96 dualling should be removed.

Objects to inclusion of site LONG3 for industrial uses. Due to the constraints on I16 and the developable area being severely impacted by the A96 LONG3 should be removed.

Charles William Hill (2192/1/1)

The designations have not been integrated with the A96 dualling proposals and the interdependencies have not been identified or understood. It is inappropriate to progress the designation given this lack of diligence.

Site Constraints

David McKay (1549/2/1)

LONG 3 should be removed. LONG 3 has several constraints which limit its use including land for the A96 and slip roads, poor access, high pressure gas main, watercourse, flood risk and offsets to protect existing residential properties. It is inappropriate to remove a scenic piece of community resource for such a small return.

Alex and Rachel McClure (1747/2/2)

Objects to inclusion of site I16 for industrial uses. The constraints are grossly underestimated given the existence of the high pressure gas main. HSE impose a safe building distance of 32m either side of high pressure gas mains.

Charles William Hill (2192/1/1)

The site has compounding constraints including flood plain restrictions, access requirements for the high pressure gas main, the future A96 dualling footprint and requirements for green corridors and amenity land. Combined with the inadequate access from Elgin town centre a fragmented development will result that will exacerbate traffic on the heavily used narrow A941. These constraints suggest the site is fundamentally flawed and should be removed.

Development will increase flood risk and existing properties must not be put at increased flood risk as a consequence of development.

Impact on Residential Properties

David McKay (1549/2/1)

If the designation is retained the following must be minimum considerations

- Protection of existing residential properties (Blossombank, Burnside of Birnie, and Brackairlie). This should include using land to east of Blossombank for less obtrusive uses.
- A green corridor should be provided from Birkenhill Woods to the Wood of Level to allow for local amenity and open up recreational opportunities.
- The driving range to the north of the industrial estate could be moved to this area and the existing driving range reallocated for industrial where there will be minimal impact as there are no adjacent properties.
- Access should be provided from the west from Birnie Road with no development identified to the east side of the River.
- The impact of the greater mix of uses along A941 should be reconsidered. For class 5, class 6, class 7 and class 11 impacts from noise, light pollution, odour, vibration, pollution, impacts of 24hr uses and impacts on privacy would be a concern. Class 4 Business could be more suitable within a residential area.
- A clear area must be left to either side of the Burn of Linkwood for nature and recreational use.
- Planting must be provided around residential properties as an absolute minimum.

Alex and Rachel McClure (1747/2/2)

Objects to inclusion of site I16 and LONG 3 for industrial uses.

- A Development Framework for the site is now impossible given the constraints and the preferred route of the A96 dualling.
- The proposals would encircle their property with industrial land and cause significant injurious affection. The allocation will result in significant blight. It is inequitable for them to have their property interests and lifestyle affected without compensation with the cost borne by the wider community who will benefit from the future development.

- Moray Council have not taken residential property interests into account when allocating the land. Burnside of Birnie is a rural residential property with a huge amount of amenity and unrestricted views. The proposal is planning blight on them whilst the Council attempt to develop a Development Framework and it would be impossible to sell the property.

The proposal would have a detrimental impact on property rights. Allocating the land without fairly compensating residents would place such a restriction of uses so extreme in substance, though not in form, that it would amount to “taking” of land for the benefit of the public. If allocation of the land proceeds property rights would be severely impacted and would be detrimental to the owners of Burnside of Birnie’s interest. The proposal would severely impact on property value and it would be extremely difficult to sell the property. It is remiss of Moray Council to allocate the land and ignore Transport Scotland’s proposals. If Moray Council were to operate in isolation they would significantly alter the status of the owners position regarding future claims against Transport Scotland for loss of value and have a duty to act responsibly.

Charles William Hill (2192/1/1)

The proximity of industrial uses will change the environment in which residential properties sit and erode the valued amenity.

There will be a negative impact on the value of existing residential property. Reduce the ability to sell property due to the future uncertainty. Compensation for loss of value and prolonged period of uncertainty required.

The combination of the industrial designation, proposed shared access, and the A96 routing has a deep psychological impact for residents. The Council must be empathetic and mindful of this.

Proposal has no measures to protect residents from particulate, noise, and light pollutions associated with major development. Mitigation measures are required to mitigate impacts on the environment and residents.

Access

Alex and Rachel McClure (1747/2/2)

Objects to inclusion of site LONG3 for industrial uses.

- Due to the constraints on I16 and the developable area being severely impacted by the A96, LONG3 should be removed. Access to LONG3 would not be shared by I16 and movement between the two areas would not be possible. There would be three access points off the A941 within a short stretch of road (I16, LONG3 and Burnside of Birnie). This would require unsightly traffic management. A Development Framework would be impossible and would not fit with the Council’s strategy.
- LONG 3 should be removed. Access would require to be off the A941. The land could not be accessed from other developable land and would be too small to be of viable use. A new access would be a road safety issue.

Charles William Hill (2192/1/1)

Object to a shared access with existing residential uses. Alternative access proposals required.

Landscaping Quality

David McKay (1549/2/1)

The 15m landscaping proposed along the A941 must be more substantial than existing development which have provided only a wide grass area and some Rowan trees which in no way softens views. The woodland planting to reinforce edges must be a mix of good quality specimen trees and not the cheapest at the time. This must be wide enough to be a useable space for nature.

Settlement Boundary

Charles William Hill (2192/1/1)

The Elgin settlement boundary excludes the existing residential properties which if the designation is approved would prohibit existing owners from developing. This is inequitable given the designation proposals. Existing properties should be included within the settlement boundary to open up opportunities for development.

MU1 Riverview

Woodland Trust Scotland (1818/2/8)

The western boundary of the site is adjacent to a large area of LEPO woodland, Quarrel Wood. A buffer between the area of woodland and development should be a site specific requirement. The appropriate size and type of buffer can be advised on at planning application stage. The site specific requirements should recognise that this woodland is on the AWI to help inform the developer of the constraints this may pose.

OPP5 Elgin Auction Mart

Suitable Uses

ANM Group Ltd (868/4/1)

Support continued designation of OPP5 and the suitable uses. However, the stated uses should be expanded to include retail and leisure uses, given the historic consideration of the site for a supermarket and a restaurant/bar. This will maximise the opportunities for development going forward.

Open Space and Landscaping Requirements

ANM Group Ltd (868/4/1)

Specifying open space and landscaping requirements in the designation is not required as this can be achieved and controlled through detailed proposals for the site.

Traffic, Roads and Connections

ANM Group Ltd (868/4/1)

It is not possible to provide a through connection to the south of the site to Market Drive without purchasing third party land. The requirement should not be placed on the developer as it will affect the viability and deliverability of the site. The requirement to connect to Market Drive should not be identified in the designation as there is no guarantee this can be provided.

Considers safeguard of land for improvements at TSP30 to be appropriate but it should also be recognised that a reduction in developer obligations requires to be made to compensate for the land take. This was acknowledged by Moray Council in the Committee report for application 17/00120/PPP which stated "the District Valuer will determine the value of the land required for junction improvements. This would be deducted from the total transportation contribution".

David Bailey (885/2/1)

Concerned about the impacts of more traffic from the development and cumulatively from wider development. A pedestrian crossing is required across Linkwood Road at the roundabout. Infrastructure must be in place prior to development.

A connection to Market Drive is unacceptable to residents of Market Drive.

Flooding and Drainage

ANM Group Ltd (868/4/1)

The flooding issue that remains unresolved from consideration of the planning application 17/00120/PPP is overland surface water flows from the south, which fail to get into the public drainage/watercourse system and lead to flooding on the site. This surface water is entirely from off-site sources and this water is not being dealt with by Council infrastructure. Application proposed land raising. Displacement of surface water may result in increased flood risk to adjacent receptors in the 200 year return period event. However, the Council's Surface Water Management Plan may allow a determination of whether the landraising will increase risk to adjacent properties and thereafter assist in developing any further mitigation that may be required. An off-site solution is therefore required and the Committee report stated the Council does have powers to provide flood protection, however, if it is feasible, it would be to provide protection to existing property, not to facilitate new development. It is argued that there is existing built development on the site and the Council therefore have a responsibility to protect it. SPP also places a sharp focus on the delivery of allocated sites which Moray Council are failing to do in relation to this site, demonstrated by the past planning applications that have failed to reach consent. Consideration must be given to the potential of land raising on this site. A more reliable estimate of flood levels could be obtained by more detailed modelling and the Council advised in October 2017 that they were undertaking further flood modelling work to investigate surface water flooding hotspots, including Linkwood Road as part of its Surface Water Management Plan. Moray Council require to progress this as a matter of urgency and identify funding to carry out the necessary improvements in a realistic timescale. In advance of any improvement, the land owner is progressing alternative solutions to addressing flooding on the site, to allow development of this allocated site to proceed. However, it is considered appropriate to acknowledge that this issue needs further consideration and collaboration between all parties, including Moray Council as it

is not the responsibility of the owners of this site to mitigate existing flooding issues from offsite sources.

David Bailey (885/2/1), Jenny Main (1979/1/1)

The mart site is low lying with a high water table just 2 metres below surface level. When there is heavy rain water rises and surface water drains cannot cope resulting in the site and surrounding areas flooding. Past developments at Edgar Road have resulted in water that previously flowed to the Tyock Burn being obstructed and rising up on OPP5 and Market Drive. This problem would get worse with the surface water and sewerage from any development. The drainage system would not cope with any increase. To date no developer has resolved this issue.

Other Issues Raised

ANM Group Ltd (868/4/1)

The historic use of the site as an auction mart is long abandoned. The auction centre has no architectural merit and requirement to reflect the historic use in building design is excessive. Consideration of public art is more appropriately considered at the application stage.

David Bailey (885/2/1)

Impact on schools, early year childcare, health centres, dental surgeries need to be considered.

HSE raised concern about housing close to Gleaner Depot.

Jenny Main (1979/1/1)

Site should be developed for recreational use, for example a touring motorhome/caravan park which would encourage tourists and be within walking distance of the town centre.

OPP8 Lossie Green

Elgin Community Council (1832/3/4)

The Lesser Borough Briggs area to the north of Borough Briggs Road should be removed from the OPP8 designation. Elgin Community Council support the use of that area for the Elgin Sports Community Trust Community Asset Transfer and not for mixed uses including leisure, office and or retail.

OPP9 Town Hall

Bill Hope (1248/2/1)

The present Town Hall is unsuited to running several activities at the same time and is not a modern multi-functional centre. It should be replaced.

OPP11 Walled Garden

James Richardson (610/3/1), Elgin Community Council (1832/3/5), Jennifer Reidford (1994/1/1), Grant Croudace (2027/1/1), Alanna Magee (2032/1/1), Cindy Gee (2047/1/1), Judith Spark (2053/1/1), Joan Scott (2054/1/1), Charlotte Friston (2061/1/1) Michaela Munro (2067/1/1), Lynne Minion (2069/1/1), Sheila Cochrane (2083/1/1), Ellice Walker (2085/1/1), Una Gault (2087/1/1), Leon Lumsden (2128/1/1), Anna Pearson (2141/1/1), Ross Grant (2166/1/1)

Objects to the designation of the site and wish the Biblical Garden to be retained.

Site Description

Stephen Duff (319/4/1), Anonymous (1229/8/1), Juliet Govier (1577/2/1), Alison Walton (1735/2/1), Pamela Napolitano (1965/1/1), John Sherry (1966/1/1), Tim Aspden (1967/1/1), Lorraine Campbell (2000/1/1), Edwin Parkin (2013/1/1), Bill Hope (1248/2/1), Eleanor Melton (2044/1/1), Janice Mackenzie (2049/1/1), Esther Dale (2075/1/1), Stuart James (2102/1/1), Jane Charles (2118/1/1), David Sharp (2123/1/1), Margaret Sharp (2127/1/1), Emma Ritchie (2140/1/1), Tracey Willetts (2143/1/1), Iain Ritchie (2144/1/1), Susan Ritchie (2145/1/1), Anne Chadwick (2173/1/1), Miriam Brown (2174/1/1), David A Stewart (2197/1/1), Karen McArthur (2202/1/1)

Respondents state that the site description is incorrect. Stating that

- The term “vacant and derelict” is misleading. The area is used by Moray College, Greenfingers Training Services and REAP to deliver training programmes and as a Council depot. None of the facilities are vacant or derelict and this has been wrongly categorised as “OPP”. The buildings include classrooms, greenhouses, polytunnels and tool-sheds.
- The photograph in the Plan captioned “Walled Garden” is misleading as it only shows the site from one aspect. Public will not be aware the proposal relates to the Biblical Garden/Moray College UHI.
- The Biblical Garden is not a Walled Garden and should be categorised as a Battlefield or Gardens and Designed Landscape in terms of policy EP11.

Value of Greenspace

Stephen Duff (319/4/1), James Richardson (610/3/1), Anonymous (1229/8/1), Bill Hope (1248/2/1), Juliet Govier (1577/2/1), Alison Walton (1735/2/1), Elgin Community Council (1832/3/5), Sheona Davidson (1964/1/1), John Sherry (1966/1/1), Tim Aspden (1967/1/1), Nicholas Chambers (1968/1/1), Lorraine Campbell (2000/1/1), Hazel Croudace (2029/1/1), Andy Brown (2033/1/1), Yvonne Alexander (2035/1/1), Charlene Marshall (2036/1/1), Mrs L Robertson (2038/1/1), Ben Moore (2039/1/1), Michele Smith (2041/1/1), Jacqui Melrose (2043/1/1), Margaret Sammon (2048/1/1), Janice Mackenzie (2049/1/1), Elizabeth Boyall (2050/1/1), Laura Mawson (2051/1/1), A M (2062/1/1), Charlotte Smith (2063/1/1), Kirsten Steele (2064/1/1), Kenneth Kennedy (2065/1/1), Lynne Minion (2069/1/1), Jennifer Mackean (2070/1/1), Maggie Brown (2071/1/1), Siobhan Mainland (2072/1/1), Ms S Jeffrey (2073/1/1), Anna McPherson (2074/1/1), Esther Dale (2075/1/1), Lara Beach (2076/1/1), Ian Taylor (2077/1/1), Dr Tom McCallum (2080/1/1), Dagmar Gross (2082/1/1), Beatrice Dobney (2084/1/1), Una Gault (2087/1/1), Elizabeth Duncan (2094/1/1), Frances Wardhaugh (2095/1/1), Cleo Hart (2097/1/1), Natalie Campbell (2098/1/1), Isabel MacColl (2101/1/1), Stuart James (2102/1/1), JE Allan (2104/1/1), Valerie Weston (2107/1/1), Dawn Mylchreest (2108/1/1), Gillian Karpa (2109/1/1), Sarah Macpherson (2110/1/1), Jane Charles (2118/1/1), Mr R Craib (2119/1/1), David Sharp (2123/1/1), Scottish Rock Garden Club (2125/1/1), Alan Souter

(2126/1/1), Margaret Sharp (2127/1/1), Morag McCloy (2129/1/1), Angela Innes (2135/1/1), Duncan Alexander (2136/1/1), Carol Casburn (2137/1/1), Stephen R Scott (2139/1/1), Louisa Thain (2148/1/1), Rev Anne Attenburrow (2149/1/1), June Harris (2150/1/1), R Cruickshank (2151/1/1), George and Isobel Esson (2155/1/1), David Southcombe (2157/1/1), Janet Milne (2170/1/1), Anne Chadwick (2173/1/1), Miriam Brown (2174/1/1), R. R. Cook (2179/1/1), Martin Keith (2182/1/1), Jim Walton (2183/1/1), Michelle Slater (2185/1/1), Scotland's Garden and Landscape Heritage (2193/1/1), Mike Rodda (2194/1/1), David A Stewart (2197/1/1), Amanda Willox (2199/1/1), Allysha Stewart (2200/1/1), Karen McArthur (2202/1/1), Shelagh Scott (2216/1/1)

The site should be retained for the community as it is a key resource. Respondents highlight the importance of greenspace for the community stating.

- The Biblical Gardens are a tourist attraction with 48,000 visitors a year and is linked to the "Castle to Cathedral to Cashmere" heritage experience. Visitors to the garden spend money locally.
- The Gardens are valued as they provide peace, tranquillity and place for reflection. The gardens complement the Cathedral. Gardens are a haven for wildlife and wildflower supporting insects in decline. The Biblical Garden is part of the green infrastructure of Elgin and should be protected as open space with an ENV designation.
- Greenspace benefits to people in terms of health, mental wellbeing, recreation and education. Horticulture and use of greenspace is essential as more and more research highlights the medical and health wellbeing benefits as a preventative/treatment for people.
- Maintenance of the Biblical Gardens is carried out by Moray College Horticultural students during term time and the Friends of Biblical Garden volunteers throughout the year. This is to the benefit of the people of Elgin and the education of young people. The model is without cost to the public purse.
- The Biblical Garden contains memorial trees, plants and benches donated to commemorate loved ones.
- The cuts to the Council's budget have resulted in poorer parks and removal of flower beds. The Horticulture Students and Friends of Biblical Garden have kept the Biblical Garden in good condition with attractive flower beds.
- Hotel should not be near to the garden as it is beautiful and tranquil.

Impact of Development on OPP11

Stephen Duff (319/4/1), Bill Hope (1248/2/1), Juliet Govier (1577/2/1), Alison Walton (1735/2/1), Anne Rodda (1963/1/1), Sheona Davidson (1964/1/1), Pamela Napolitano (1965/1/1), John Sherry (1966/1/1), Tim Aspden (1967/1/1), Nicholas Chambers (1968/1/1), Daniel Stuart (1969/1/1), Evelyn Lawson (2028/1/1), Kathryn Darley (2030/1/1), Gillian Bain (2031/1/1), Andy Brown (2033/1/1), Peter Carvell (2034/1/1), Michele Smith (2041/1/1), Margaret Sammon (2048/1/1), Nigel Kirby (2052/1/1), Rebecca Adams (2055/1/1), Elise Cox (2056/1/1), Anna Campbell (2059/1/1), Heather Hagen (2060/1/1), A M (2062/1/1), Jolene Young (2068/1/1), Jeniffer Mackean (2070/1/1), Esther Dale (2075/1/1), Ian Taylor (2077/1/1), Kaye McIntosh (2078/1/1), Charlotte Coxon (2091/1/1), Monika Jakiel (2092/1/1), Frances Wardhaugh (2095/1/1), Natalie Campbell (2098/1/1), Gordon Forsyth (2099/1/1), Stuart James (2102/1/1), Helen Dixon (2103/1/1), Valerie Weston (2107/1/1), Jane Charles (2118/1/1), Mr R Craib (2119/1/1), David Sharp (2123/1/1), Scottish Rock Garden Club (2125/1/1), Alan Souter (2126/1/1), Margaret Sharp (2127/1/1), Angela Innes (2135/1/1), Duncan Alexander (2136/1/1), James MacDonald (2138/1/1), Stephen R Scott (2139/1/1), Emma Ritchie (2140/1/1),

Tracey Willetts (2143/1/1), Iain Ritchie (2144/1/1), Louisa Thain (2148/1/1), R Cruickshank (2151/1/1), George and Isobel Esson (2155/1/1), James Topping (2156/1/1), David Southcombe (2157/1/1), John and Susan Hammond (2163/1/1), Janet Milne (2170/1/1), Miriam Brown (2174/1/1), Martin Keith (2182/1/1), Scotland's Garden and Landscape Heritage (2193/1/1), Mike Rodda (2194/1/1), Pamela Sutherland (2195/1/1), David Chadwick (2196/1/1), David A Stewart (2197/1/1), Anne Wibberley (2198/1/1), Amanda Willox (2199/1/1), Allysha Stewart (2200/1/1), Karen McArthur (2202/1/1), Shelagh Scott (2216/1/1)

The areas that support the Biblical Garden should be protected from development. OPP11 is fundamental to the upkeep of the Biblical Garden. The Biblical Garden would cease to exist if OPP11 is developed, as there would be neither students nor volunteers to work there; and the buildings needed for teaching, tools and green housing would be gone. OPP11 is essential for growing plants used in the Biblical Garden, war memorials and by other community groups. Getting plants from out with Moray would be expensive and mean money going out of Moray.

Education and Training

Anonymous (1229/8/1), Bill Hope (1248/2/1), Juliet Govier (1577/2/1), Alison Walton (1735/2/1), Tim Aspden (1967/1/1), Nicholas Chambers (1968/1/1), Daniel Stuart (1969/1/1), Lorraine Campbell (2000/1/1), Caitlin McCormack (2026/1/1), Kathryn Darley (2030/1/1), Gillian Bain (2031/1/1), Andy Brown (2033/1/1), Charlene Marshall (2036/1/1), Raymond Aitken (2037/1/1), Mrs L Robertson (2038/1/1), Joseph Souter (2040/1/1), Stephanie Sparkes (), Jacqui Melrose (2043/1/1), Toni McIlwraith (2045/1/1), Kristine Duffus (2046/1/1), Margaret Sammon (2048/1/1), Elizabeth Boyall (2050/1/1), Fiona Cumming (2058/1/1), Anna Campbell (2059/1/1), Heather Hagen (2060/1/1), Charlotte Smith (2063/1/1), Kirsten Steele (2064/1/1), Nikki Yoxall (2066/1/1), Jolene Young (2068/1/1), Jeniffer Mackean (2070/1/1), Maggie Brown (2071/1/1), Siobhan Mainland (2072/1/1), Ms S Jeffrey (2073/1/1), Anna McPherson (2074/1/1), Esther Dale (2075/1/1), Lara Beach (2076/1/1), Ian Taylor (2077/1/1), Cameron Smith (2081/1/1), Dagmar Gross (2082/1/1), Una Gault (2087/1/1), Lesley Williamson (2090/1/1), Charlotte Coxon (2091/1/1), Monika Jakiel (2092/1/1), Elizabeth Duncan (2094/1/1), Julie-Ann Henderson (2096/1/1), Cleo Hart (2097/1/1), Stuart James (2102/1/1), Jane Charles (2118/1/1), David Sharp (2123/1/1), Margaret Sharp (2127/1/1), Carol Casburn (2137/1/1), Stephen R Scott (2139/1/1), Emma Ritchie (2140/1/1), Tracey Willetts (2143/1/1), Iain Ritchie (2144/1/1), Louisa Thain (2148/1/1), Rev Anne Attenburrow (2149/1/1), June Harris (2150/1/1), James Topping (2156/1/1), David Southcombe (2157/1/1), Menita Roberts (2161/1/1), Janet Milne (2170/1/1), Anne Chadwick (2173/1/1), Miriam Brown (2174/1/1), Martin Keith (2182/1/1), Jim Walton (2183/1/1), Michelle Slater (2185/1/1), Scotland's Garden and Landscape Heritage (2193/1/1), Pamela Sutherland (2195/1/1), David Chadwick (2196/1/1), David A Stewart (2197/1/1), Anne Wibberley (2198/1/1), Amanda Willox (2199/1/1), Allysha Stewart (2200/1/1), Karen McArthur (2202/1/1), Shelagh Scott (2216/1/1), Penelope Roberts (2218/1/1)

The valuable contribution the existing education establishments make has not been taken into account. Development of OPP11 would have an adverse impact on education, students with learning difficulties, and horticultural students.

- Moray College offer Scottish Vocational Training at 3 levels and a Higher National Certificate in Horticulture. Without the training facilities located on OPP11, these courses would not run. The tool sheds, potting shed, greenhouses and polytunnels are essential to the training.

- The horticulture courses meet the needs of local employers and provide qualifications and training in a growing sector. This meets the Councils Economic Strategy of retaining young people in the area, attracting a working age population and aligning infrastructure to support business growth and skills development.
- Moray College UHI horticulture department are successful in achieving high standards. Closure due to lack of premises would mean the only courses available in Scotland would be at Argyll, Dundee or Glasgow.
- It is not feasible for Moray College UHI students to locate elsewhere as there are no vehicles or budget to transport staff, students and machinery making it difficult to maintain the Biblical Gardens.
- Greenfingers Training Service is for adults with learning disabilities, on the Autistic spectrum and in recovery of mental health conditions and the service occupies the largest part of the OPP11 site. Greenfingers supports people that are furthest from the labour market to gain employability skills and work experience. Trainees go onto employment, further education, volunteering or progressing on to other services. This service should not be lost.
- Sites considered previously by Greenfingers were discounted due to costs and travel distance. There are no suitable locations for Greenfingers to be relocated as other sites would not provide the same facilities and would not be accessible to users. Since relocating to the Walled Garden the training service has expanded and further expansion is planned to develop a public sales area, garden development, and food growing production.
- Greenfingers works closely with Forestry commission Scotland, Moray Council Park and Gardens, Moray College UHI, Community Councils and public customers. Greenfingers carryout maintenance with the Forestry Commission Scotland, Dr Grays Hospital sensory garden, and private gardens.
- Consideration needs to be given to the 28 horticulture students at Moray College UHI and Greenfingers trainees. The Council must be careful not to breach their Human Rights under the ECHR.

Council Priorities, Outcomes and Plan Vision

Juliet Govier (1577/2/1), Elgin Community Council (1832/3/5), Sheona Davidson (1964/1/1), John Sherry (1966/1/1), Tim Aspden (1967/1/1), Kathryn Darley (2030/1/1), Andy Brown (2033/1/1), Janice Mackenzie (2049/1/1), Nigel Kirby (2052/1/1), Joan Scott (2054/1/1), Elizabeth Duncan (2094/1/1), Cleo Hart (2097/1/1), Natalie Campbell (2098/1/1), Stuart James (2102/1/1), JE Allan (2104/1/1), Jane Charles (2118/1/1), Scottish Rock Garden Club (2125/1/1), Emma Ritchie (2140/1/1), Leah Horner (2142/1/1), Tracey Willetts (2143/1/1), Iain Ritchie (2144/1/1), Susan Ritchie (2145/1/1), Rebecca Ritchie (2146/1/1), Louisa Thain (2148/1/1), James Topping (2156/1/1), Mike Rodda (2194/1/1), David Chadwick (2196/1/1)

Proposal is short sighted with monetary gain being prioritised over education and a valued greenspace. The commercial gain would be of little benefit to Elgin compared to the services currently provided. The benefits to existing users and volunteers should not be underestimated and the knock on effects of losing such services should be considered.

The Biblical Garden is run in partnership with Moray College, Friends of the Biblical Garden and Moray Council and is a model of good practice.

Juliet Govier (1577/2/1)

The Biblical Garden supports the LOIP outcomes of “Building a better future for our children and young people”, “Empowering and Connecting Communities” and “Growing a diverse and sustainable economy”. It also supports the Placemaking outcomes under the headings Social and Environmental on page 10 of the Proposed Plan including “inclusive society/mixed communities”, “well designed, multifunctional green spaces and networks that encourage people to lead healthier lifestyles”, “provide safe and pleasant walking and cycling routes” and “support and improve habitats and biodiversity”.

Esther Dale (2075/1/1)

The Biblical Garden supports the Vision Objective to “create sustainable, welcoming, well connected and distinctive places that are safe, healthy, and inclusive.”

Anne Chadwick (2173/1/1)

The plan states that it covers a broad spectrum of issues including employment opportunities, connecting communities, good health and educational facilities, supporting health challenges by supporting physical activities and mental well being, helping reduce inequalities and improve life chances for everyone to enjoy a good quality of life. Greenfingers’ activities achieve this and closure of the service would reduce the quality of life many vulnerable people.

Ken Kennedy (326/1/1), Kenneth Kennedy (2065/1/1)

In section 3.3 of the 2015 Central Elgin Regeneration Public Design Charrette Development Framework one of the priorities identified for Cooper Park was investment in Health and Wellbeing in the Lossie Green Corridor/Cooper Park. The suggestion of a hotel does not fulfil this principle.

Fiona Cumming (2058/1/1)

As a Community Planning Partner Moray Council needs to engage with partners such as Moray College UHI and explore ways that collaborations in the Cooper Park area can be expanded rather than closed down.

Dagmar Gross (2082/1/1)

The Biblical Garden was created by donations and the efforts of these people, those who benefit from the garden and Moray College Horticulture Department should not be ignored to finance the Council.

Hotel (Need and Alternative Locations)

Pamela Napolitano (1965/1/1), Charlene Marshall (2036/1/1), Mrs L Robertson (2038/1/1), Ben Moore (2039/1/1), Eleanor Melton (2044/1/1), Janice Mackenzie (2049/1/1), Joan Scott (2054/1/1), Fiona Cumming (2058/1/1), Ian Taylor (2077/1/1), Lesley Williamson (2090/1/1), Helen Dixon (2103/1/1), Mr R Craib (2119/1/1), Stephen R Scott (2139/1/1), Iain Ritchie (2144/1/1), Susan Ritchie (2145/1/1), Rebecca Ritchie (2146/1/1), Rev Anne Attenburrow (2149/1/1), James Topping (2156/1/1), Jim Walton (2183/1/1), Shelagh Scott (2216/1/1)

There is no need for a hotel site unless existing hotels are at 100% capacity. Investment in existing hotels should be encouraged. The Mansion House Hotel closed due to lack of business and a new hotel has been approved at Barmuckity. An additional hotel puts existing hotels at risk and would do nothing for the community.

Kathryn Darley (2030/1/1), Andy Brown (2033/1/1), Raymond Aitken (2036/1/1), Michele Smith (2041/1/1), Eleanor Melton (2044/1/1), Toni McIlwraith (2045/1/1), Cindy Gee (2047/1/1), Laura Mawson (2051/1/1), Judith Spark (2053/1/1), Joshua Willis (2057/1/1), Heather Hagen (2060/1/1), Kirsten Steele (2064/1/1), Maggie Brown (2071/1/1), Kaye McIntosh (2078/1/1), Dagmar Gross (2082/1/1), Beatrice Dobney (2084/1/1), Frances Wardhaugh (2095/1/1), Sarah Macpherson (2110/1/1), Emma Ritchie (2140/1/1), Susan Ritchie (2145/1/1), Rebecca Ritchie (2146/1/1), Michelle Slater (2185/1/1), David A Stewart (2197/1/1)

The hotel could be located elsewhere. There are other brownfield and less sensitive sites with Grant Lodge suggested as an alternative.

An overpriced hotel will not benefit Elgin. Focus should be on facilities to draw visitors to Elgin and investing in existing facilities. Elgin needs to attract responsible tourism in keeping with its historic past.

Some respondents suggest the OPP11 boundary should be moved west or the walled garden should be for an allotment scheme that would allow all the education resources to continue.

John and Susan Hammond (2163/1/1)

An economic case must be made for a four star hotel at the OPP11 site. The Cultural Quarter will not be enough to prolong visitors stay in the town. The Cultural Quarter must be established before a hotel is considered to prevent an empty or rundown hotel. Queries who is likely to gain from investment in the Cultural Quarter.

Alternative Proposals

Nicholas Chambers (1968/1/1)

Development and the horticulture facilities linked to the Biblical Gardens could successfully co-exist with each other, be mutually beneficial and work together to attract greater numbers of visitors by offering improved facilities. The designation wording must be modified to ensure that development of the Walled Garden guarantees the future of the training facilities at the Biblical Gardens.

Dr Tom McCallum (2080/1/1)

The Biblical Garden should be developed as a horticultural visitor attraction perhaps by creating a community trust.

Ian Bremner (2086/1/1)

Site should be used as allotments.

Traffic, Access and Parking

Tim Aspden (1967/1/1), Lesley Williamson (2090/1/1), Elizabeth Duncan (2094/1/1), Gillian Karpa (2109/1/1), Sarah Macpherson (2110/1/1), Tracey Willetts (2143/1/1), R Cruickshank (2151/1/1), R. R. Cook (2179/1/1), Pamela Sutherland (2195/1/1)

The current road system would not cope with increased traffic and access to the site is difficult. There are already traffic issues around Pansport roundabout. The site has no direct access from the site to Kings Road this would need to be through the Biblical Garden or Bishop's House. Access through Cooper Park has been ruled out.

Charlene Marshall (2036/1/1)

Parking in Cooper Park is already a problem and would be worse with a hotel.

Historic Sensitivity of Site

James Richardson (610/3/1), Beatrice Dobney (2084/1/1), Stephen R Scott (2139/1/1), Tracey Willetts (2143/1/1), James Topping (2156/1/1), John and Susan Hammond (2163/1/1), David A Stewart (2197/1/1), Shelagh Scott (2216/1/1)

This site is of historical importance and close to Elgin Cathedral, Bishop's Houses, Walled Garden and Grant Lodge. The impact of a large building and access in terms of sympathetic planning to this historic religious place must be considered. Proposal is not compatible with initiatives to support the town for example Castle to Cathedral to Cashmere. The site is in the local conservation area.

Martin Keith (2182/1/1)

Proposal would detract from the aesthetic value of Elgin Cathedral which is a pivotal part of the tourist industry and cultural history. Development would turn away tourists and imply the local community no longer values its cultural heritage.

Scotland's Garden and Landscape Heritage (2193/1/1)

Early 19th century plans show the south-eastern quarter of the site was occupied by North College, previously the cathedral's Deanery with the northern part (including OPP11) maintained as gardens and orchards. Later maps identify the area as "Precincts of the Cathedral". The site is historically a significant part of the cathedral precincts or grounds, lying within the 'historic core' of the City of Elgin as defined by Moray Council's Sites and Monuments Record. Cognisance of Historic Environment Scotland's Guidance Note on 'Managing Change in the Historic Environment: Setting' regarding the potential negative effects of unsympathetic development - especially the statement on Page 11 regarding 'the effect of the proposed change on qualities of the existing setting such as sense of remoteness, current noise levels, evocation of the historical past, sense of place, cultural identity, (and) associated spiritual responses' must be taken into account.

Other Issues

Ken Kennedy (326/1/1), Kenneth Kennedy (2065/1/1)

The suitable uses are described as Arts, Cultural and Community/Visitor Facilities. The specific requirements reference a hotel. This is not a visitor facility. A visitor facility should

be about providing somewhere for the visitor to see or go or do when they are in Elgin not stay. The existing training facilities should be encouraged to expand to increase interaction with visitors.

Ben Moore (2039/1/1)

Community should work together to solve the lack of planting. Planting is a low cost of making areas attractive. Losing Biblical Garden will make Elgin more depressing.

Cameron Smith (2081/1/1)

Horticultural pupils should be given a new garden.

R. R. Cook (2179/1/1)

Proposal will create additional noise and light pollution.

Modifications sought by those submitting representations:

Bilbohall Masterplan Area (Sites R1 Bilbohall North, R2 Edgar Road, R3 Bilbohall South, R4 South West of Elgin High School, R5 Bilbohall West, R6 Knockmasting Wood, and R7 The Firs)

Scotia Homes Ltd (480/5/1)

Continue to designate R4 and R12 at proposed capacity. Increase capacity of R5 to 91 houses.

David MacBeath (866/3/1)

Alternative access required that does not include Mayne Farm railway bridge. Restrictions on parking and use of CCTV within site R7.

Keith Anderson (1867/2/1)

Guarantees required that property will not flood and the infrastructure will cope. More detail on what is proposed and the impacts.

Carolyn Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Fiona Davidson (2190/1/1)

Alternative access required that does not include Mayne Farm railway bridge. Implied removal of site R3 Bilbohall South. Requirement for detailed report on drainage and flooding. Reduction in house numbers.

Sheila Cassidy (1872/2/1) Bernard Cassidy (2176/1/1)

Boundary fence to existing landscape planting required, and requirement that this not become a public path.

Malcolm Wilcox (1879/2/7) Joan Wilcox (2188/1/7)

More detail required on access and drainage proposals. Implied removal of housing in R3 adjacent to Fairfield Avenue.

Eileen and Andrew Rae (1880/2/1)

Traffic impact assessment required. Provide parking at play area. Guarantees required that property will not flood and the infrastructure will cope. More detail on what is proposed and the impacts. Greater detail on proposals on site R7 required.

Rafik Hamdy (1885/2/1)

Third access point required. Implied reduction in house numbers.

Fiona Osunrinade (1887/2/1)

Detailed reports required on impact of development. Artist's impression of bridge solution required. Assurance that housing in R3 adjacent to Fairfield Avenue will be single storey.

Michelle Mackenzie (2189/1/1)

Alternative access required that does not include Mayne Farm railway bridge and reduction in housing numbers implied.

Katherine Mackintosh and Frank Reid (2191/1/1)

TSP3, 4, 26 and 27 to be completed before any development commences. Construction traffic to be via Edgar Road. Full Transport Assessment required. Add requirement for noise and air quality assessments. Advance planting adjacent to Fairfield Avenue to be provided as soon as ground works are completed. Hedgerow to be replaced/enhanced. Retain wildlife corridors.

Sofie Wright (1894/2/1)

Houses within R3 Bilbohall South that back onto any houses in Fairfield Avenue and Fairfield Way to be removed.

R9 Hamilton Drive

William Fitzsimmons (2215/1/1), Alex Gordon (2217/1/1)

Seeks amendments to designation text regarding flood risk, access location, design, maintenance obligations and impact on neighbouring properties but no wording is specified.

R11 Findrassie

Jenny Benson (2115/1/1)

Remove site R11.

Woodland Trust Scotland (1818/2/6)

Add requirement for buffer to existing woodland.

R14 South Lesmurdie

Norman Birch (1611/4/1)

Remove site R14.

R16 Barmuckity/ I7 Barmuckity Business Park

Wayne Miles (1858/3/1)

Remove site R16 and I7.

R19 Easter Linkwood and Linkwood

Woodland Trust Scotland (1818/2/7)

Amend designation text to require retention and buffering to ancient woodland.

R22 Spynie Hospital

Kelvin Hirst (1999/1/1), Iain Bufton (2172/1/1)

Include a requirement for a buffer between the R22 and housing at R10 to mitigate impacts on existing houses and wildlife/environment.

Gillian Mackay (2187/1/1)

Include a requirement for a buffer between the R22 and housing at R10 to mitigate impacts on existing houses and wildlife/environment. Extend 30mph limit, and require double yellow lines at Beechbrae Education Centre. Only allow bungalows, property for elderly and accessible housing. Require contamination assessment.

NHS Grampian (300/6/4)

Increase site capacity to 75-80.

LONG 2 Elgin South

Woodland Trust Scotland (1818/2/5)

Amend designation text to require retention and buffering to ancient woodland.

Not Taken Forward – EL4 Hattonhill

Oldmills Farm Partnership (2214/2/2)

Designate site at Hattonhill for 28 houses.

Not Taken Forward - EL5 Oldmills Road (ENV6 in Proposed Plan)

Oldmills Farm Partnership (2214/2/1)

Identify land to north of Jock Inksons Brae for 12 houses.

Not Taken Forward – EL16 Bain Avenue (ENV2 and 3 in Proposed Plan)

Springfield Properties plc (10/13/10)

Identify site at Bain Avenue for housing.

Fiona Duncan (1826/2/2), Gillian Mackay (2187/1/2)

Retain site as ENV.

I5 Pinefield Industrial Estate /ENV4 Pinefield

New Elgin JFC (2124/1/1)

Party not specific regarding change sought retention of access to football pitches implied.

I6 Linkwood East

Jack Brown (1012/2/2)

- Add use classes 3, 7 and 11 to suitable uses.
- Remove requirement for “Proposals to address/safeguard the potential to achieve a pedestrian and vehicular access between I1 and I6”.
- Amend requirement for a connection to the cycle path to “A route for a pedestrian and cycle path connection should be reserved along the side of the flood alleviation embankment or such as other route may be agreed by the Moray Council and developer depending on how the site is developed.”
- Delete requirement for a Flood Risk Assessment.
- Amend requirement to 'Development within 6m of the embankment should not restrict access to the embankment for maintenance or inspection or effect its integrity. Development of roads, car parking, foot and cycle ways, surfaced yard space or development that does not affect the integrity of the embankment or restrict access is permitted'

I16 and LONG 3 Burnside of Birnie

David Mackay (1549/2/1)

Remove LONG 3.

Alex and Rachel McClure (1747/2/2)

Remove I16 and LONG3 and find other land within the preferred A96 dualling route.

Strathdee Properties Ltd (1798/3/5)

Carry forward I16 designation into the adopted Local Development Plan.

Elgin Community Council (1832/3/2)

Adjust I16 boundary to northern edge of the preferred A96 dualling. Delete remainder of site and LONG3.

Charles William Hill (2192/1/1)

Remove I16 and LONG 3.

MU1 Riverview

Woodland Trust Scotland (1818/2/8)

Amend designation to require buffer to adjacent Ancient Woodland.

OPP5 Elgin Auction Mart

ANM Group Ltd (868/4/1)

- Remove open space and landscaping requirements from site specific requirements.
- Remove requirement for a connection to Market Drive from site specific requirements.
- Remove requirement for proposals to look to reflect the historic use of the site as an agricultural auction mart in the character and design of the buildings and public art.
- The designation should make clear that a reduction in developer obligations will be made to compensate for land take.

David Bailey (885/2/1)

Add requirement for pedestrian crossing on Linkwood Road. Remove requirement to connect to Market Drive. Ensure drainage and flood impacts are properly resolved.

Jenny Main (1979/1/1)

Ensure drainage and flood impacts are properly resolved. Develop for recreational use.

OPP8 Lossie Green

Elgin Community Council (1832/3/4)

Remove Lesser Borough Briggs from the OPP8 designation.

OPP9 Town Hall

Bill Hope (1248/2/1)

Replace the Town Hall.

OPP11 Walled Garden

Stephen Duff (316/4/1), Ken Kennedy (326/1/1), Anonymous (1229/8/1), Bill Hope (1248/2/1), Juliet Govier (1577/2/1), Alison Walton (1735/2/1), Elgin Community Council (1832/3/5), Anne Rodda (1963/1/1), Sheona Davidson (1964/1/1), Pamela Napolitano (1965/1/1), John Sherry (1966/1/1), Tim Aspden (1967/1/1), Daniel Stuart (1969/1/1), Lorraine Campbell (2000/1/1), Edwin Parkin (2013/1/1), Caitlin McCormack (2026/1/1), Evelyn Lawson (2028/1/1), Hazel Croudace (2029/1/1), Gillian Bain (2031/1/1), Peter Carvell (2034/1/1), Yvonne Alexander (2035/1/1), Charlene Marshall (2036/1/1), Raymond Aitken (2037/1/1), Mrs L Robertson (2038/1/1), Ben Moore (2039/1/1), Joseph Souter (2040/1/1), Michele Smith (2041/1/1), Stephanie Sparkes (2042/1/1), Jacqui Melrose (2043/1/1), Eleanor Melton (2044/1/1), Kristine Duffus (2046/1/1), Cindy Gee (2047/1/1), Margaret Sammon (2048/1/1), Janice Mackenzie (2049/1/1), Elizabeth Boyall (2050/1/1), Laura Mawson (2051/1/1), Nigel Kirby (2052/1/1), Judith Spark (2053/1/1), Joan Scott (2054/1/1), Rebecca Adams (2055/1/1), Elise Cox (2056/1/1), Fiona Cumming (2058/1/1), Anna Campbell (2059/1/1), AM (2062/1/1), Charlotte Smith (2063/1/1), Kirsten Steele (2064/1/1), Nikki Yoxall (2066/1/1), Jolene Young (2068/1/1), Lynne Minion (2069/1/1), Jennifer Mackean (2070/1/1), Maggie Brown (2071/1/1), Siobhan Mainland (2072/1/1), Ms S Jeffrey (2073/1/1), Anna Mcpherson (2074/1/1), Esther Dale (2075/1/1), Lara Beach (2076/1/1), Ian Taylor (2077/1/1), Kaye McIntosh (2078/1/1), Dr Tom McCallum (2080/1/1), Cameron Smith (2081/1/1), Dagmar Goss (2082/1/1), Beatrice Dobney (2084/1/1), Ellice Walker (2085/1/1), Una Gault (2087/1/1), Lesley Williamson (2090/1/1), Charlotte Coxon (2091/1/1), Monika Jakiel (2092/1/1), Elizabeth Duncan (2094/1/1), Julie Ann Henderson (2096/1/1), Cleo Hart (2097/1/1), Natalie Campbell (2098/1/1), Gordon Forsyth (2099/1/1), Isabel MacColl (2101/1/1), Stuart James (2102/1/1), Helen Dixon (2103/1/1), JE Allan (2104/1/4), Valerie Weston (2107/1/1), Dawn Mylchreest (2108/1/1), Gillian Karpa (2109/1/1), Jane Charles (2118/1/1), Mr R Craib (2119/1/1), David Sharp (2123/1/1), Scottish Rock Garden Club (2125/1/1), Alan Souter (2126/1/1), Margaret Sharp (2127/1/1), Leon Lumsden (2128/1/1), Morag McCloy (2129/1/1), Angela Innes (2135/1/1), Carol Casburn (2137/1/1), James MacDonald (2138/1/1), Stephen R Scott (2139/1/1), Emma Ritchie (2140/1/1), Leah Horner (2142/1/1), Tracey Willetts (2143/1/1), Iain Ritchie (2144/1/1), Susan Ritchie (2145/1/1), Rebecca Ritchie (2146/1/1), Louisa Thain (2148/1/1), Rev Anne Attenburrow (2149/1/1), June Harris (2150/1/1), George and Isobel Esson (2155/1/1), James Topping (2156/1/1), David Southcombe (2157/1/1), Menita Roberts (2161/1/1), John and Susan Hammond (2163/1/1), Janet E Milne (2170/1/1), Anne Chadwick (2173/1/1), Dr Miriam Brown (2174/1/1), Martin Keith (2182/1/1), Jim Walton (2183/1/1), Michelle Slater (2185/1/1), Scotland's Garden and Landscape Heritage (2193/1/1), Mike Rodda (2194/1/1), Pamela Sutherland (2195/1/1), David Chadwick (2196/1/1), Anne Wibberley (2198/1/1), Amanda Willox (2199/1/1), Allysha Stewart (2200/1/1), Karen McArthur (2202/1/1), Shelagh M Scott (2216/1/1), Penelope Roberts (2218/1/1)

Existing uses should be retained and the designation should be changed to protect the site from development. (In some cases this change is implied based on the objection wording rather than specified).

Duncan Alexander (2136/1/1)

Change boundaries so no land used for growing plants for Biblical Garden is included.

Kenneth Kennedy (2065/1/1)

OPP11 should be given an ENV designation.

Nicholas Chambers (1968/1/1)

Protect Biblical Garden as open space. Wording should be changed to ensure any development in the Walled Garden guarantees the future of training facilities.

Kathryn Darley (2030/1/1), Andy Brown (2033/1/1), Toni McIlwraith (2045/1/1), Heather Hagen (2060/1/1), Frances Wardhaugh (2095/1/1)

The hotel could be located somewhere else, the OPP11 boundary should be moved left or the walled garden should be for an allotment scheme that would allow all the education resources to continue.

David A Stewart (2197/1/1)

Keep learning support area adjacent to the Biblical Garden.

James Richardson (610/3/1), Joshua Willis (2057/1/1), Sarah Macpherson (2110/1/1), Mrs R Cruickshank (2151/1/1)

Designate hotel elsewhere and protect the Walled Garden from development.

Jennifer Reidford (1994/1/1), Grant Croudace (2027/1/1), Alanna Magee (2032/1/1), Charlotte Friston (2061/1/1), Michaela Munro (2067/1/1), Sheila Cochrane (2083/1/1), Jennifer Upson (2093/1/1), Anna Pearson (2141/1/1), Ross Grant (2166/1/1), RR Cook (2179/1/1)

Removal of site implied.

Ian Bremner (2086/1/1)

Site should be allotments.

Summary of responses (including reasons) by planning authority:

Bilbohall Masterplan Area (Sites R1 Bilbohall North, R2 Edgar Road, R3 Bilbohall South, R4 South West of Elgin High School, R5 Bilbohall West, R6 Knockmasting Wood, and R7 The Firs)

The principle of residential development at Bilbohall has been established for some time, with sites R1, R2 and R3 identified for development in the 2000 Local Plan, and site R4 identified in the 2008 Local Plan. Sites R6 and R7 were first identified in the 2015 Local Development Plan. Therefore, these sites have been considered at previous plan examinations. A Masterplan for sites R2, R3, R4, R6 and R7 has been developed and adopted as Supplementary Guidance on the 13 November 2018 following extensive consultation with the public and other stakeholders. The Masterplan was prepared by the Bilbohall Consortium, which comprises the landowners – Scotia Homes (R6 with an option to purchase R4 from the current landowner), Grampian Housing Association (R3) and Moray Council (R2 and R7). The Consortium is now working towards delivery of the Masterplan. Bilbohall is a landscape-led Masterplan that addresses the unique

topography and mature landscape setting of the area. The Proposed Plan identifies site R5 as an expansion to development within this area and it is noted this area is not included within the Masterplan.

Development at Bilbohall has historically been constrained by the ability to create a second access point and for many years the Western Link Road was considered to be a solution to this. The Western Link Road proposal included extension to Edgar Road with a link provided over the railway to Wittet Drive and then onwards to the A96. The primary purpose of the Western Link Road was a distributor road for traffic travelling around and through Elgin but the proposal would also have assisted in creating a second access point to development at Bilbohall. At the Moray Council meeting on 30 March 2016 the funding for the Western Link Road was removed from the Capital Plan thereby cancelling the project. Following on from this the Elgin Transport Strategy was developed to address transport needs in Elgin, including the growth planned in the 2015 Local Development Plan. This includes a new road link between Ashgrove Road and Maisondieu Road. An extension to Edgar Road has been built as part of the replacement of Elgin High School in 2017 aiding creation of second access to Bilbohall and through the Bilbohall Masterplan options for delivering suitable access are explored in more detail.

Sites R2 and R3 are identified in the Council's Strategic Housing Investment Plan with first phases identified in the 2019/2020 period. The level of affordable housing proposed in the Bilbohall Masterplan is 62% of the total development and therefore more akin to the actual need than the 25% requirement stipulated in Scottish Planning Policy (SPP).

Traffic Management and Road Safety

David MacBeath (866/3/1), Keith Anderson (1867/2/1), Carlyne Anderson (1869/2/1), Ian Davidson (1871/2/1), Sheila Cassidy (1872/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Eileen and Andrew Rae (1880/2/1), Rafik Hamdy (1885/2/1), Fiona Osunrinade (1887/2/1), Sofie Wright (1894/2/1), Bernard Cassidy (2176/1/1), Joan Wilcox (2188/1/7), Michelle Mackenzie (2189/1/1), Fiona Davidson (2190/1/1), Katherine Mackintosh and Frank Reid (2191/1/1)

Many of the objections relate to detail within the Bilbohall Masterplan (CD17) and not to the designation requirements or TSP text. The Masterplan is Supplementary Guidance and only the overall concept layout is shown within the Proposed Plan. The detail provided within the Masterplan is not subject to examination.

Strategic Traffic Modelling was undertaken for the Masterplan and this shows that the link capacity of the roads in the vicinity of the development can generally accommodate the increase in the volume of traffic associated with the Bilbohall development. Improvements will be required to the existing bridge over the rail line at Bilbohall Road and to the north. Options for improvements to the bridge and junction to the north seek to address road safety concerns by removing the one-way priority working and the improvements would be required in advance of any further development accessed via Mayne Farm Rail Bridge. The options for improvement which have been assessed include retaining the bridge in its current form with the signalisation of the Bilbohall Road/Mayne Road/Wards Road/Fleurs Road junction. An alternative option proposes removal of the footway on the eastern side of the existing rail bridge to provide a southern carriageway to allow two-way traffic over the bridge with the provision of a separate active travel bridge across the rail line. Initial analysis of junction options has been explored and is presented in the Masterplan (CD17 reference page 67). The Masterplan is Supplementary Guidance and

not subject to examination. Transport Assessments are required within the designation text for sites at Bilbohall including the assessment and mitigation of impacts at various junctions. These will be considered at the planning application stage.

As noted above the Western Link Road's primary purpose was to address the distribution of traffic around and through Elgin, and as such the design of the new sections of road met the standards for a distributor road. The transport proposals within the Bilbohall Masterplan are to address the needs of development only and the Masterplan includes measures to deter through traffic. The preferred design shows the Primary Street does not take a direct route through the development and is to be characterised by development on both sides. Traffic calming measures are also included within the Bilbohall Masterplan (CD17 Section 4.4.11 page 42). The Elgin Transport Strategy was approved in 2017 and aims to address transport needs in Elgin, including growth identified in the 2015 Local Development Plan. The Elgin Transport Strategy includes proposals for a new road link from Ashgrove Road to Maisondieu Road to help address traffic distribution in and around Elgin.

The Elgin Traffic model has been updated using new traffic surveys undertaken in 2018. The traffic model has been developed in accordance with Government's Transport Analysis Guidance and the Design Manual for Roads and Bridges. New traffic model runs are being undertaken to identify any capacity constraints on the road network associated with development in the Proposed Plan. The new model runs also include the preferred route of the A96 Hardmuir to Fochabers dualling announced in December 2018. An assessment based on existing traffic flows on Mayne Farm Road/Bilbohall Road would not take into account the re-routing of traffic due to the developments in the Proposed Plan and as a result of infrastructure proposals such as the A96 dualling.

The level of traffic generated by the proposed development has been determined using TRICs trip generation rates for the AM and PM Peak periods, in line with best practice. The level of parking provision does not equate to the number of vehicle movements during the peak periods.

Within the Masterplan (CD17 section 4.4 page 38) the Bilbohall road network has been designed to discourage through traffic travelling between the south and west of Elgin through a combination of measures which respond to the location rather than apply rigid standards, and prioritises pedestrians over motor vehicles. This is in accord with Scottish Government policy 'Designing Streets', the National Roads Development Guide 2014 (NRDG) and the Council's Supplementary Guidance on Urban Design which promotes good placemaking in which designing natural traffic calming into the development and creating attractive, safe streets is a key component. The detail of proposals will be considered at the planning application and Road Construction Consent stage.

Open spaces including the neighbourhood park and pocket park will be linked via a network of footpaths/cyclepaths and green corridors to encourage people to walk or cycle to these facilities. However, the Masterplan shows a car park is to be provided for visitor parking for the neighbourhood park.

The timing of delivery of TSP3, 4 and 26 will be assessed at the time of a planning application in conjunction with the required Transport Assessment.

Contributions to improvement at TSP30 A941 New Elgin Road/Edgar Road/Linkwood Road and TSP31 A941 New Elgin Road/Station Road/Maisondieu Road are required and

will be sought from the majority of development proposed in Elgin. These junctions are identified in the Elgin Transport Strategy (CD77 page 12) and junction improvements are included within the medium term core package. The Delivery Programme (CD04 page 48) notes the timescales for delivery will be dependent on available funding.

The timing of delivery of TSP27 Edgar Road/The Wards/Glen Moray Drive will be determined at the planning application stage in conjunction with the Transport Assessment.

The designation text requires a Transport Assessment for the sites at Bilbohall.

No modification is proposed.

Impacts on Wildlife

David MacBeath (866/3/1), Carolynne Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Malcolm Wilcox (1879/2/7), Rafik Hamby (1885/2/1), Sofie Wright (1894/2/1), Joan Wilcox (2188/1/7), Michelle Mackenzie (2189/1/1), Fiona Davidson (2190/1/1), Katherine Mackintosh and Frank Reid (2191/1/1)

Requirements for a Phase 1 Habitat Survey are included within the site designation text. Proposals will be assessed at the planning application stage and will require to accord with policy PP1 Placemaking, EP1 Natural Heritage Designations, EP2 Biodiversity and EP5 Open space.

An extended Phase 1 Habitat Survey has been undertaken during the preparation of the Masterplan (CD17 section 1.5.3 page 22) which identified that the predominant grasslands are typically low value to biodiversity and recommends that further surveys for bats, badgers and nesting birds are undertaken at planning application stage. SNH have been involved in the preparation of the Masterplan from the outset and the wildlife corridor proposed along the marshy grassland within the northern section of the 'valley floor' character area which is considered to be better suited to accommodate wildlife than the rear of houses and gardens has been incorporated into the Masterplan. Wildlife friendly measures suggested by the RSPB have been incorporated into the Masterplan. At the planning application stage additional, more detailed measures will be required to accord with EP1 Natural Heritage Designations, Policy EP2 Biodiversity and EP5 Open Space.

No modification is proposed.

Flooding and Infrastructure

Keith Anderson (1867/2/1), Carolynne Anderson (1869/2/1), Ian Davidson (1871/2/1), Sheila Cassidy (1872/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Malcolm Wilcox (1879/2/7), Eileen and Andrew Rae (1880/2/1), Fiona Osunrinade (1887/2/1), Rafik Hamby (1885/2/1), Sofie Wright (1894/2/1), Bernard Cassidy (2176/1/1), Joan Wilcox (2188/1/7), Michelle Mackenzie (2189/1/1), Fiona Davidson (2190/1/1)

The designation text for sites at Bilbohall requires Flood Risk and Drainage Impact Assessments to be completed. A fundamental principle of policy EP12 Management and Enhancement of the Water Environment is that development should not take place if it

would materially increase the possibility of flooding elsewhere.

SEPA's flood map identifies some surface water flooding across the development site which is generally due to low lying areas. Surface water issues will be taken into consideration in the detailed drainage design at the planning application stage.

For the Masterplan technical studies were carried out as part of the preliminary Drainage Strategy and Flood Risk Assessment to assess pre-development and post-development run-off rates and ensure that adequate storage is provided in order that a 1 in 200 year event plus climate change can be contained and managed on-site. This has included an analysis of catchments, discharge rates and volumes. This forms an appendix to the Masterplan.

At this stage the Council's Flood Team are satisfied that surface water from the development can be adequately discharged without causing flooding problems in the immediate vicinity or further downstream. Run-off produced from the proposed development will be dealt with as part of the detailed drainage design which will be assessed at the planning application stage to ensure there will be no increase in flood risk. As with all new developments, the proposed drainage strategy will be subject to detailed scrutiny as standard and will be undertaken in accord with planning policy requirements, and best practice guidelines.

The Masterplan (CD17 section 4.6.1 page 46) sets out that gravity sewers will be used, where possible, to pump foul drainage from the development, but that due to distances involved additional pumping station(s) may be necessary. Scottish Water had no objection to the Masterplan and advised that where network mitigation is identified the upgrade works must be funded and carried out by the developer. Scottish Water are currently undertaking modelling work for Elgin which will provide further detail on any mitigation required to support the development.

Policy PP3 Infrastructure and Services requires development proposals to provide for education, health, transport, sports and recreation and access facilities in accordance with Supplementary Guidance on Developer Obligations. Developer Obligations will be sought to mitigate any measurable adverse impact on local infrastructure. The table on page 152 of the Settlement Statement sets out the infrastructure that is likely to be sought from each site, including those at Bilbohall.

No modification is proposed.

Landscape Impacts and Number of Units Proposed

Keith Anderson (1867/2/1), Eileen and Andrew Rae (1880/2/1)

The Landscape Report titled 'Integration of New Developments into the Landscape' (2005) (CD36) was a high level study to assess the potential effects of new development on the character of the landscape surrounding the five main settlements in Moray, and provide an indication of developable areas. This study informed the Moray Local Plan 2008 and Moray Local Development Plan 2015. A detailed Landscape and Visual Appraisal has been undertaken in the preparation of the Bilbohall Masterplan which correlates with the 2005 study and MLDP2015 Key Design Principles and concluded that a slightly larger developable area in site R3 was possible without detrimentally impacting on the landscape character.

No modification is proposed.

Carolyn Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Fiona Osunrinade (1887/2/1), Fiona Davidson (2190/1/1)

The capacity of the sites within the Bilbohall Masterplan have been informed by detailed landform and topographic surveys, density levels in the surrounding area and a high quality design incorporating existing landscape features. The Masterplan capacities have therefore been used in the Proposed Plan given these have been based on up to date information on the site characteristics and conformity with policy.

No modification is proposed.

Noise Impact and Air Quality

Sofie Wright (1894/2/1), Katherine Mackintosh and Frank Reid (2191/1/1)

Further environmental assessments will take place at the detailed planning application stage to control any environmental impacts associated with the development (e.g. operation times for construction, noise, dust, vibration monitoring, etc.) in line with Policy EP14 Pollution, Contamination and Hazards. The Council's Environmental Health section has been involved in the preparation of the Masterplan from the outset and will be consulted on future planning applications.

No modification is proposed.

R1 Bilbohall North

Michelle Mackenzie (2189/1/1)

There is an existing consent for development of site R1 (06/00232/FUL) and as part of this consent has been implemented the remainder of the consent could potentially come forward (subject to conditions being met).

No modification is proposed.

R3 Bilbohall South

Carolyn Anderson (1869/2/1), Ian Davidson (1871/2/1), Sheila Cassidy (1872/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Malcolm Wilcox (1879/2/7), Eileen and Andrew Rae (1880/2/1), Fiona Osunrinade (1887/2/1), Sofie Wright (1894/2/1), Bernard Cassidy (2176/1/1), Joan Wilcox (2188/1/7), Fiona Davidson (2190/1/1), Katherine Mackintosh and Frank Reid (2191/1/1)

The level of detail sought by the objectors will not be known until a planning application is submitted and is a level of detail beyond what would be expected in the designation text. The Masterplan provides additional detailed guidance and compliance with this will be assessed at the Planning Application stage. Impacts on privacy, daylight, and amenity will be considered against Policy DP1 Development Principles part e).

The timing of planting is a matter for the planning application stage.

To reflect concerns raised during the initial consultation on the preferred option for the draft Masterplan the height of properties within Block E was reduced to single storey and the length of rear gardens decreased to enlarge the buffer strip, which will be planted with trees. A minimum distance of 40m between the rear elevations of properties within Block E and Fairfield Avenue is specified within the Masterplan (CD17 page 37). The Masterplan also requires a minimum 15m wide buffer strip to be planted alongside the existing 10m buffer strip to the rear of Fairfield Avenue together with detail on tree species to ensure an overall maturity height of 10-12m, year-round foliage and coverage at understorey level. It is not considered that the proposed development or planting will restrict sunlight to existing properties given the reduced height of development in Block E, separation distances between rear elevations, and the existing planted buffer strip that currently restricts sunlight to some degree.

It is understood that the existing planted buffer strip is owned by the residents of the Fairfield housing development and therefore, responsibility for the maintenance of this lies with the property owners. Any new planting will be the responsibility of the developer of site R3 and future occupiers.

No modification is proposed.

R5 Bilbohall West

Scotia Homes Ltd (480/5/1)

Scotia Homes Ltd are looking to increase the capacity of site R5 to 91 units. The difference in position relates to what is considered to be developable and the appropriate density to use. In landscape terms the site is located in a sensitive location due to its prominent location above the flood plain to the west and its rising topography. While Mayne Wood does provide an element of a backdrop, significant structural landscaping will be required to contain the site and reduce visual impacts, particularly when viewed from the west. Landscaping will also be required to maintain and enhance the character of the site, to safeguard the avenue of mature trees and establish and enhance the green corridor the site benefits from.

The layout proposed by Scotia Homes Ltd cuts significantly into the slope and whilst landscaping is proposed in site R4 along the highest part of the ridge, the Council consider that the landscaping and open space should be continued down the slopes with the developable area to be on the lower parts of the site. Policy PP1 Placemaking part i) Character and Identity requires development to retain, incorporate or respond to the landscape including topography. The site is considered to be the limit to the extent that Elgin can expand in this location due to the flood plain and woodland. Therefore, in this rural fringe a lower density is more in keeping with the character of the location. The low density used within the Bilbohall Masterplan of 15-25 units/ha (CD17 page 48) is more applicable. It is also noted that part c of Policy DP2 Housing (CD01 Volume 1 page 38) states that capacity figures are indicative only therefore there is an element of flexibility in terms of capacity that can be considered when a planning application is assessed.

The Council does not support an increase in capacity on landscape grounds and considers a lower density on the rural fringe is more appropriate.

No modification is proposed.

R7 The Firs

David MacBeath (866/3/1) Keith Anderson (1867/2/1), Carlyne Anderson (1869/2/1), Ian Davidson (1871/2/1), Peter Long (1874/2/2), Denise Long (1875/2/2), Eileen and Andrew Rae (1880/2/1), Rafik Hamby (1885/2/1), Fiona Osunrinade (1887/2/1), Joan Wilcox (2188/1/7), Fiona Davidson (2190/1/1)

The level of detail being sought will not be available until a planning application is submitted and would be too restrictive to include in the designation text. However, the Masterplan does set out requirements in terms of building height and parking (CD17 43 and 49). The height of development within site R7 The Firs has been reduced from 3-storey in the draft Masterplan to 2-storey in the final Masterplan to reflect concerns raised about overlooking and privacy. Existing properties within R7 and Fairfield Avenue are 2-storey.

The capacity of the site changed between the draft Masterplan and the final Masterplan from 4 to 10 units to allow for a range of redevelopment options such as cottage style flats. As noted above the height of properties is restricted to two storey within the Masterplan. The capacity of the site therefore reflects the capacity in the Masterplan.

No modification is proposed.

R9 Hamilton Drive

William Fitzsimmons (2215/1/1), Alex Gordon (2217/1/1)

This brownfield site was identified in the 2000 Moray Local Plan for redevelopment. The site has therefore been subject to previous examinations. The site is in the process of being sold by Moray Council to a developer. A planning application is anticipated in the coming year and completions are identified in 2019 Housing Land Audit (CD41 page 98).

Drainage and Flood Risk

Many of the issues raised are covered by policy and the designation requirements and would be dealt with when a planning application is received. For example a fundamental principle of policy EP12 Management and Enhancement of the Water Environment is that development should not take place if it would materially increase the possibility of flooding elsewhere. Addressing existing surface water issues is a designation requirement, as well as submission of a Flood Risk and Drainage Impact Assessments.

No modification is proposed.

Access

The access shown within the Hamilton Drive Development Brief (CD26 page 3 and 5) is indicative only and further assessment will be required at the planning application stage to ensure gradient and visibility is addressed as required in the designation text. It is noted that this indicative access is not shown hard up to the boundary with 13 Hamilton Drive and building is shown between 13 and the indicative access. Positioning of the access would need to take cognisance of the location of existing driveways. It is also a designation requirement to retain access to existing buildings to the south east of the site

(i.e. the Child Protection Unit).

No modification is proposed.

Layout and Design

The designation requirements seek to maintain a uniform building line and height along the Hamilton Drive frontage. To reflect the diversity and individual house styles along Hamilton Drive the designation requires bespoke individual designs and repetition along the Hamilton Drive frontage must be avoided. Retention of existing stone boundary wall is a designation requirement.

No modification is proposed.

Maintenance and Impacts on Neighbouring Property

Issues regarding impacts from the removal of the concrete pad and construction of the site will require to be considered within a Construction Management Plan. Any existing burdens on the land including maintenance of walls and hedges are legal issues and not planning matters.

No modification is proposed.

R11 Findrassie

Woodland Trust Scotland (1818/2/6), Jenny Benson (2115/1/1)

This is a longstanding designation with growth in this area first identified in the 2008 Moray Local Plan when the area was identified as LONG. The site was then designated as a residential/housing site in the 2015 Moray Local Development Plan. It is also noted that a Masterplan, which was widely consulted on, has been prepared and adopted as Supplementary Guidance to the plan (CD20). Planning Permission in Principle has also been approved for the first phases of the R11 Findrassie site, subject to completion of a section 75 agreement.

The baseline for calculating housing need and demand in Moray is set out within the Housing Needs and Demand Assessment 2017 (CD45). This identifies the need and demand for 304 units to be delivered per annum, with a particular need in the first 5 years of the plan for 423 units per annum.

Through policy PP3 Infrastructure and Services the impact on services, including schools, health services and sports and recreational will require to be taken into account and mitigated where necessary.

R11 is primarily improved grassland with limited potential to support local wildlife. Proposals within the Masterplan and Planning Permission in Principle include mitigation measures to protect the water environment and wildlife that depend on it. The Masterplan creates opportunities to provide a green corridor that aids habitat creation and biodiversity enhancement. The Masterplan respects the existing site features, including the pond referred to. This is in line with policy EP2 Biodiversity and EP5 Open Space.

Where mature trees exist bordering a site it is a policy requirement within EP7 Forestry,

Woodland, and Trees part c) for a tree survey, and tree protection and mitigation plan to be submitted with a planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This does not require to be written into the designation as this is covered within policy.

No modification is proposed.

R14 South Lesmurdie

Norman Birch (1611/4/1)

Development of this site is conditional upon improved play/open space being provided as stated within the designation text. The site constraints are acknowledged within the designation text, including flood risk and pipelines. The constrained areas offer an opportunity to create a higher quality and more attractive space that benefits the neighbourhood and nature. Given the constraints on the site a low capacity is proposed of up to 15 houses only. Policy PP3 Infrastructure and Services and DP1 Development Principles will require developers to consider the impact of development on the safety and efficiency of the existing roads/transport network and provide appropriate mitigation/modification where required. A Transport Statement is also required as stated within the designation text. Impact on views is not a material planning consideration.

No modification is proposed.

R16 Barmuckity/ I7 Barmuckity Business Park

Wayne Miles (1858/3/1)

The Spatial Strategy focuses growth on the primary growth area of Elgin in recognition of Elgin's role as the regional centre and focus of demand. The growth strategy for other towns is based on their role within the spatial strategy which reflects population size, access to services and jobs and development pressure. Equally spreading development across all towns would not be reflective of demand, access to services and jobs and would be disproportionate to the size of some settlements.

It is noted that the most easterly part of I7 has planning consent for construction of the road network, with consent also granted for a hotel, petrol filling station, self storage units and start up industrial units. This site is critical to the supply of employment land in Elgin and is one of only a few sites that are immediately available in Moray.

A buffer of trees and shrubs around the existing residential properties is either included within the "Barmuckity Business Park Strategic Framework" on page 153 to 156 of CD02 Volume 2 or within the Key Design Principles for site R16 (CD02 figure 1.4 on page 116 of Volume 2 Settlement Statements) to mitigate impacts on amenity and privacy. This is also considered in Policy DP1 Development Principles part e). Impacts on views are not a material planning consideration.

There is a designation requirement for an archaeological evaluation of the site. It is likely that this would be conditioned within planning consent and would require to be completed prior to the commencement of development. The wording of any condition would be prepared in consultation with the Regional Archaeologist. The Regional Archaeologist has no objection to the site designation.

No modification proposed.

R19 Easter Linkwood and Linkwood

Woodland Trust Scotland (1818/2/7)

Policy EP7 Forestry, Woodlands and Trees does not support removal of woodland that is identified in the Ancient Woodland Inventory. Therefore a specific requirement within the designation is not necessary as this is covered by policy. There is a requirement within the designation to comply with the Elgin South Masterplan (CD19), this includes retaining established tree belts and mature specimen trees and setting development back from these. This includes the line of trees along Linkwood Road that are within the Ancient Woodland Inventory (CD19 page 29 and page 32 of Elgin South Masterplan). Compliance with the Masterplan is a designation requirement.

No modification is proposed.

R22 Spynie Hospital

Impacts on amenity, privacy, sunlight and wildlife

Kelvin Hirst (1999/1/1), Iain Bufton (2172/1/1), Gillian Mackay (2187/1/1)

This is a brownfield site that was previously used as a Hospital and is identified as an OPP site in the current Local Development Plan. The hospital buildings have now been demolished and the site is available for development. The most northerly part of the site to the west of Spynie Dental Centre is designated in the current Local Development Plan as part of site R5 Spynie Hospital North (LDP2015 reference). This has not been developed with the rest of the R5 Spynie Hospital North site as this was not in the ownership of the developer. Whilst this area was not included in the planning application for the existing housing this did form part of a housing designation with the intention that this be developed. There was no indication within the planning application or site designation that this area would be left as undeveloped open space. This area has now been incorporated into R22 Spynie Hospital as this better reflects NHS Grampian's ownership.

A buffer between the existing housing and development of R22 Spynie Hospital is not required. Policy DP1 Development Principles part e) states that "Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity." Therefore, impacts of development on existing development will be considered at the planning application stage. It is considered that housing with rear gardens backing onto the existing housing would be reflective of the setting within the town and policy requirements will ensure proposals do not adversely impact on neighbouring properties amenity, daylight or privacy. Requiring a buffer would unreasonably constrain the layout and design of the site.

There is a requirement within the designation for bat, squirrel and tree surveys to be prepared. These along with the requirements of policy EP1 Natural Heritage Designations and policy EP7 Forestry, Woodland and Trees would be considered at the planning application stage. Other policies that will apply are EP2 Biodiversity which aims to deliver biodiversity enhancement by creating networks of high quality greenspaces and

EP5 Open Space which aims to ensure new development incorporates accessible multifunctional open space. Therefore impacts on wildlife and trees will be taken into account at the planning application stage.

Impact on property value is not a material planning consideration.

No modification is proposed.

Road Safety, Layout and Design and Contamination

Gillian Mackay (2187/1/1)

A Transport Assessment is required by the designation text and this will address access and visibility requirements. Policy DP1 Development Principles section ii) Transportation requires proposals to have safe entry and exit from the development site including ensuring appropriate visibility at junctions and to address any impact on road safety and the local road network. The Transport Assessment and policy requirements will be considered in detail at the application stage. It is noted that the two existing access points to the site are within the 30mph limit. Speed limits are set in accordance with Scottish Government guidance and should be self-enforcing. The guidelines would not support an extension of the 30 mph further to the north. Parking will be provided in line with the Parking Standards in Appendix 2 of Volume 1 and therefore will not add to any existing on street parking problems.

In addition to consideration of the policy requirements the proposal will be subject to a Quality Audit to assess design and placemaking. There is a requirement within Policy DP2 Housing part f) for 10% of private sector housing to be single storey accessible units. Requiring this across the whole site would not create a mix of house types and would unreasonably constrain the design and layout of the site. It is noted that the Care Home has not made a representation to the Proposed Plan.

Given the demolition on site and former uses if the Reporter is so minded the Council would support a requirement for a Contamination Assessment. The following wording is recommended "Given the site's former use a Contamination Assessment is required."

Site Capacity

NHS Grampian (300/6/4)

There is some scope to increase the site capacity; however the capacity proposed by NHS Grampian is not reflective of the site constraints and policy requirements. If greater than 50 units are proposed 20% of the site must be open space in line with Policy EP5 Open Space. Consideration also needs to be given to maintaining the woodland character and providing buffers to existing trees within and on the site boundary. Addressing surface water sustainably and above ground as required by Policy EP12 Management and Enhancement of the Water Environment also needs to be taken into account. Maintaining access to the Care Home and dentists also restricts the layout of the site. Taking the site size of 2.85 ha, reducing this by 20% for open space and 5% for the other constraints this gives an estimated developable area of 2.14ha. Applying a medium density of 30 houses per hectares would give an indicative capacity of 65 units.

If the Reporter is so minded the Council would not object to increasing the site capacity

from 50 units to 65 units.

LONG 2 Elgin South

Woodland Trust Scotland (1818/2/5)

Where mature trees exist bordering a site it is a policy requirement within EP7 Forestry, Woodland, and Trees part c) for a tree survey, and tree protection and mitigation plan to be submitted with the planning application, if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

No modification is proposed.

Not Taken Forward – EL4 Hattonhill

Oldmills Farm Partnership (2214/2/2)

The site at Hattonhill was identified for residential development in the 2008 Local Plan and the 2015 Local Development Plan. The site was historically constrained by the Western Link Road proposal, which crossed through the site. Access to the Western Link Road was considered to be the most feasible way of achieving a satisfactory access to the site due to the visibility constraints of access onto Bruceland Road and the suitability of roads in the vicinity for increased traffic. The primary purpose of the Western Link Road was a distributor road for traffic travelling around and through Elgin but the proposal would also have assisted in creating access to the Hattonhill site. At the Moray Council meeting on 30 March 2016 the funding for the Western Link Road was removed from the Capital Plan thereby cancelling the project.

The site is particularly steeply sloping to the north east with gentler gradients to the west and is highly visible from the A96. Landscape studies considered the site to only be appropriate for limited development provided landscape mitigation measures were undertaken. The landscape study (CD35 page 22) recommended that development is concentrated in the more gently sloping and less visible western part of the site. On the more steeply sloping eastern part of the site development should be widely spaced with woodland planted to filter views from the A96. It is noted that the more westerly part of the site is within the middle consultation zone for a major hazardous installation which may restrict the densities that could be achieved in this area. The landscape requirements and other constraints mean development density requires to be low to achieve this character and avoid obtrusive cuttings/embankments. This character would not be achieved by developing 28 units and the indicative layout proposed does not reflect the landscape study.

The information submitted does not confirm the suitability and deliverability of access to the site. The deliverability of adequate junction spacing (when taking account of the distillery junction and HGV traffic), visibility onto Bruceland Road (taking into account larger spacing from the distillery third party land may be required), and provision of adequate footways and crossing opportunities has not been established.

Whilst the principle of development has been established in previous Local Development Plans the deliverability of access and a low density development which enhances the landscape is unlikely to be achievable. The site is considered to be constrained for

development and it is considered unlikely that these issues will be overcome in the foreseeable future. The Proposed Plan does not designate the site and this is “whiteland” with the potential for development to come forward and be considered through the planning application process. Any development proposals would be assessed against Policy DP1 Development Principles and other plan policies.

There is no requirement for the identification of additional land for housing within the Elgin Market Area. Sufficient land has been identified to meet requirements; this includes 30% generosity built into the housing land requirements. There are also significant areas of LONG that form a reserve that is reviewed annually through the Housing Land Audit.

No modification is proposed.

Not Taken Forward - EL5 Oldmills Road (ENV6 in Proposed Plan)

Oldmills Farm Partnership (2214/2/1)

The site and reduced site forms part of the core green corridor which connects through central Elgin from west to east. This corridor contributes greatly to the character and amenity of Elgin and supports biodiversity. This core corridor is made up of different elements and functions (e.g. farmland, woodland, cycleway, pitches) and these combine to provide an important green core to Elgin that is designated ENV. The proposal is not supported as it would detract and have adverse impacts on the character and setting of the central green corridor through Elgin. Development, even smaller proposals, are not supported as they would start to erode the core green corridor in a potentially piecemeal fashion.

The deliverability of access has not been established. The deliverability of visibility splays (with regard to third party land) and required road upgrades (passing places/road widening, footway provision and junction improvements) has not been established. It is also noted that existing pedestrian/cycle provision is not a continuous network with significant missing links to provide routes to schools and local services. The ability to deliver a continuous network has not been established.

There is no requirement for the identification of additional land for housing within the Elgin Market Area. Sufficient land has been identified to meet requirements; this includes 30% generosity built into the housing land requirements. There are also significant areas of LONG that form a reserve that is reviewed annually through the Housing Land Audit.

No modification is proposed.

Not Taken Forward – EL16 Bain Avenue (ENV2 and 3 in Proposed Plan)

Springfield Properties plc (10/13/10), Fiona Duncan (1826/2/2), Gillian Mackay (2187/1/2)

This area of open space, identified as ENV 2 and 3 in the Proposed Plan, was to provide a high quality village green that would provide a key open space for the wider area. However, due to the poor condition and functionality of the open space this fails to provide the neighbourhood with a high quality open space. Whilst the issues of quality and functionality of the open space have been brought to the attention of the developer the only solution tabled has been a further reduction of the quantity of open space.

It is noted that the site was not “preferred” at the MIR stage, however it was indicated that a reduced site compared to that submitted by Springfield Properties plc would be explored but that this would be conditional on delivery of a higher quality open space that has a clear function. In response to the MIR Springfield Properties plc submitted a proposal for 26 units (CD32) that would result in a significant area of open space being lost without any meaningful improvement to the open space being proposed. The only new elements appeared to be some additional tree planting. It is noted that compensatory planting due to the loss of woodland from consented development at Waulkmill has been planted at Bain Avenue. It is noted that the development of affordable housing at Waulkmill has also led to a reduction in open space within the area which makes the role of the site at Bain Avenue more important. It is not considered that the improvements to the open space justify the loss of open space and additional housing. The number of units proposed is considered to be excessive and would result in a significant loss of open space which is not justified.

SEPA raised flood risk concerns at the MIR stage noting that the site is affected by surface water and there was potential for development to increase flood risk elsewhere. SEPA advised that proposals for development would require to be accompanied by a Flood Risk Assessment. SNH noted that given the ENV status development of the site would be unlikely to be compatible with policy due to the loss of green space.

The original designation for the wider development at Bain Avenue was for 390 houses in the Moray Local Plan 2000 as site R12 Linkwood East (CD33 extract of Moray Local Plan 2000). To date 451 units have been built on this site plus 37 units on the consented R18 Linkwood Steading (Proposed Plan reference) which originally formed part of the 2000 R12 Linkwood East designation. Therefore, the area has been developed well beyond the original envisaged capacity. Whilst not applicable in the 2000 Local Plan the current LDP and Proposed Plan policy on open space would seek 30% of the designation to be open space. This standard would not be achieved within the original Local Plan 2000 R12 Linkwood East designation. The proposed area to be developed would further erode what open space is available. Taking into account the guidance on page 10 of the Moray Open Space Strategy 2018 (CD24) it is considered that development of the ENV would be an unacceptable loss of open space. Whilst there is potential for the quality of the remaining open space to be improved as a requirement of any development the proposals put forward at the MIR stage by the developer did not show any meaningful improvement to justify the loss of open space or the level of housing being sought. Whilst there are other areas of open space in the locality these are not of high quality and in some cases are less accessible being the other side of Reiket Lane or the railway. It is also noted that no play area was provided as part of the consent at R18 Linkwood Steading as access to the play area on Bain Avenue was provided. Therefore, the area is an important open space within the locality performing a function for the wider neighbourhood. The site should perform the role of a Neighbourhood Park and a reduction in size with no meaningful improvements in quality and function would diminish this role and reduce recreational opportunities. The surface water issues identified not only have the potential to impact on any housing proposed but could also limit the functionality of the open space.

Within the Proposed Plan there are significant areas of land for housing designated that the need for affordable housing can be met upon those sites and there is no justification for the loss of open space. It is also noted that the site is not included within the Council's Strategic Housing Investment Plan. There is no requirement for the identification of

additional land for housing within the Elgin Market Area. Sufficient land has been identified to meet requirements; this includes 30% generosity built into the housing land requirements. There are also significant areas of LONG that form a reserve that is reviewed annually through the Housing Land Audit.

There is currently a planning application under consideration on this site.

No modification is proposed.

I5 Pinefield Industrial Estate /ENV4 Pinefield

New Elgin JFC (2124/1/1)

The Proposed Plan identifies a small extension to the I5 Pinefield Industrial Estate which results in a reduction of ENV open space compared to the current Local Development Plan. The proposal does not include the pitch area but part of the amenity land around the pitches. The proposal would not impact on the primary function of the open space for sports. Removal of this area would have limited impact on the quality of the site and boundary landscaping and planting could potentially enhance quality. Access to open space and pitches would not be impacted on and the I5 extension would not impact on access from Ashgrove Road. The proposal would reduce the quantity of open space by 0.18ha; a reduction of this scale would not impact on the quantity guidelines within the Moray Open Space Strategy Supplementary Guidance (CD24 page 8) or reduce the number of playing fields. It is considered that the economic benefits of supporting the expansion of a well-established business outweigh the small loss of open space.

It is noted that there is currently a planning application for allotments being considered on the ENV adjacent to the pitches. The respondent has submitted comments to this application which will be considered through the Development Management process.

No modification is proposed.

I6 Linkwood East

Jack Brown (1012/2/2)

Whilst a mix of uses has been encouraged on part of Barmuckity, this has been to support the viability of the site and the majority of the site is safeguarded for uses classes 4, 5 and 6 only. The site at I6 Linkwood East is not of the same scale and to date has not delivered any class 4, 5 or 6 development which was the purpose of this site designation. As stated the only development that has been delivered is drive through units, a furniture showroom and there is now consent for a car show room. It is reasonable that the remaining land is reserved for the intended use of the site i.e. employment creating activities. No justification has been provided in terms of site viability that a greater mix of uses is required in order to deliver employment land.

There is a history of poor access to industrial sites in Elgin (single access) with subsequent problems for businesses and road users. Connection to I1 is required in order to satisfy policy compliance with Policy DP1 Development Principles part (ii) Transportation (maximise connections) and Designing Streets (CD54 page 21/22). This approach is also consistent with (SCOTS) National Road Development Guide which considers connections to wider networks and connections within places on page 32/33

(CD75). The requirement is for proposals to address/safeguard the potential to achieve access between sites I1 and I6 rather than deliver this. The requirement to connect to the cycle path takes cognisance of new infrastructure that has been provided since adoption of the current Local Development Plan. Connection to this will maximise connections for all users to the site in line with the policies above. Providing access to the cycle path will enhance opportunities for active travel and is not considered to be an unreasonable cost given the types of development proposed and permitted (i.e. for visiting members of the public). The requirement to safeguard the potential to create access between sites and for access to be created to the cycle path should be retained.

It is noted that whilst the site will be protected by the Elgin Flood Alleviation Scheme there remains a residual flood risk to the site from the Tyock and Linkwood burns. It is therefore still appropriate to request a Flood Risk Assessment.

The Council's Flood Team have advised that they do not have a written record of any agreement regarding construction within 6m of the flood embankment however it is acknowledged that discussions may have taken place during the construction of the Flood Alleviation Scheme. Any development of structures including buildings and walls would not be permitted within 6m of the flood embankment as they would restrict access. Whilst car parking or roads may be compatible with the embankment the design of these would have to be supported by evidence that the embankments stability was not compromised by development. Therefore, they could only ever be supported as a departure from the designation requirement.

No modification is proposed.

I16 and LONG 3 Burnside of Birnie

David Mackay (1549/2/1), Alex and Rachel McClure (1747/2/2), Strathdee Properties Ltd (1798/3/5), Elgin Community Council (1832/3/2), Charles William Hill (2192/1/1)

The support for business and industrial uses on the site from the landowner, Strathdee Properties Ltd, of site I16 is noted, as is the commitment to delivery of the Key Design Principles.

Need for Industrial Land

There is a need to identify additional employment land within the Elgin Market Area. The greatest demand is likely to be within Elgin itself. Opportunities to identify additional land in and around Elgin are restricted due to flood risk, environmental designations and landscape constraints. This has led to the identification of the area at Burnside of Birnie as the main opportunity for new employment use in Elgin.

A topic paper in respect of employment land was prepared at the MIR stage (CD29). This outlined the demand for employment uses, set out how the employment land requirements were calculated and discussed some of the issues surrounding delivery of employment land.

From historic demand studies, build out rates recorded in the Employment Land Audit and the general rule of thumb discussed with Highlands Islands Enterprise, Moray Council Estates and Business Gateway the annual requirement for employment land is considered to be 10-12 acres per year. This is split by Market Area with the Elgin Market

Area likely to experience the greatest demand. Within the Elgin Market Area the annual requirement is identified as 7acres/2.8 ha. Considering the existing supply (based on 2017 Employment Land Audit CD43), it was projected that in the Elgin Market Area there would be 12.7 years supply in 2020 of Use Class 4 Business, Class 5 Industrial and Class 6 Storage and Distribution. However, it was projected that of this there would only be 6.8 years supply of Use Class 5 General Industrial. The employment land requirement is calculated to allow 10 years beyond adoption of the Plan. However, as the Scottish planning system moves towards a 10 year replacement period for Local Development Plans, it is proposed to ensure that a 5 year effective land supply is available at 2030, or can be brought forward from an identified strategic reserve through appropriate phasing or triggers. This also provides greater certainty to landowners and developers. This means a minimum of 23ha of additional general industrial land (some of which could be LONG) would need to be identified in the Elgin Market Area.

Given the greatest demand is likely to be in Elgin various sites were explored to meet this requirement. This included land to the east of I7 Barmuckity, however this was not taken forward due to the extent of flood risk which severely limited the developable area. To the north of Elgin land to the north of I8 Newfield was considered but this was not considered appropriate for extensive industrial use due to the sloping landscape, proximity to Spynie Loch SPA/RAMSAR/SSSI and access restrictions. An area has however been identified for Class 4 Business (MU2 Lossiemouth Road). Land to the west of Elgin is restricted due to the extensive woodland, parts of which are Quarry Wood SSSI and flood risk from the River Lossie. To the east of Elgin land is constrained by flood risk from the River Lossie but also the topography on the Calcots Road east of Lesmurdie is not appropriate in landscape terms.

At Burnside of Birnie the LONG 2 Elgin South designation bounds the I16 site to the south with potential for vehicle and pedestrian access. Therefore, whilst at present the site appears remote from Elgin, through the Development Plan development is proposed up to the site edge. In terms of landscape the site is enclosed by woodland. The site is also accessible to and from the A941 - a key transport route.

Within the Elgin Market Area new sites were identified in the Proposed Plan as follows

Site Reference	General Industrial (Ha)	Class 4/Mixed use (ha)	LONG (ha)	Comments
I16 Burnside of Birnie	15 ha general industrial	5.5ha mixed use		
LONG 3 Burnside of Birnie			15ha LONG	
MU2 Lossiemouth Road (NE)		5ha Class 4		
MULONG 1 South of A96 Bypass Mosstodloch			8ha LONG	
I3 West of Mosstodloch	2ha general industrial			Site is 10ha but 8ha of this has been

				reallocated from the MU LONG1 site which is designated I3 in the 2015 Local Development Plan.
LONG 2 West of Mosstodloch			20ha LONG	Extension to I3 West of Mosstodloch
I1 Forsyth Street Hopeman	0.23ha general industrial			

Therefore, in the Elgin Market Area the Proposed Plan identifies a total of 17.23ha of general industrial land, 5ha restricted to Class 4 and a further 5.5ha for a greater mix of uses (Class 4,5,6,7 and 11). 43ha has been identified as LONG with the potential for parts of this being brought forward if required. The large areas of LONG were partly identified in recognition that some sites may be impacted by the preferred A96 dualling route and there was a potential need to draw land down.

Given the constraints identified around Elgin and the difficulty identifying new sites the site at Burnside of Birnie is considered critical to the supply of employment land in the future. Whilst the LONG area could be removed, with reliance then placed on LONG 2 West of Mosstodloch, it is extremely likely that in future local development plans the land at Burnside of Birnie will require to be considered as the greatest demand will be in Elgin itself. Therefore, continuing to identify the area as LONG is more transparent and provides greater certainty.

Preferred A96 Dualling Route

The timing of the publication of the Preferred A96 Dualling Route (CD74 map 4 of 6) on the 4th December did not allow for the full implications of the route to be considered in the Proposed Plan which was agreed for consultation by the Planning and Regulatory Services Committee on the 18th December 2018.

The Preferred A96 Dualling Route will sever the I16 designation and impact on the very eastern parts of LONG3. It is therefore recognised that this has implications for the designations as set out in the Proposed Plan.

Whilst the A96 dualling could be used to define the settlement edge with no development beyond it, this would significantly restrict the availability of employment land in Elgin. Additional land would require to be released at Mosstodloch to meet requirements but it is recognised that the greatest demand will be in Elgin itself. Analysis of the potential impacts of the A96 dualling and other constraints (flood risk and high pressure gas main) suggest that around 9ha could be developed to the north of the A96 dualling and 24ha to the south. Therefore, the sites continue to have the potential to contribute significantly to the employment land supply in Elgin. It is unrealistic to constrain development to the north of the A96 dualling only as in the longer term land to the south of the A96 is likely to be required given the constraints around Elgin. It is also anticipated that the new A96 junction and access to the A941 will make the land at Burnside of Birnie more desirable for employment use.

It is accepted however that redefining the I16 and LONG3 boundaries to take account of

the preferred A96 dualling route is appropriate.

The Main Issues Report was published in January 2018 which identified the sites as a potential location for employment uses. The Council has had discussions with Transport Scotland about the implications of the various route options on sites being considered at the MIR stage. Therefore, the position at Burnside of Birnie was known by Transport Scotland prior to the publication of the preferred A96 dualling route. It is also noted that whilst a preferred route for the A96 has been identified the design of this has not been finalised. There is therefore potential for changes to aspects such as junction layout, SUDS position etc.

If the Reporter is so minded the Council would support amending the designation so land to the north of the A96 dualling is identified as I16 and land to the south of the A96 dualling is identified as LONG3. This effectively moves some of I16 into the LONG 3. Revised design principles have been prepared (CD08) to reflect the A96 dualling route. To account for the loss of 6 ha from the I16 site due to the A96 routing land currently designated LONG 2 at West Mosstodloch will be added to the I3 site West of Mosstodloch to account for the shortfall in supply.

Site Constraints

The site constraints are acknowledged within the designation text and Key Design Principles for the site. Despite these constraints as noted above it is considered that the site has significant potential to contribute to the employment land supply. When considering the implications of the gas pipeline the outer consultation zone of 70 -85m has been used when considering the developable area. Although some development or parking may be acceptable in the outer and middle consultation zone depending on the use and levels of occupation proposed.

Due to the flood risk and high pressure gas main that crosses the site there is a requirement for significant areas of the site to remain undeveloped. The Key Design Principles require the watercourse corridor and gas pipeline corridor to be managed positively for flood risk, biodiversity, recreation and access. These areas will connect to the green corridors within the Elgin South Masterplan area (CD19) to ensure that a well-connected system of green infrastructure is provided for both people and nature. In addition to this there will be a requirement for a green corridor along the edge of the A941 to filter views to the industrial uses and reinforcement of the woodland edges to ensure the woodland provides a backdrop to development.

The requirement for a Flood Risk Assessment is detailed within the site designation. Areas at risk from flooding require to tie into the natural surroundings and be made a feature of development. This will be explored in more detail through the preparation of a Development Framework for the site. A fundamental principle of policy EP12 Management and Enhancement of the Water Environment is that 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.

A Development Framework is required for the sites to ensure a placemaking approach to the overall area is taken. This will include a framework for the range of site uses, site landscaping and open space details and high level design requirements. There will be a requirement for a green corridor along the edge of the A941 to filter views to the industrial uses. Creation of a “gateway” into Elgin will also be required. Mitigation will be required

adjacent to existing housing to minimise impacts on residential amenity. This will likely be in the form of planted landscape buffers. Whilst the overall site is large this does not represent the developable area and significant areas of the site will be managed positively for flood risk, biodiversity, recreation and access.

Revised Key Design Principles have been prepared to reflect the A96 dualling route (CD74 map 4 of 6). If the Reporter was so minded the Council would support updating these within the Plan.

Impact on Residential Properties

There are three residential properties surrounded by/adjacent to I16/LONG3, Burnside of Birnie, Blossombank and Brackairlie. It is recognised in the Key Design Principles that impacts on the amenity of existing residential properties must be considered and where necessary mitigated. Planted buffers to residential development must be provided. The depth of these has not been specified as this will be dependent on the type of use proposed adjacent to the housing i.e. greater depth for uses likely to have greater impacts on amenity. This issue will be explored through the Development Framework which will consider the range of uses, landscaping and open space requirement and design requirements. Noise and air quality emissions would require further detailed assessment at planning application stage. Policy EP14 Pollution, Contamination and Hazards would apply. The Development Framework would consider the range of potential uses across this site and this would explore if a restriction on the type of uses is required adjacent to housing. Any claims for compensation with Transport Scotland are a separate matter and not relevant for planning purposes.

Impacts on property value and view are not material planning considerations.

The A96 dualling will impact on the eastern portion of the sites which combined with other constraints such as flood risk and buffers to residential property limits the developable area where a greater mix of uses is currently proposed at LONG3. Taking this into account the Revised Key Design Principles no longer show a mix of uses in this area of LONG3 with this area predominantly reserved for landscaping and access with the potential for a small area of Class 4 Business. This will also minimise impacts on residential property including from 24hr operation and also help to create a green corridor between Birkenhill Wood, Wood of Level and the landscaping/open space within the development. The A96 dualling and the area reserved for Class 4 Business only mean the designation text for I16 regarding a greater mix of uses being supported across 5.5ha will require to be amended to 5 ha.

If the Reporter is so minded the Council would support updating the Key Design Principles with the revised version submitted (CD08).

Access

It is acknowledged that part of I16 will be severed and if the Reporter is so minded the Council would support the area to the south of the A96 dualling being added to the LONG 3 designation as discussed above. Also the wording within bullet point 9 of I16 and bullet point 11 of LONG 3 will require to be amended to remove the requirement for vehicular connections between the sites. As the amendment proposed would mean I16 will solely be to the north of the A96 dualling, the wording in bullet point 9 of I16 would also require to remove reference to using the existing access to Burnside of Birnie.

Access to LONG 3 would potentially be taken from the A941. Until the design of the junction for the A96 dualling is finalised it is difficult to specify if this will be a shared or access solely to LONG 3. Therefore, the implications for road safety would require to be considered when finalised drawings are available. As a LONG site development is likely to be constrained until the next Local Development Plan when the finalised A96 dualling design can be taken into account within designation wording. Revised Key Design Principles have therefore shown an indicative access.

The Council has had discussions with Transport Scotland about the implications of the preferred route and therefore the designations at Burnside of Birnie are known to Transport Scotland.

Landscaping Quality

The quality and quantity of planting on existing development sites has been very varied with some areas taking a very long time to establish. Within the Introduction to the Settlement Statements landscaping definitions are provided to provide clearer guidance on the requirements however this does not specify the standard of trees that will be sought. As part c) of PP1 Placemaking does not apply to industrial/employment sites it is considered that the designation text could be clearer on the standard of trees that will be sought, particularly along the A941 where heavy standard trees would help to establish landscaping early on and create a distinct gateway to Elgin. It would be anticipated that the woodland planting around the edge, would be structure planting of a woodland type destiny reflecting the woodland pattern in the area. This woodland planting is to reinforce the backdrop to development to ensure that when commercial woodland is felled that development will continue to have an appropriate setting.

If the Reporter was so minded the Council would not object to additional wording to provide greater clarity on standard of trees to be used in landscaping. Revised wording is shown within the updated Key Design Principles (CD08).

Settlement Boundary

The comment regarding the settlement boundary is noted. Normally the settlement boundary does not include LONG designations, although in Elgin in order to protect key woodlands as ENV the LONG 2 is included within the settlement boundary. If the Reporter is so minded the Council would support including the properties at Burnside of Birnie and Blossombank within the Settlement Boundary (i.e. the buildings and curtilage currently outwith the I13 and LONG 2 site boundaries).

Summary Burnside of Birnie (I16/LONG3)

In summary if the Reporter is so minded the Council would support the following changes to the I16 and LONG 3 designations at Burnside of Birnie

- Amendment to the designation boundaries so land to the north of the A96 dualling is identified as I16 and land to the south of the A96 dualling is identified as LONG3.
- Amend text for I16 bullet point 4 to "A greater mix of uses is supported across **5ha**

of the site:...”

- The wording within bullet point 9 of I16 amended to “New junction on A941 required, see TSP23. Links through to the Elgin South Masterplan area to be provided. To create a second access onto the A941 careful consideration must be given to junction spacing.”
- Text within Revised Key Design Principles updated to “A landscaped corridor of minimum 15m **width planted with heavy standard trees**, must be...” and “Woodland **structure** planting...”
- Remove area for a mix of uses in the eastern part of LONG3 and reserve this for Class 4 Business only, along with showing enhanced landscape buffering around residential properties (see Revised Key Design Principles CD08).
- Amend bullet point 11 of LONG 3 to “New junction on A941 required (TSP24).”
- Text for LONG3 amended bullet point 2 to “A landscaped corridor of **minimum 15m width planted with heavy standard trees**, must be provided along the A941 to filter views” and bullet point 3 amended to “Woodland **structure** planting...”
- Revised Key Design Principles have been prepared to reflect the A96 dualling route and the changes above (CD08).
- Include the properties at Burnside of Birnie and Blossombank within the Elgin Settlement Boundary.
- To account for the loss of 6 ha from the I16 due to the A96 routing land currently designated LONG 2 at West Mosstodloch will be added to the I3 site West of Mosstodloch.

MU1 Riverview

Woodland Trust Scotland (1818/2/8)

Where mature trees exist bordering a site it is a policy requirement within policy EP7 Forestry, Woodland and Trees part c) for a tree survey, and tree protection and mitigation plan to be submitted with a planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

No modification is proposed.

OPP5 Elgin Auction Mart

Suitable Uses

ANM Group Ltd (868/4/1)

The Suitable Uses listed are considered to be those most compatible in terms of the surrounding area and historic use. The preferred location for retail and leisure uses is in

the town centre in line with town centre first policy in Scottish Planning Policy (CD53 para 60 page 18). It is not considered appropriate to include leisure and retail uses within the suitable uses as the site would only be considered suitable for these uses if they were sequentially preferable and did not have an unacceptable impact on the network of town centre in terms of policy DP7 Retail/Town Centres. However, OPP sites are flexible in terms of the uses that are supported and policy DP6 Mixed Use (MU) and Opportunity Sites (OPP) states that proposals will be considered favourably where they are compatible with surrounding uses.

No modification is proposed.

Open Space and Landscaping Requirements

ANM Group Ltd (868/4/1)

The open space and landscaping requirements are not considered to be unduly restrictive and the landscaping requirements are to ensure the amenity of residential neighbours. It is noted the landscaping and public access requirements were issues raised previously by neighbours through examination and are requirements within the current designation.

No modification is proposed.

Traffic, Roads and Connections

ANM Group Ltd (868/4/1), David Bailey (885/2/1)

Improvements to pedestrian and cycle access on Linkwood Road are a requirement set out in the designation text. Traffic impacts and required mitigation will be assessed at the planning application stage and as noted in the allocation text a Transport Assessment will be required. The assessment will consider impact on the safety and efficiency of the transport network and identify any appropriate mitigation/modification required. Proposals will also be assessed against policy PP1 Placemaking and DP1 Development Principles part iii) Transportation.

Permeability is a key requirement for the design and layout of proposals. This is in line with policy PP1 Placemaking and Scottish Government policy (Designing Streets (CD54 page 21/22) and Creating Places). Well connected or permeable street networks encourage walking and cycling and can help avoid segregation of neighbourhoods. Connections to existing street networks provide better connectivity for all users, and provide more route choice. Connections through Market Drive would help maximise connectivity and permeability. Street patterns should be fully integrated with surrounding networks to provide flexibility and accommodate change in built and social environments. The requirement to connect to Market Drive should be retained.

Developer Obligations would be considered at the time of a planning application and any discount for land take would be considered at that point in line with policy PP3 Infrastructure and Services and Developer Obligations Supplementary Guidance. This does not require to be written into the site designation.

No modification is proposed.

Flooding and Drainage

ANM Group Ltd (868/4/1), David Bailey (885/2/1), Jenny Main (1979/1/1)

The issues regarding flood risk and drainage are well known and acknowledged by SEPA and the Council's Flood Risk Management Team. The designation text requires a Level 2 Flood Risk Assessment and Drainage Impact to assess this. A fundamental principle of policy EP12 Management and Enhancement of the Water Environment is that development should not take place if it would materially increase the possibility of flooding elsewhere.

Large areas of the site are currently at risk of surface water flooding and are not considered suitable for development. The Council is developing a Surface Water Management Plan and this area of Elgin is being considered as a hotspot. Actions identified in the Water Management Plan will be developed and taken forward for inclusion in the Council's Flood Risk Management Plan, which will be published in 2022. The development of a flood protection scheme in this area not only depends on the proposed scheme being included in this plan but also on the availability of grant funding from Scottish Government. Should a scheme go forward in this area the options considered will be to protect existing properties and not to facilitate proposed development. While the Council has discretionary powers to develop flood protection schemes, it is under no obligation to do so. The primary responsibility for protecting property lies with the property owner.

No modification is proposed.

Other Issues

ANM Group Ltd (868/4/1), David Bailey (885/2/1), Jenny Main (1979/1/1)

It is noted that an auction mart has been located on the site since at least the early 1900s, as the mart is identified on the Ordnance Survey map published in 1906. Reflecting the historic use in the buildings and public art is considered to be important to giving the site a character and identity that is reflective of its past as an agricultural auction mart. This is included as a requirement as it is considered to be a key opportunity to help create a distinctive character and identity as required by policy PP1 Placemaking. However, it is accepted that it may be unreasonable to expect this to be applied to all buildings and a distinctive character could be created by ensuring key buildings reflect the historic use.

If the Reporter is so minded the Council would have no objection to amending the text to state that "Proposals must look to reflect the historic use of the site as an agricultural auction mart in the character of key buildings and public art."

Given the range of suitable uses proposed the impact on schools and health care will vary depending on what is proposed. In line with policy PP3 Infrastructure and Services applications will be assessed and Developer Obligations will be sought to mitigate against adverse impacts on local infrastructure including education and health care.

Based on the quantity of LPG storage, the site of Gleaner Oils Ltd is identified, in HSE terms, as a notifiable hazardous substance installation. Proximity to such an installation does not preclude development although for public safety reasons, the presence of the

installation may inform the layout and amount of new development that can be accommodated. Policy EP14 Pollution, Contamination and Hazards requires proposals to avoid areas in the vicinity of hazardous sites where there may be public safety concerns. No modification is proposed.

Proposals for recreational uses such as a touring caravan site are best considered through the planning application process. No modification is proposed.

OPP8 Lossie Green

Elgin Community Council (1832/3/4)

The area Elgin Community Council wish to be removed from the OPP8 is annotated on the site plan. It is noted that the area that Elgin Community Council seeks to be removed from OPP8 at Lesser Borough Briggs is currently “whiteland” in LDP2015 and has no specific designation. The “whiteland” status of the land means various proposals could be explored providing these meet other policies within the plan. It is noted that within the Central Elgin Regeneration Public Design Charrette (CD38 page 52-55, site reference LG04) proposals for this area include housing, or hotel uses. Given the range of potential uses that have been considered on this area, including for sports facilities, it is more appropriate to identify this as an Opportunity Site suitable for leisure, office or retail use. This gives the greatest flexibility for the future development of the site and would not preclude use as a sports facility as sought by the Elgin Sports Community Trust Asset Transfer. However, there would be merit in creating a separate OPP for the Lesser Borough Briggs site. This would allow the area referred to be delivered separately without the wider OPP8 site. Similarly the larger OPP8 could move forward without the Lesser Borough Briggs area.

If the Reporter is so minded the Council would have no objection to the Lesser Borough Briggs area, as annotated on the site map, being made a new OPP site. The following text is considered suitable.

“OPP Lesser Borough Briggs 1.1 ha Suitable Uses**

Leisure, Office, Retail

Site Specific Requirements

- Transport Assessment required, the scope of which must be agreed with Transport Scotland and Moray Council Transportation.
- Connectivity through the site, to the town centre and river for pedestrian and cyclists required.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- No development within 6m of existing flood alleviation measures will be permitted.
- The site lies within the defended flood plain and is therefore not suitable for vulnerable uses, including housing.”

The change set out above would have consequential changes for OPP8 Lossie Green, where the site area would reduce to 2.6 ha and the requirement for “No development within 6m of existing flood alleviation measures will be permitted” would be removed.

OPP9 Town Hall

Bill Hope (1248/1/1)

Elgin Town Hall is Category B Listed, and therefore demolition and replacement of the existing building is not considered to be a viable option for built heritage reasons. Opportunities to improve the functionality of the building are being explored through the Moray Growth Deal as part of the Cultural Quarter proposals.

No modification is proposed.

OPP11 Walled Garden

Stephen Duff (319/4/1), Ken Kennedy (326/1/1), James Richardson (610/3/1), Anonymous (1229/8/1), Bill Hope (1248/2/1), Juliet Govier (1577/2/1), Alison Walton (1735/2/1), Elgin Community Council (1832/3/5), Anne Rodda (1963/1/1), Sheona Davidson (1964/1/1), Pamela Napolitano (1965/1/1), John Sherry(1966/1/1), Tim Aspden (1967/1/1), Nicholas Chambers (1968/1/1), Daniel Stuart (1969/1/ 1), Jennifer Reidford (1994/1/1), Lorraine Campbell (2000/1/1), Edwin Parkin (2013/1/1), Caitlin McCormack (2026/1/1), Grant Croudace (2027/1/1), Evelyn Lawson (2028/1/1), Hazel Croudace (2029/1/1), Kathryn Darley (2030/1/1), Gillian Bain (2031/1/1), Alanna Magee (2032/1/1), Andy Brown (2033/1/1), Peter Carvell (2034/1/1), Yvonne Alexander (2035/1/1), Charlene Marshall (2036/1/1), Raymond Aitken (2037/1/1), Mrs L Robertson (2038/1/1), Ben Moore (2039/1/1), Joseph Souter (2040/1/1), Michele Smith (2041/1/1), Stephanie Sparkes (2042/1/1), Jacqui Melrose (2043/1/1), Eleanor Melton (2044/1/1), Toni McIlwraith (2045/1/1), Kristine Duffus (2046/1/1), Cindy Gee (2047/1/1), Margaret Sammon (2048/1/1), Janice Mackenzie (2049/1/1), Elizabeth Boyall (2050/1/1), Laura Mawson (2051/1/1), Nigel Kirby (2052/1/1), Judith Spark (2053/1/1), Joan Scott (2054/1/1), Rebecca Adams (2055/1/1), Elise Cox (2056/1/1), Joshua Willis (2057/1/1), Fiona Cumming (2058/1/1), Anna Campbell (2059/1/1), Heather Hagen (2060/1/1), Charlotte Friston (2061/1/1), AM (2062/1/1), Charlotte Smith (2063/1/1), Kirsten Steele (2064/1/1), Kenneth Kennedy (2065/1/1), Nikki Yoxall (2066/1/1), Michaela Munro (2067/1/1), Jolene Young (2068/1/1), Lynne Minion (2069/1/1), Jennifer Mackean (2070/1/1), Maggie Brown (2071/1/1), Siobhan Mainland (2072/1/1), Ms S Jeffrey (2073/1/1), Anna Mcpherson (2074/1/1), Esther Dale (2075/1/1), Lara Beach (2076/1/1), Ian Taylor (2077/1/1), Kaye McIntosh (2078/1/1), Dr Tom McCallum (2080/1/1), Cameron Smith (2081/1/1), Dagmar Gross (2082/1/1), Sheila Cochrane (2083/1/1), Beatrice Dobney (2084/1/1), Ellice Walker (2085/1/1), Ian Bremner (2086/1/1), Una Gault (2087/1/1), Lesley Williamson (2090/1/1), Charlotte Coxon (2091/1/1), Monika Jakiel (2092/1/1), Jennifer Upson (2093/1/1), Elizabeth Duncan (2094/1/1), Frances Wardhaugh (2095/1/1), Julie Ann Henderson (2096/1/1), Cleo Hart (2097/1/1), Natalie Campbell (2098/1/1), Gordon Forsyth (2099/1/1), Isabel MacColl (2101/1/1), Stuart James (2102/1/1), Helen Dixon (2103/1/1), JE Allan (2104/1/4), Valerie Weston (2107/1/1), Dawn Mylchreest (2108/1/1), Gillian Karpa (2109/1/1), Sarah Macpherson (2110/1/1), Jane Charles (2118/1/1), Mr R Craib (2119/1/1), David Sharp (2123/1/1), Scottish Rock Garden Club (2125/1/1), Alan Souter (2126/1/1), Margaret Sharp (2127/1/1), Leon Lumsden (2128/1/1), Morag McCloy (2129/1/1), Angela Innes (2135/1/1), Duncan Alexander (2136/1/1), Carol Casburn (2137/1/1), James MacDonald (2138/1/1), Stephen R Scott (2139/1/1), Emma Ritchie (2140/1/1), Anna Pearson (2141/1/1), Leah Horner (2142/1/1), Tracey Willetts (2143/1/1), Iain Ritchie (2144/1/1), Susan Ritchie (2145/1/1), Rebecca Ritchie (2146/1/1), Louisa Thain (2148/1/1), Rev Anne Attenburrow (2149/1/1), June Harris (2150/1/1), Mrs R Cruickshank (2151/1/1), George and Isobel Esson (2155/1/1), James Topping (2156/1/1), David Southcombe (2157/1/1), Menita Roberts (2161/1/1), John and Susan Hammond (2163/1/1), Ross Grant (2166/1/1), Janet E Milne (2170/1/1), Anne Chadwick (2173/1/1).

Dr Miriam Brown (2174/1/1), RR Cook (2179/1/1), Martin Keith (2182/1/1), Jim Walton (2183/1/1), Michelle Slater (2185/1/1), Scotland's Garden and Landscape Heritage (2193/1/1), Mike Rodda (2194/1/1), Pamela Sutherland (2195/1/1), David Chadwick (2196/1/1), David A Stewart (2197/1/1), Anne Wibberley (2198/1/1), Amanda Willox (2199/1/1), Allysha Stewart (2200/1/1), Karen McArthur (2202/1/1), Shelagh M Scott (2216/1/1), Penelope Roberts (2218/1/1)

The OPP11 site is identified in the Proposed Plan for a variety of uses to support the arts, cultural and community/visitor facilities as part of developing a Cultural Quarter. A hotel is just one of several uses considered appropriate if the site became available for development. The site designation did not seek the closure of the adjacent Biblical Garden (ENV1) or the closure of existing training services operating from the site (Greenfingers/Moray College). The OPP11 site was identified as a potential location for a high quality hotel through work developing the Cultural Quarter proposal for Moray's Growth Deal bid. The objective of the Cultural Quarter is to increase tourism in Moray by providing a focal point of national significance, to draw in additional visitors and signpost attractions across Moray. The Cultural Quarter proposal is set within a reimagined Lossie Green and Cooper Park with a focus on the Town Hall and Grant Lodge. The lack of hotel accommodation has been identified as resulting in visitors staying out with Moray. A confidential report/study prepared for the Council/Growth Deal confirmed the need for an additional hotel accommodation to support a growing tourism sector. Including a high quality centrally located hotel within the Cultural Quarter is seen as helping to create world class attractions and facilities that will meet a gap in provision and prolong visitors stay in Moray. As a Community Planning Partner Moray College UHI has been involved in developing the Growth Deal bid from the outset and have therefore been aware of proposals.

However, since publication of the Proposed Plan developer interest for a high quality hotel on an alternative site within Elgin has progressed. This is considered to be a strong and viable proposition that will add to the existing hotel offer and the consented hotel at Barmuckity (site I7). Commercial feedback also suggested that the access provision and lack of road frontage are seen as constraints by the hotel industry. It is therefore now considered there is no need to identify a potential hotel opportunity within the Walled Garden area. There continues to be interest for a centrally located hotel and alternative locations within the centre of Elgin are being explored.

From the responses received it is clear the existing users of OPP11 have the potential to contribute to the Cultural Quarter proposal by contributing to the continued expansion and enhancement of the Biblical Garden and Cooper Park and also the formation of an educational hub for horticulture and gardening.

Opportunity sites are generally identified where specific development opportunities exist. Opportunity sites are often vacant and derelict (brownfield) sites or buildings that may become surplus to requirements. Given the specific need for a hotel is likely to be accommodated elsewhere in Elgin and a clearer picture of the existing educational uses on the site provided by objectors it is no longer considered that an OPP designation is the most appropriate for the Walled Garden site. Following useful discussions between the Council Planning Service and Greenfingers joint working between the services on the Moray Food Growing Strategy and compensatory tree planting programme are now progressing.

If the Reporter is so minded, the Council would support changing the site to a Community

Facility (CF) designation to safeguard existing uses, similar to the sites identified on page 150 of the Elgin Settlement Statement. The Council would support designation text as follows

“CF6 Walled Garden

- Site safeguarded for educational and training facilities primarily related to horticulture, gardening and outdoor education.
- Opportunities for the expansion of existing facilities will be supported.
- Given the listed buildings on the site and proximity to the Scheduled Monuments of Bishop’s House and Elgin Cathedral, any development must be informed by a detailed assessment of potential heritage impacts. Consideration must be given to the scale and height of proposals and impacts on views to and from the Cathedral, and detrimental impacts must be avoided.
- A Standing Building Survey may be required depending on the scale and type of any expansion proposals.
- Any development proposals will require a Level 2 Flood Risk Assessment (FRA), and Drainage Impact Assessment (DIA) required. A Transport Statement may be required depending on the scale of development proposed. No development within 6m of existing flood alleviation measures. ”

In addition to the change above, if the Reporter is so minded the Council would support changes to the site boundaries and expansion of the Biblical Garden ENV1 to reflect the areas managed by Moray College UHI. This would pull the OPP11 Walled Garden boundary further west to exclude the classrooms, glasshouses, and sheds used by Moray College UHI. The Biblical Garden ENV1 would be extended to include this area and land to the east where students are currently developing an extension to the Biblical Garden. CD09 provides an overview of these suggested changes in plan form.

If the Reporter is minded to support the changes outlined above this would result in consequential changes to Figure 1.7 on page 140, Figure 1.8 on page 145, the Settlement Statement Map on page 161 and the Green Network Map on page 163.

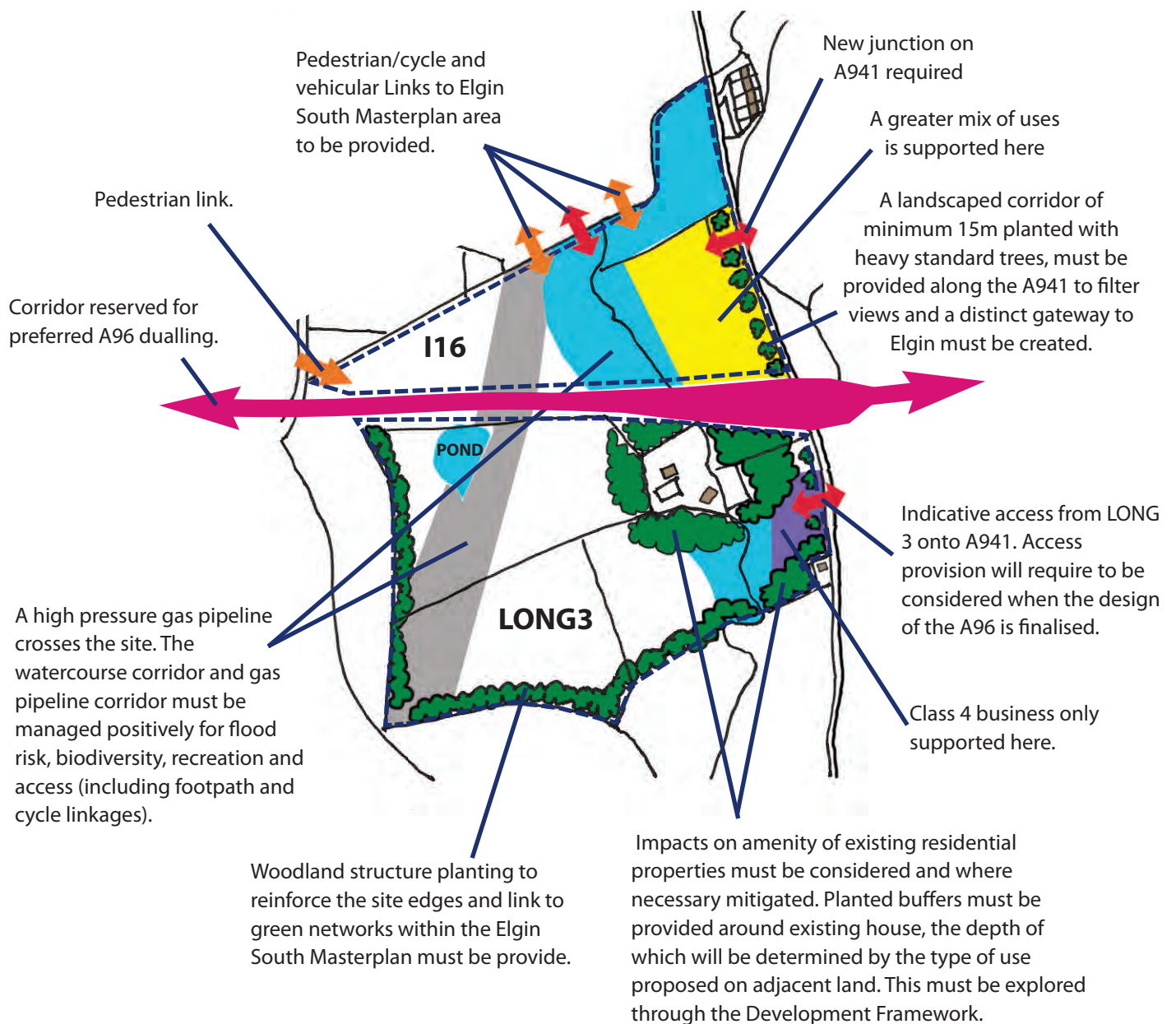
It is considered the amendments and designation wording outlined above address the objections raised.

Reporter’s conclusions:

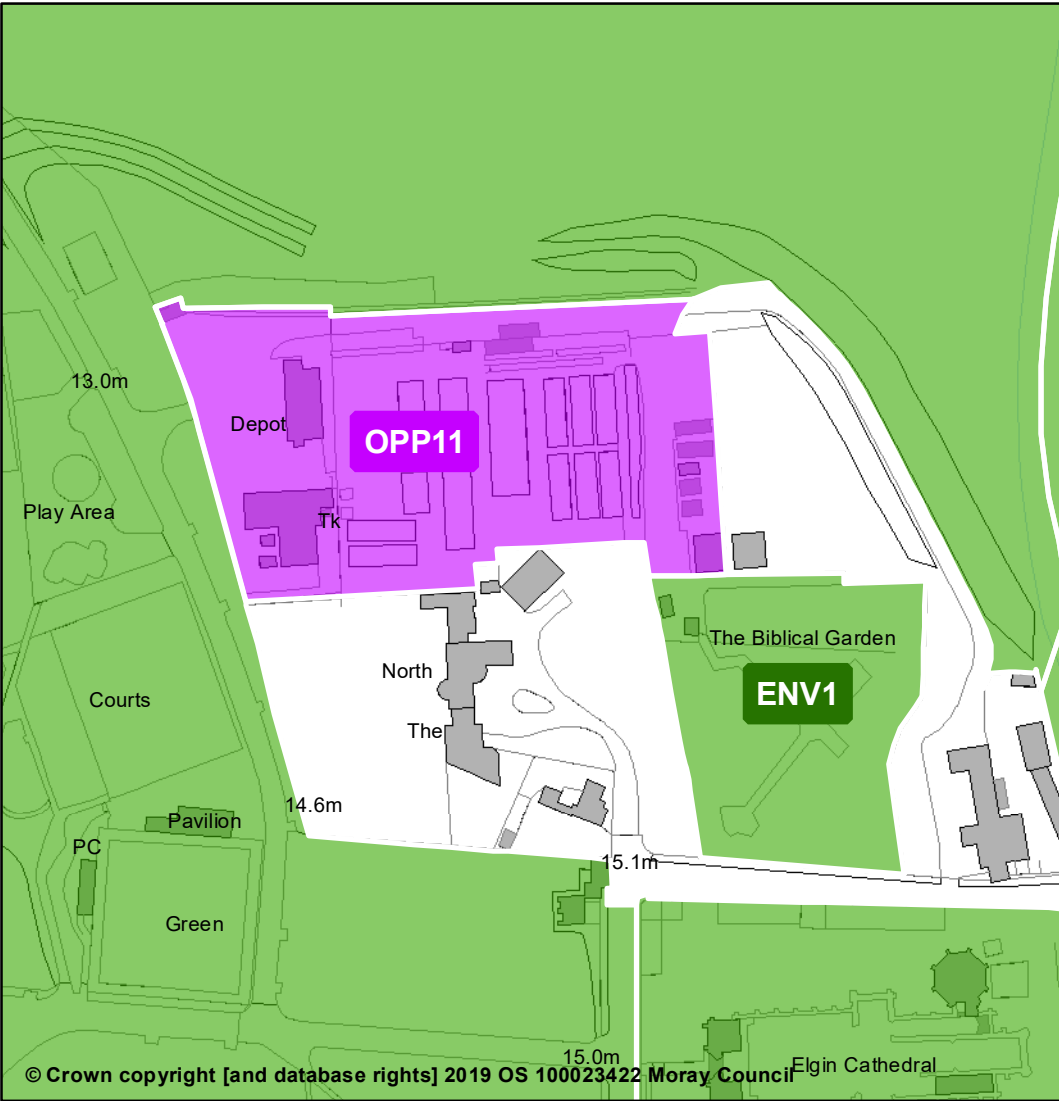
Reporter’s recommendations:



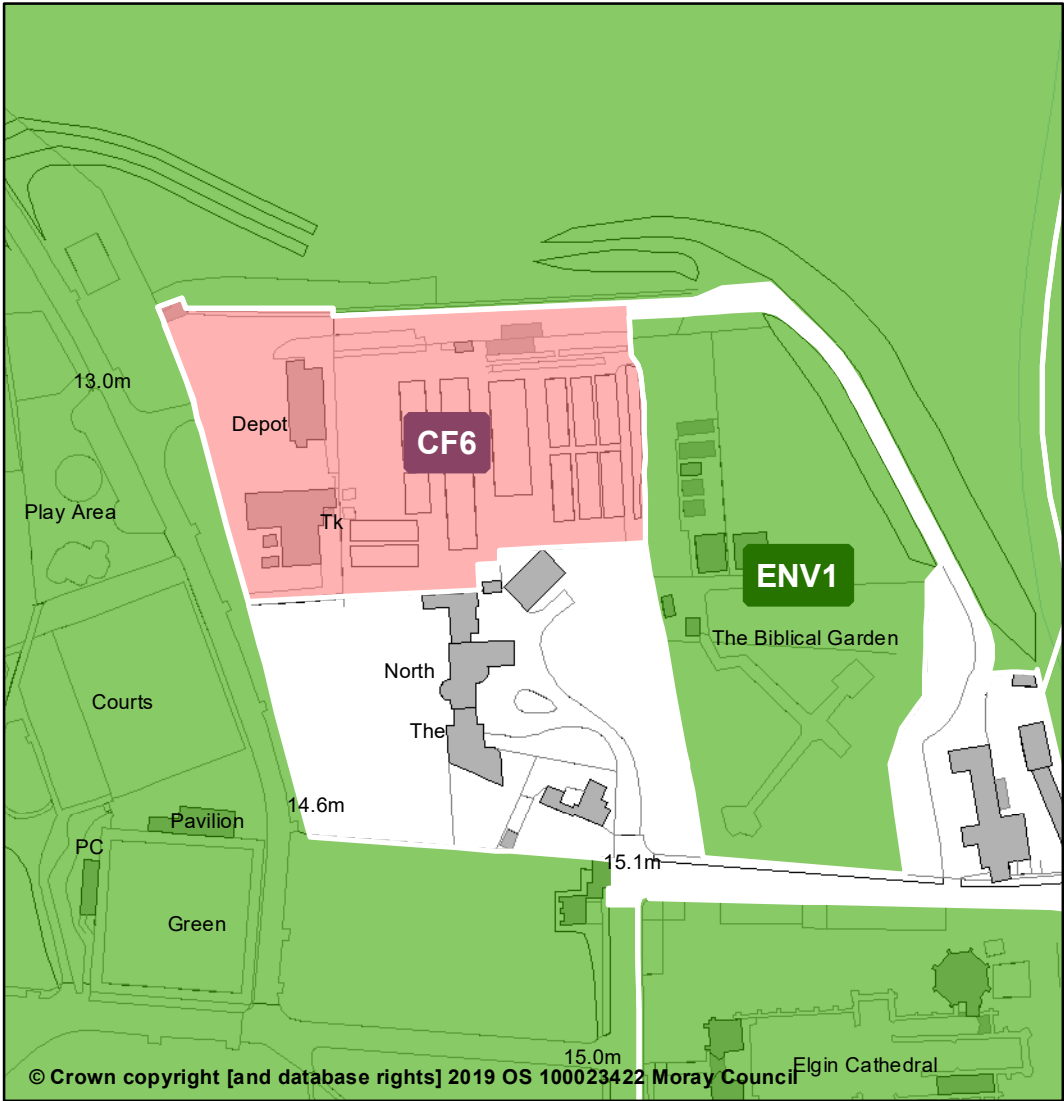
Figure 1.5 Key Design Principles I16 and LONG3 Burnside of Birnie



EXISTING - OPP11 Walled Garden



PROPOSED REVISION - CF6 Walled Garden



Issue 8	Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart - Elgin Housing Market Area	
Development plan reference:	<p>Volume 2: Settlement Statements</p> <p>Fochabers</p> <p>T1 Caravan Site page 193</p> <p>Garmouth</p> <p>R1 South of Innes Road page 230</p> <p>Lossiemouth</p> <p>OPP1 Sunbank page 274</p> <p>R3 Inchbroom page 275</p> <p>Mosstodloch</p> <p>R3 Balnacoul page 287</p> <p>I3/LONG2 West of Mosstodloch page 288</p> <p>MU LONG1 South of A96 page 291</p> <p>MS NA New Site West of James Jones including R2</p> <p>Urquhart</p> <p>R1 Meft Road/LONG1 pages 328-329</p> <p>R2 Station Road page 328</p> <p>LONG2 Station Road page 330</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Fochabers</p> <p>T1 Caravan Site</p> <p>Scottish Natural Heritage (1027)</p> <p>Woodlands Trust Scotland (1818)</p> <p>Garmouth</p> <p>R1 South of Innes Road</p>		

Stephen Forsyth (586)

David and Jenny Burridge (633)

Scottish Natural Heritage (1027)

Emma Moore (2203)

Lossiemouth

OPP1 Sunbank

Pitgaveny (214)

James Rennie (1970)

R3 Inchbroom

Tulloch of Cummingston (1426)

Mosstodloch

R3 Balnacoul

Stuart Hunter (1548)

I3/LONG 2 West of Mosstodloch

Springfield Properties Plc (10)

Crown Estate Scotland (861)

Stuart Hunter (1548)

Kirsteen Smart (2001)

Iain Smart (2002)

MU LONG 1 South of A96

Springfield Properties Plc (10)

Crown Estate Scotland (861)

Stuart Hunter (1548)

MS NA New Site West of James Jones including site R2

Crown Estate Scotland (861)

Urquhart

<p>R1 Meft Road/LONG 1 Meft Road</p> <p>Innes Community Council (119)</p> <p>C Collet (2201)</p> <p>R2 Station Road</p> <p>Lesley Scott (2164)</p> <p>I Deans (1449)</p> <p>LONG2 Station Road</p> <p>Jonathan Haslam (2025)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Housing, employment and other designations within the towns/villages of Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Fochabers</p> <p>T1 Caravan Site</p> <p><u>Scottish Natural Heritage (1027/9/5)</u></p> <p>To be consistent with the Habitats Regulations the site specific requirement should include reference to disturbance to otters. Revised wording proposed.</p> <p><u>Woodlands Trust Scotland (1818/2/9)</u></p> <p>Woodland to West of the burn (and incorporating a part of) the caravan site is AWI LEPO and connects Slorach's wood into and through the town to the riparian woodland of the Spey. This woodland and the continuing riparian woodland through the town appear on 1843-1882 OS historic maps. The site boundary includes this LEPO woodland (approx. 1.4ha) as well as other newer woodland, which if developed would sever the connection between the two areas of woodland. Woodlands Trust objects to the inclusion of the LEPO within the site allocation unless there are clear site specific requirements that this woodland is not to be lost and requires to be managed. Buffers appropriate to the scale of development (caravans and roads) should be required.</p> <p>Garmouth</p> <p>R1 South of Innes Road</p> <p><u>Stephen Forsyth (586/2/1)</u></p>	

The narrowness of the road must be addressed, in places this is 4.7 metres and driveways are being used as passing places. Widening of the road should be a requirement.

David and Jenny Burrige (633/2/1)

Designation should be removed primarily due to infrastructure and road safety issues.

The sewage system is operating at its limits. With flooding of the Spey and a high water table this causes back up of sewage.

Innes Road is very narrow with no opportunity for widening. There are no footpaths. Despite the 20mph speed limit traffic exceeds this. Cars are unable to pass each other. Children accessing the school bus have no footpath or refuge. The road is part of the Sustrans National Cycle Way and minor car scrapes and blockages occur regularly.

Emma Moore (2203/1/1)

Site will have a negative effect on the village.

Increased traffic on narrow road with no pavements where the 20mph speed restriction is not observed. The word “sought” within the road requirements does not have sufficient weight and is not a direct stipulation.

The junction from Innes Road onto Station Road is narrow and on a blind corner. Increased traffic would exacerbate issues at this junction.

The growth project described was first mentioned 6 years ago but nothing has happened. The high water table means that septic tanks are not suitable. Adding 10 houses to the sewage system when there are already issues is not realistic.

Development would have a negative impact on local wildlife and ecosystems.

No need for another site, there are two sites with consent for total of 8 houses. Infilling could ruin the character of the village.

Scottish Natural Heritage (1027/9/6)

To be consistent with the Habitats Regulations Appraisal the following developer requirement should be added “Development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on.”

Lossiemouth

OPP1 Sunbank

Pitgaveny (214/4/3)

Housing and convenience retail should be included within the list of suitable uses to maximise opportunities. The introduction of housing and convenience retail to a mixed-use scheme will be key to maximising opportunities and generate value to justify up front site investigation to assess viability. Concerned site viability could be affected by Ministry of Defence (MOD) constraints.

The Spatial Strategy states that in Lossiemouth “The main opportunity for new development is on the former Sunbank Quarry.”

OPP1 is well related to the existing settlement pattern and has frontage onto the A941. Lossiemouth is subject to significant investment and job creation by the MOD with potential for the site to house personnel. The site would also add variety to the existing housing allocations.

Adding to the flexibility of the OPP1 allocation will assist in growing a diverse and sustainable economy; attracting new businesses/industries in diverse sectors to the Moray Economy; and make delivery of development less complicated outwith the main centre of Elgin. Supports the Moray Local Outcomes Improvements Plan (LOIP) and the Moray Economic Strategy.

James Rennie (1970/1/1)

Objects to OPP1 designation as green space has already been reduced through development of the new High School, and the site is used by various wildlife. Used recreationally by dog walkers.

R3 Inchbroom

Tulloch of Cummingston (1426/2/2)

Transportation requirements under the current Local Development Plan require a new link road between the B9103 and the A941. Note this has been removed and it is noted that ongoing discussions are taking place to instead improve the existing junction and road geometry.

Mosstodloch

R3 Balnacoul

Stuart Hunter (1548/2/3)

This site is currently industrial and should be utilised along with the existing industrial estate. The vets are located in the former office area. This is an ideal location for vehicle access as well as pedestrian access from Mosstodloch through the existing underpass.

Should not be changed to housing but used for light industrial units. Housing would require children to cross the old A96 to get to school and shops. Site should not be designated until the A96 dualling route is known. The site is distant from the sewer and may be difficult to connect.

I3/LONG 2 West of Mosstodloch

Need for Industrial Land and Phasing of Development

Crown Estate Scotland (861/6/4)

Crown Estate Scotland are supportive of the principle of employment land at West Mosstodloch but the LONG 2 designation should be for immediate employment (i.e. included as part of I3 designation). This will give the greatest flexibility and certainty to prospective businesses and developers and maximise the opportunity for delivery. This will provide maximum flexibility to the design and phasing to be set out in the Development Framework.

The designation provides a large strategic employment site to facilitate inward investment and is in line with the spatial strategy and Moray Economic Strategy.

The 10ha at I3 comprises 40% of the 23ha employment land requirement for the Elgin Market Area, with the LONG2 embargoed in the LDP2020 period unless policy criteria are met. The MIR showed the whole site as preferred and did not split the site.

I3/LONG 2 should be one site for immediate development as

- Splitting the site adds an unnecessary complication to delivery if a large user comes forward for more than 10ha.
- Complicating delivery makes the site less marketable.
- Splitting the site is contrary to aims/priorities/objectives of the Moray Local Outcomes Improvement Plan (LOIP), the Moray Economic Strategy, and the Local Development Plan Spatial Strategy. (Impacting on growing a diverse and sustainable economy; attracting new businesses/industries in diverse sectors to the Moray Economy; and it makes delivery of development more complicated outwith the main centre of Elgin, compounding market difficulties that smaller settlements face).
- If business/diversification is not attracted there is knock on adverse effects on job generation, retention of talent, levels of average salaries and investment in infrastructure.
- The opportunity of James Jones Joinery expanding to the west of its current facility and taking access through I3/LONG 2 is an opportunity to provide early servicing and delivery of the site. (see new site MS NA West of James Jones including R2 below).
- Allocations in Mosstodloch are built out or for specific users and therefore a flexible large sale designation is appropriate to meet demand.

Kirsteen Smart (2001/1/1)

Proposal results in Mosstodloch being surrounded by 3 industrial sites. The current industrial site could be expanded. There is no clear description of what the industrial land could be used for. People are more likely to travel to larger towns to work.

Iain Smart (2002/1/1)

Village will be surrounded by industrial. There are already three industrial sites.

Stuart Hunter (1548/2/1)

Site not necessary. Existing industrial estate underutilised. It would be better to use vacant sites, Balnacoul and land at MULONG1 than allocate additional land. No known interest for industrial land/units in Mosstodloch.

Springfield Properties Plc (10/13/12)

The reasoning for allocation of such large swathes of land in Mosstodloch is unclear given poor market demand and existing unallocated sites that have not been delivered.

Views to Mosstodloch

Stuart Hunter (1548/2/1)

Development would impact on views to and from Mosstodloch.

Impacts on Environment, Residential Areas and the Community

Kirsteen Smart (2001/1/1)

Consideration needs to be given to environmental pollution (air, odour, rubbish, rats) and contamination of water supplies. Nearby houses to be screened from noise, odour, waste matter and hazardous substances to ensure their health standards are maintained. Chemicals shouldn't be allowed near living areas.

Iain Smart (2002/1/1)

The impact on community development/life needs to be taken into account when there are no services to support this. Proposal will have detrimental impact on community and reinforces that Mosstodloch is second class compared to Fochabers. Health of people needs to be considered.

Stuart Hunter (1548/2/1)

Industrial use would have an unacceptable noise impact on residential properties and

would increase traffic through Mosstodloch. Land is used to access other agricultural areas avoiding farm traffic through the Mosstodloch. Proposal would lead to industrial on three sides of Mosstodloch and the A96 on the other. This is a poor outlook for the village and would reduce property values.

Flood Risk

Stuart Hunter (1548/2/1)

Development would increase the risk of flooding in residential areas as the site sits higher with the agricultural land soaking up surface water. SEPA will object due to the flood constraint.

Water and Waste Water Capacity

Kirsteen Smart (2001/1/1)

Water and Waste water capacity not available to support industrial.

Alternative Designation

Stuart Hunter (1548/2/1)

In the longer term the eastern portion of the site could be used for housing as there is a safe route to schools.

MU LONG 1 South of A96

Site Designation and Phasing

Crown Estate Scotland (861/6/14)

Crown Estate Scotland considers that MU LONG 1 should be allocated as an immediate mixed use allocation and not as LONG.

Site is effective and has key advantages in that there is significant relatively flat land available which is readily accessible. The site has significant frontage onto the trunk road network and attractive amenity making it attractive to house builders. The preferred A96 dualling route includes a roundabout and access onto the B9015 on the site boundary which will increase the desirability and accessibility of the site.

An immediate allocation will maximise the opportunity for the site to come forward and play an integral role in the wider strategic development vision for Mosstodloch. A bold approach is needed in Mosstodloch to facilitate strategic growth and facilitate the expansion of existing businesses, attract new business and new homes. Mosstodloch is a challenging market and maximum flexibility should be afforded to allow the site to come

forward and contribute to the strategic development of Mosstodloch. A LONG designation makes marketing the site difficult making investment in advance of the site (e.g. in a masterplan) difficult to justify. Crown Estate Scotland hopes to create a synergy with other allocations to allow a step-change to take place and to enhance Mosstodloch to the benefit of both current and prospective residents. A successful mixed use development at MU LONG 1 is a critical component of this plan. In particular, the value that can be generated from a sale to a housebuilder and/or commercial developers has the potential to be reinvested in the site and into other sites in Mosstodloch and across Moray. It is challenging to bring forward large scale development sites but it is even more challenging to do this in a marginal market, and to then combine it with a wider strategic development programme for a settlement. An immediate designation allows for reinvestment in Mosstodloch via value creation through housebuilder/developer sales. A site start with housing would assist in servicing business uses.

The site could replace two existing housing allocations at R2 Mosstodloch and R2 Crown Street, Portgordon which have not yet come forward and are in less attractive market areas. A separate response (see below) seeks the reallocation of R2 Mosstodloch to employment use and the de-allocation of R2 Crown Street, Portgordon and the housing from these could be transferred to MU LONG 1.

Site could provide land for replacement Health Centre as required by the infrastructure requirements on page 292.

An immediate allocation better reflects the aims/priorities/objectives of key documents including LOIP, the Moray Economic Strategy and the LDP Spatial Strategy.

Stuart Hunter (1548/2/2)

Retain site as industrial only as in the current LDP. Site should only be developed after current industrial estate and Balnacoul is built out.

Springfield Properties Plc (10/13/11)

The reasoning for allocation of such large swathes of land in Mosstodloch is unclear given poor market demand and existing unallocated sites that have not been delivered.

Settlement Pattern

Stuart Hunter (1548/2/2)

The proposed allocation would extend development outwith the existing settlement pattern and would be prominent along the A96.

Site Servicing, Site Access and Local Infrastructure

Stuart Hunter (1548/2/2)

Industrial development would not require additional pedestrian infrastructure. Masterplan for existing I3 designation and proposed site required. A96 underpass could be used for pedestrian and cycle connectivity for industrial use and is close to existing public transport stops at the war memorial. Industrial use would not need new or wider connections built.

New connections under the A96 bypass for housing would be difficult and lead to major disruption. New cycle routes from housing to the U11E would endanger users as connection to the Baxter's underpass would require crossing a major traffic route. A mixed use designation would put pedestrians and cyclists in close proximity to industrial vehicles.

Housing would vastly increase the number of vehicles transporting children to school which already suffer from inadequate parking and drop off areas.

For housing there is no direct access to a sewage connection which is unacceptable. SEPA have noted that the site is distant from sewers

MS NA New Site West of James Jones including R2

Crown Estate Scotland (861/6/15)

Land should be designated to the north and west of R2 for industrial. R2 should be changed to industrial with the R2 housing capacity moved to MU LONG 1.

The proposed new site meets the need for expansion of James Jones Joinery who are a major employer in Mosstodloch and Moray. The proposal is in line with the Moray Economic Strategy as it supports business growth, retains talent and allows workforce development. It supports the Local Outcome Improvement Plan priority of "a growing, diverse and sustainable economy." Also designation is in line with SPP as this addresses the development requirements of a business (SPP paragraph 92). Proposed site secures the continued operations by meeting a specific need and the location adjacent to James Jones' existing site allows for a smooth transition. Moving sites completely does not make good business sense when there is an adjacent site available and would lead to a difficult to develop brownfield site being left. It would be intended to continue to use the existing site but for operations with less impact on residential amenity.

Access can be taken through I3/LONG2 relieving heavy traffic going through Mosstodloch and passing the Primary School. This would give the site direct access onto the A96. Proposal could assist in bringing I3/LONG2 forward by front loading access creating marketable/serviced sites. Sufficient land can be identified to protect residential amenity.

The proposed site is 23ha of flat arable land with no fluvial flood risk to the west of James Jones existing site with views to the site framed by woodland. Design principles are proposed within the Crown Estate Scotland's response that can be incorporated into a designation. This includes landscaping to break up the site, landscaping to reduce visual impacts, protection for residential amenity and active travel links. Site requirements for

SUDS, archaeological studies, and a phase 1 ecological assessment can be included within site requirements. A Development Framework can be developed with LONG2.

As there has been no public engagement on the site the Crown Estate Scotland and James Jones are willing to commit to engagement to allow community input into proposals. It is noted at this stage of the Local Development Plan review process the opportunity for consultation is limited.

R2 removal will lead to a shortfall in housing sites that could be met on MU/LONG1 which better reflects the strategic vision for Mosstodloch.

Urquhart

R1 Meft Road/LONG 1 Meft Road

Innes Community Council (119/3/1)

The site was originally designated for a total of 20 houses, and rather than having the development split into two phases of 10, it would be preferable for the development to be treated as one to maximize the number of affordable houses that should be provided under Moray Council's development policies. There is demand for affordable housing particularly from young people. Allocating the site as one would minimise disruption to residents.

Due to the proximity of the King George V Playing Fields and the car park to the Parish Hall road safety measures are essential to lower traffic speeds and keep sight lines clear.

The impact of additional traffic will need to be taken into account at existing junction where visibility is poor. Parking in Main Street causes problems and new development should ensure there is no additional on street parking in the village.

Consideration should be given to footpath/cyclepaths to link Urquhart with Lhanbryde where local facilities are available. There is currently no public transport at weekends.

Due to the impact on community facilities additional consultation with the Management Committee of the Parish Hall/Playing Fields, as well as the wider community, is needed as to what additional facilities/activities they would like to see provided.

C Collet (2201/1/1)

Concerned about the impact of increased traffic within the village. Conflict with access to play park, congestion on Main Street due to limited parking which renders the road a single lane and suitability of single track road accessing Urquhart.

Concerned about the density of the housing and how the site would be accessed.

Disposal of waste water and sewage will require to be mitigated and the site falls away to marshland.

These issues require to be addressed or mitigated to ensure no adverse impact on the village and local environment.

R2 Station Road

Lesley Scott (2164/1/1)

Concerned about road safety and visibility. The road would require to be widened as it is narrow and difficult to pass agricultural vehicles and lorries. Speed calming measures would need to be put in place as vehicles do not adhere to the speed limit. Visibility from existing drives opposite the site is restricted due to a blind corner.

There is no pavement in this area and children require to walk on the road to catch the school bus or go to the playpark.

The village would lose its rural and historical character with the designation of more housing.

I Dean (1449/2/1)

Landowner supports designation and is committed to its delivery.

LONG 2 Station Road

Jonathan Haslam (2025/1/1)

Development will compromise views from existing housing looking to Kingston and surrounding hills. Development will impact on property value.

Modifications sought by those submitting representations:

Fochabers

T1 Caravan Site

Scottish Natural Heritage (1027/9/5)

Revised wording proposed. "Demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity either causing disturbance to otter that may be using the watercourse and banks, or pollution or sediment to reach the SAC, or changes to water quality and quantity."

Woodlands Trust Scotland (1818/2/9)

Site specific requirement added that Ancient Woodland is not to be lost and is required to be managed. Buffers appropriate to the scale of development (caravans and roads) should be required.

Garmouth

R1 South of Innes Road

Stephen Forsyth (586/2/1)

Requirement for road widening.

David and Jenny Burridge (633/2/1)

Remove site R1 South of Innes Road.

Scottish Natural Heritage (1027/9/6)

Additional wording “Development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on.”

Emma Moore (2203/1/1)

Remove site R1 South of Innes Road.

Lossiemouth

OPP1 Sunbank

Pitgaveny (214/4/3)

Add housing and convenience retail to suitable uses at OPP1.

James Rennie (1970/1/1)

Remove OPP1 designation.

R3 Inchbroom

Tulloch of Cummingston (1426/2/2)

Party not specific regarding change sought.

Mosstodloch

R3 Balnacoul

Stuart Hunter (1548/2/3)

Should be allocated for industrial use.

I3/LONG 2 West of Mosstodloch

Springfield Properties Plc (10/13/12)

Party not specific regarding change sought.

Crown Estate Scotland (861/6/4)

Bring LONG 2 forward as part of the I3 designation for immediate development.

Stuart Hunter (1548/2/1)

Remove industrial designation with I3 area identified as LONG for housing.

Kirsteen Smart (2001/1/1)

Remove I3/LONG 2 and expand existing industrial site.

Iain Smart (2002/1/1)

Remove site I3/LONG2.

MU LONG 1 South of A96

Springfield Properties Plc (10/13/11)

Party not specific regarding change sought.

Crown Estate Scotland (861/6/14)

Designate as an immediate designation rather than long term.

Stuart Hunter (1548/2/2)

Should be designated for industrial only.

MS NA New Site West of James Jones including R2

Crown Estate Scotland (861/6/15)

Designate site for employment uses to the West of James Jones and reallocate R2 to MU LONG 1 for immediate development.

Urquhart

R1 Meft Road/ LONG Meft Road

Innes Community Council (119/3/1)

Combine sites R1 and LONG 1 to make a single R1 for 20 units. Add a requirement of footpath/cycleway to Lhanbryde. Require additional consultation with community to see what additional facilities/activities they want provided.

C Collet (2201/1/1)

Ensure designation addresses and mitigates impacts.

R2 Station Road

Lesley Scott (2164/1/1)

<p>Remove R2 Station Road.</p> <p><u>I Dean (1449/2/1)</u></p> <p>Landowner supports designation and is committed to its delivery.</p> <p>LONG 2 Station Road</p> <p><u>Jonathan Haslam (2025/1/1)</u></p> <p>Remove site LONG2.</p>
<p>Summary of responses (including reasons) by planning authority:</p> <p>Fochabers</p> <p>T1 Caravan Site</p> <p><u>Scottish Natural Heritage (1027/9/5), Woodlands Trust Scotland (1818/2/9)</u></p> <p>This is a well-established site and the primary purpose of the designation is to safeguard the existing caravan site for that use and prevent its redevelopment for other uses. Any expansion proposals of the caravan site would be assessed against all plan policies including EP7 Forestry, Woodland and Trees. This states that woodland removal within woodland identified in the Ancient Woodland Inventory will not be supported. This policy requirement does not need to be repeated within the designation.</p> <p>The comments from Scottish Natural Heritage (SNH) regarding the consistency with the Habitats Regulations are noted and if the Reporter is so minded the Council would not object to the wording being updated as proposed by SNH.</p> <p>Garmouth</p> <p>R1 South of Innes Road</p> <p><u>Stephen Forsyth (586/2/1), David and Jenny Burridge (633/2/1), Scottish Natural Heritage (1027/9/6), Emma Moore (2203/1/1)</u></p> <p>Proposals will be assessed against Policy DP1 Development Principles including part (ii) Transportation. This requires proposals to provide safe entry and exit to the site as well as address any impacts on road safety and the local road network. Developers will require to provide appropriate mitigation/modification. Therefore impacts on junctions and road safety will be assessed at the time of the planning application. The designation text acknowledges that widening of Innes Road, provision of passing places on the approach from the west and footway provision will be sought.</p> <p>If the Reporter is so minded the Council would not object to “sought” being replaced with “required” in the designation text. This would be consistent with the wording in other designations.</p> <p>Site R1 can be designed to reflect the character of Garmouth and minimise impacts on amenity. The site follows the settlement pattern which is focused around the conjunction of narrow roads. Development layout and design will be assessed against policies PP1</p>

Placemaking and DP1 Development Principles. Implementation of these policies and the designation requirements aim to minimise impacts on residential amenity and the character of the settlement. The site does lie on the edge of the conservation area and it would be expected that this context is acknowledged within the layout and design of proposals.

No modification is proposed.

10 houses is a relatively small increase in housing and this level of development reflects the fourth tier status of the village and the services it has. Need and demand for housing in the Elgin Housing Market Area has been demonstrated through the Housing Need and Demand Assessment. An allocation within Garmouth allows for development to be planned for rather than rely on windfall sites like the approved development at Connagedale that it is assumed the objector is referring to.

No modification is proposed.

Note the concerns raised regarding sewage drainage. Scottish Water has confirmed that the Waste Water Treatment Works at Garmouth are to be the subject of a growth project in the period 2021 -2027. The developer would not be allowed to connect until any necessary mitigation work was completed.

In response to the additional wording proposed by SNH it is considered that the current wording provides greater protection to the environment and habitats as development will only be acceptable if it connects to mains sewerage. The current wording overrides the exception within Policy EP13 Foul Drainage whereby in settlements under 2,000 people a case can be made not to require connection to the public sewer. The Council considers that given the sensitivity of the site in terms of its location close to SAC and SPA designations that a stricter line is required in respect of sewer connections, and development will only be acceptable if it connects to mains sewer and that any proposals for private drainage are not supported. However, given the sensitivity of the surrounding designations it is acknowledged that highlighting potential impacts from development on the relevant designations is important.

If the Reporter is so minded the Council would not object to an additional requirement being added to the designation text but retaining the requirement to connect to main water and sewerage separately. The following wording is proposed.

- “Development must be connected to mains water and sewerage (this overrides the exception within Policy EP13 Foul Drainage).
- Development must demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on.”

Lossiemouth

OPP1 Sunbank

Pitgaveny (214/4/3), James Rennie (1970/1/1)

The site was identified in the Moray Local Plan 2008 where it was designated under three separate sites for retail, business park and industrial. In the Local Development Plan 2015 these were combined into one OPP site to allow greater flexibility between the uses. This brownfield site was formerly a quarry. Development in Lossiemouth is severely constrained due to the RAF base to the west and associated MOD safeguarding zones that cover much of the land around Lossiemouth. Further expansion to the east is constrained by mature woodland and the Scottish Government's Control of Woodland Removal Policy presumes against woodland removal. Therefore the OPP site, whilst difficult to develop given its former use, is considered to be an important site for accommodating growth in Lossiemouth.

OPP sites are flexible in terms of the uses that are supported and policy DP6 Mixed Use (MU) and Opportunity Sites (OPP) states that proposals will be considered favourably where they are compatible with surrounding uses. It is noted that retail is already included as a suitable use. It is accepted that given the neighbouring houses and consented housing proposals to the south of the site an element of housing within the site is likely to be acceptable. However, as discussed above the site is important for accommodating growth and is the only available site for business and industrial uses. Therefore, housing would only be acceptable as part of a mix of uses on the site.

If the Reporter is so minded the Council would support housing being added to the suitable uses and additional site requirements added to reflect this change. The following wording is suggested

"Suitable Uses

Business Park, Industrial, Retail and Housing where this is part of development of the whole site for a wider mix of uses."

And additional Site Specific Requirement text as follows

- "Access to public transport must be provided either through the site or new bus laybys on the A941 with associated pedestrian crossing facilities.
- Pedestrian and cycle connections to the north of the site and to the Core Path (CP-LM24) required to provide connections to Lossiemouth High School, and the open space."

R3 Inchbroom

Tulloch of Cummingston (1426/2/2)

Given the consented development at Inchbroom it is not considered necessary to include any requirements that are conditioned within that consent. Discussions to amend any conditions and provide alternative mitigation is a matter for Moray Council's Development Management and Transportation Sections rather than the Local Development Plan process.

No modification is proposed.

Mosstodloch

R3 Balnacoul

Stuart Hunter (1548/2/3)

Under current Local Development Plan policies it is likely that redevelopment of the site for housing would be supported under the current provisions of policies H7 (Re-use and replacement of existing buildings in the countryside) and H8 (New housing in the open countryside). Given the extent of the site and the proximity to Mosstodloch it is considered more appropriate to designate the site to ensure the most efficient use of the land and the application of placemaking standards to the development. The site has been promoted by the owner for housing and it is anticipated that if designated for industrial use the site would be constrained due to an unwilling landowner. The preferred A96 dualling route whilst close to the site does not impact on the site boundaries. Pedestrian access through the underpass would provide easy access to the school/shops and whilst pedestrians would need to cross the old A96/ now B9015 this is a similar situation to existing properties located to the south of this.

No modification is proposed.

I3/LONG2 West of Mosstodloch

Need for Industrial Land and Phasing of Development

Springfield Properties Plc (10/13/12), Crown Estate Scotland (861/6/4), Stuart Hunter (1548/2/1), Kirsteen Smart (2001/1/1), Iain Smart (2002/1/1)

There is a need to identify additional employment land within the Elgin Market Area. The greatest demand is likely to be within Elgin itself however, opportunities to identify additional land in and around Elgin are restricted due to flood risk, environmental designations and landscape constraints. Existing sites would not be able to meet the demand for employment land to 2030. Scottish Planning Policy (SPP) also requires a choice of sites to be identified. It is therefore necessary to identify additional land for employment uses. This has led to the identification of land at Mosstodloch.

A topic paper in respect of employment land was prepared at the MIR stage (CD29). This outlined the demand for employment uses, sets out how the employment land requirements were calculated and discussed some of the issues surrounding delivery of employment land.

From historic demand studies, build out rates recorded in the Employment Land Audit and discussions with Highland and Islands Enterprise, Moray Council Estates and Business Gateway the annual requirement for employment land is considered to be 10-12 acres per year. This is split by Market Area with the Elgin Market Area likely to experience the greatest demand. Within the Elgin Market Area the annual requirement is identified as 7acres/2.8 ha. Considering the existing supply (based on 2017 Employment Land Audit), it was projected that in the Elgin Market Area there would be 12.7 years supply in 2020 of Use Class 4 Business, Class 5 Industrial and Class 6 Storage and Distribution. However, it was projected that of this there would only be 6.8 years supply of Use Class 5 General

Industrial. The employment land requirement is calculated to allow 10 years beyond adoption of the Plan. However, as the Scottish planning system moves towards a 10 year replacement period for Local Development Plans, it is proposed to ensure that a 5 year effective land supply is available at 2030, or can be brought forward from an identified strategic reserve through appropriate phasing or triggers. This also provides greater certainty to landowners and developers. This means a minimum of 23ha of additional general industrial land (some of which could be LONG) would need to be identified in the Elgin Market Area. This is considered to be a very generous supply. Allocating the entire LONG2 site would not be reflective of the levels of employment land required across the Elgin Market Area. Therefore, the site has been split to provide a more realistic expectation of development build out. However, within the designation text it is recognised that the whole site (I3/LONG2) may be suitable for large scale inward investment. Within policy DP3 LONG Term Land Reserves one of the triggers for early release of LONG term land is to provide land for an inward investment opportunity where no alternative sites are identified in the Employment Land Audit to meet the requirement. Given the restricted choice of sites and the specific designation text noting the sites suitability for Inward Investment, if such large scale investment were to come forward it is likely policy DP3 LONG Term Land Reserves and policy PP2 Sustainable Economic Growth would support the early release of this land. These policy mechanisms would allow the Local Outcomes Improvement Plan's and Moray Economic Strategy's objectives to be met. A Development Framework is required for the whole site which will allow the deliverability of the whole site to be considered.

It is noted that the new allocations at Mosstodloch are largely industrial/employment with the only new housing site identified being within the MU LONG 1. Whilst there has been limited development in Mosstodloch development of sites in Fochabers are progressing. There is limited scope to expand Fochabers due to the heritage designations and woodland. Therefore, in the longer term housing expansion is likely to be accommodated in Mosstodloch to meet the need in the area. Therefore, southerly expansion of Mosstodloch for housing in the longer term has been identified within the Proposed Plan.

Notwithstanding the above to account for the loss of employment land at Burnside of Birnie due to the preferred A96 dualling route if the Reporter is so minded the Council would support 6ha of LONG2 being brought into the immediate supply and added to the I3 designation.

Views to Mosstodloch

Stuart Hunter (1548/2/1)

The site will be landscaped to ensure that views on the approach to Mosstodloch will be filtered as identified in the Key Design Principles for the site (CD02 Volume 2 Settlement Statement page 289). The proposed site will require landscaping and 30% of the site will require to be open space. This will help development to integrate with the landscape and also provide an offset/screening between employment uses and residential. Therefore,

whilst there are employment uses on other edges of Mosstodloch the placemaking approach to be taken for this site and requirement for a Development Framework will mean it integrates well with its surroundings.

Impacts on property value are not a material planning consideration.

No modification is proposed.

Impacts on Environment, Residential Areas and the Community

Kirsteen Smart (2001/1/1), Iain Smart (2002/1/1), Stuart Hunter (1548/2/1)

It is recognised in the Key Design Principles that impacts on the amenity of existing residential properties must be considered and where necessary mitigated. Planted buffers to residential development must be provided. The depth of these has not been specified as this will be dependent on the type of use proposed adjacent to the housing i.e. greater depth for uses likely to have greater impacts on amenity. This issue will be explored through the Development Framework which will consider the range of uses, landscaping, open space requirement and design requirements. Noise and air quality emissions would require further detailed assessment at planning application stage. Policy EP14 Pollution, Contamination and Hazards would apply. The Development Framework would consider the range of potential uses across this site and this would explore if a restriction on the type of uses is required adjacent to housing.

Access to neighbouring fields for farm traffic can be designed into the layout to allow farm access to these whilst avoiding travelling through the village.

No modification is proposed.

Flood Risk

Stuart Hunter (1548/2/1)

A requirement for a Flood Risk Assessment (FRA) is included within the designation. The outcome of the FRA could reduce the area of the site that is developable, and it would be expected that areas at risk are designed into the open space of the site. Areas at risk from flooding will require to be managed positively for flooding, biodiversity and recreation. A fundamental principle of the proposed policy EP12 Management and Enhancement of the Water Environment is that 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. SEPA have been consulted on the Proposed Plan and have not objected to the site.

No modification is proposed.

Water and Waste Water Capacity

Kirsteen Smart (2001/1/1)

There is limited capacity at Fochabers Waste Water Treatment Works and a Scottish Water Growth Project will be initiated for the period 2021-2027. It is a policy requirement for connection to public sewers within all settlements of less than 2,000 population unless a compelling case is made otherwise. Factors that will be taken into account include the scale of the development.

No modification is proposed.

Alternative Designation

Stuart Hunter (1548/2/1)

The respondent seeks residential development on the area proposed for industrial. Whilst there could be benefits to this the landowner has promoted employment uses and therefore the deliverability of the site for housing is unknown. There is also no requirement for additional housing land in the Elgin Market Area.

No modification is proposed

MU LONG1 South of the A96

Site Designation and Phasing

Springfield Properties Plc (10/13/11), Crown Estate Scotland (861/6/14), Stuart Hunter (1548/2/2)

As noted for I3/LONG 2 above the allocation of industrial land is phased in line with the employment land requirements. Therefore, there is no need for further designation of employment land for immediate development. In terms of the housing allocations as set out in the Main Issues Report topic paper on housing land (CD28 page 5) there is a requirement to identify 1,200 additional houses within the Elgin Market Area. Given Elgin's primary role within the spatial strategy settlement hierarchy the majority of this additional growth is directed to Elgin itself. Across the Elgin Market Area sufficient land has been identified to meet the 1,200 house requirement and this includes release of land at Fochabers. Development rates in Mosstodloch have historically been very low and the two undeveloped sites will meet demand within the plan period. However, in the long term there is limited scope to expand Fochabers in the future due to heritage designations and woodland. In the longer term housing expansion is likely to be accommodated in Mosstodloch to meet need in the area. Therefore, a mixed use southerly expansion of Mosstodloch in the longer term has been identified within the Proposed Plan. There is no requirement to bring this forward for immediate development.

It is also considered that given the scale of the site, the range of uses and the extent of change this represents for Mosstodloch that time is required to fully develop a Masterplan. The Masterplan, once developed and approved, will be a material planning consideration and this status will help with marketing of the site. The Masterplan will require to take account of the A96 dualling and whilst the preferred route has been announced the finalised design is still being developed. There is therefore potential for changes to this in terms of exact junction arrangements, SUDS provision etc.

The site has been designated as mixed use, and not solely industrial, in recognition of the limited opportunities for further housing development in Fochabers and the need to consider options for growth in the longer term.

The Council support the position as set out in the Proposed Plan and re-allocation of housing from R2 is not considered necessary (see heading below MS NA New Site West of James Jones including R2). It is noted that Portgordon is not within the Elgin Market Area and that the removal of this designation has already been accounted for within the housing land requirements in the Buckie Market Area.

No modification is proposed.

Settlement Pattern

Stuart Hunter (1548/2/2)

MU LONG 1 is visually disconnected from the settlement due to the A96 bypass and woodland. The pattern of development at Mosstodloch has historically been primarily to the north of the old A96 with only a single row of housing to the south of the A96. It is accepted that developing housing to the south of the A96 would be a significant change in approach at Mosstodloch. Whilst visually the site is disconnected there is a pedestrian under pass which connects from the western edge of the site to the shops and school. The site would therefore be closer to local services than north or easterly expansion of Mosstodloch. Development of a Masterplan is a key requirement for this designation.

The introduction of an industrial designation to the south of the A96 in the 2015 Local Development Plan (LDP) was aimed at providing an opportunity for existing large businesses to expand or relocate. The site was considered to be strategically positioned adjacent to the A96 bypass. The principle of development to the south of the A96 has been established within the 2015 LDP and the character of this area would significantly alter if this were developed. Whilst there has been limited development in Mosstodloch development of sites in Fochabers are progressing. There is limited scope to expand Fochabers due to the heritage designations and woodland. Therefore, in the longer term housing expansion is likely to be accommodated in Mosstodloch to meet the need in the area. Therefore, southerly expansion of Mosstodloch in the longer term has been identified within the Proposed Plan. The proposal on MU LONG 1 is for a mix of uses and not solely housing.

No modification is proposed.

Site Servicing, Site Access and Local Infrastructure

Stuart Hunter (1548/2/2)

Maximising pedestrian and cycle access is desirable for good placemaking regardless of whether the proposal is industrial or housing. This is a requirement of policy DP1 Development Principles part iii) Transportation.

New connections onto or under the existing A96 are not proposed as part of the designation. The underpass referred to in requirements is the one close to the war memorial and not that closer to Baxter's referred to by the objector. Improvements to the connection to the school and housing to the north via the existing underpass near the war memorial will be sought.

It is a policy requirement for connection to public sewers within all settlements of less than 2,000 population unless a compelling case is made otherwise. Factors that will be taken into account include the scale of the development.

No modification is required.

MS NA New Site West of James Jones including R2

Crown Estate Scotland (861/6/15)

The Council recognises the expansion needs of James Jones and the importance of this to jobs and the Moray economy. It is accepted that there are clear links to the Proposed Plan Vision, the Moray Local Outcomes Improvement Plan and the Moray Economic Strategy.

It is noted that the proposal anticipates access being taken from/through I3/LONG 2. This would cross a band of woodland in the Ancient Woodland Inventory and the Scottish Semi-Natural Woodland Inventory. This would sever/break up a much larger network of Ancient Woodland. Although it is noted that field access is already taken through the woodland and there are significant amounts of tree removal in the southern parts of the band of trees. The wider network of Ancient Woodland is already broken up by the B9015 and the A96. The Scottish Government's Control of Woodland Removal Policy has a strong presumption against removal of Ancient Woodland and within Scottish Planning Policy protection is given to woodland within the Scottish Semi-Natural Woodland Inventory.

It is also noted that a watercourse that is connected to the River Spey Special Area of Conservation (SAC) is within the proposed site. The construction of a road crossing in particular is likely to have a significant effect on the qualifying interest of the SAC.

However, it is possible the road and water course crossing could be constructed in a way to avoid adverse effect on the integrity of the SAC.

It is recognised there are wider benefits of retaining an established employer, creation of jobs from expansion and the redirecting of vehicles away from the centre of the village and the school.

The site was not in either the Main Issues Report or the Proposed Plan and therefore has not been subject to consultation with statutory consultees or the public. This means the community and other bodies have not had an opportunity to put their views forward. The change of designation from housing to industrial is significant. Given the concerns raised in response to other sites in Mosstodloch this is an important issue and there is a clear democratic deficit from the lack of consultation on the proposal. It is however noted that Policy PP2 Sustainable Economic Growth supports proposals for employment land where this supports the Moray Economic Strategy and the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be mitigated. There is therefore potential for the James Jones proposal to be considered through the development management process as a departure from the Mosstodloch Settlement Statement.

It is noted that as this site has only come forward at the Examination stage this has not been considered within the Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA). However, for the purposes of responding the Council has consulted SEPA, SNH and other internal consultees and copies of the responses are available in CD10.

Whilst the Council is sympathetic to the need for James Jones to expand and the economic benefits associated with this, consideration must be given to the lack of public consultation, the impact on Ancient Woodland and potential impacts on the River Spey SAC. The Council therefore, supports maintaining the position as set out within the Proposed Plan. The Proposed Plan identifies significant industrial land at Mosstodloch and these sites have been through the full local development plan process.

No modification is proposed.

Urquhart

R1 Meft Road / LONG 1 Meft Road

Innes Community Council (119/3/1), C Collett (2201/1/1)

The site has been carried forward from the 2015 Local Development Plan, where it was also split R1 for 10 houses, and LONG for 10 houses. Prior to this the two sites were designated LONG in the 2008 Local Plan. It is considered that the size of the site, 10 units, is reflective of likely development rates in Urquhart during the 5 year plan period. As a comprehensive layout for the whole site is required within the designation text this will provide greater certainty to the community on the delivery of the site.

Combining the sites would not impact on the levels of affordable housing delivered. As a comprehensive layout for the whole site is required, when calculating the affordable housing requirement this would be for the whole site. It is also noted that as affordable housing calculations are rounded up, if two separate applications for 10 units came in the affordable housing requirement would be 6, as opposed to 5 for a 20 house development.

The issues in respect of traffic impact and road safety will be investigated further at the planning application stage and would be considered against the designation requirements and criteria in policy DP1 Development Principles part (ii) Transportation. Safe entry and exit from the site, and impacts on road safety and the local road network will require to be taken into account. The developer would be required to provide appropriate mitigation or modification. It is acknowledged within the designation text that footway provision and improved visibility onto Meft Road/Main Street will require third party land. In line with the Parking Standards in Appendix 2 of Volume 1 of the Proposed Plan new parking provision must be included within the development site. Therefore, development of the site is unlikely to impact on on-street parking on Main Road.

Developer Obligations are sought in line with policy PP3 Infrastructure and Services and the Council's Supplementary Guidance on Developer Obligations at the planning application stage. The Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out the circumstances in which planning obligations agreements can be used. The Circular sets out 5 tests to be applied when planning obligations are sought. Therefore, the additional facilities that the community or community groups want may not be justifiable under the 5 tests.

It is recognised that public transport links and community facilities are restricted in Urquhart. However, provision of a footpath between Urquhart and Lhanbryde would be difficult to achieve given the distance and third party land required. It would be unjustifiable for the level of development proposed.

Cognisance to the principles in policy PP1 Placemaking will help to achieve a layout and design that will respect the context and meet the objectives to retain and enhance the rural and historic character of Urquhart. The proposal is considered to be relatively low density with less than 13 units proposed per hectare. Access is to be provided onto Meft Road.

Surface water and sewage proposals will be dealt with at the planning application stage in line with policy EP12 Management and Enhancement of the Water Environment and EP13 Foul Drainage.

No modification is proposed.

R2 Station Road

Lesley Scott (2164/1/1), I Dean (1449/2/1)

The landowners support for the delivery of the site is noted.

The issues in respect of traffic impact and road safety will be considered in more detail at the planning application stage and would be considered against the designation requirements and criteria in policy DP1 Development Principles part (ii) Transportation. Safe entry and exit from the site, and impacts on road safety and the local road network

will require to be taken into account. The developer would be required to provide appropriate mitigation or modification.

Cognisance to the principles in policy PP1 Placemaking will help to achieve a layout and design that will respect the context and meet the objectives to retain and enhance the rural and historic character of Urquhart.

It is noted that a pavement is currently provided up to the edge of the site at 18 Station Road. Therefore there is potential for this to be extended into the site. On the opposite side of Station Road a pavement extends along the majority of the site frontage, although not to the very northern part of the site. It is noted that policy DP1 Development Principles requires proposals to maximise connections and routes for pedestrians and cyclists.

If the Reporter is so minded the Council would support a requirement to extend the existing footway. The following wording is suggested "Footway must be extended along the Station Road frontage and into the site."

LONG 2 Station Road

Jonathan Haslam (2025/1/1)

Impact on views and property value are not material planning considerations.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue 9	Burghead, Cummingston, Duffus and Hopeman – Elgin Housing Market Area	
Development plan reference:	<p>Volume 2: Settlement Statements</p> <p>Burghead</p> <p>R2 Clarkly Hill page 52</p> <p>LONG Clarklyhill page 53</p> <p>OPP 1 West Foreshore page 55</p> <p>T2 Caravan Park Extension page 56</p> <p>Cummingston</p> <p>R1 Seaview page 76</p> <p>Duffus</p> <p>Sites Not Taken Forward East and West Duffus</p> <p>Hopeman</p> <p>R1 Manse Road page 234</p> <p>R2 Hopeman Golf Club page 235</p> <p>T1 Hopeman Caravan Park page 237</p> <p>Hopeman Settlement Statement</p> <p>Site Not Taken Forward</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Burghead</p> <p>R2 Clarkly Hill</p> <p>Strathdee Properties (1798)</p> <p>Arquiva (1809)</p> <p>Sheila Munro (2007)</p> <p>LONG Clarklyhill</p> <p>Scottish Environment Protection Agency (569)</p>		

Strathdee Properties (1798)

OPP 1 West Foreshore

Spencer Murray (1971)

T2 Caravan Park Extension

Scottish Forestry (1136)

Cummingston

R1 Seaview

Jerome Lestienne (1972)

Duffus

Not Taken Forward

Duffus Estate (1437)

Dean Anderson (2204)

Hopeman

R1 Manse Road

Melissa and Peter Richardson (1046)

Elizabeth Haddow (2205)

R2 Hopeman Golf Club

Tullochs of Cummingston (1426)

Springfield Properties plc (10)

Antony Gabb (1973)

T1 Hopeman Caravan Park

Dr Carey Nash (2121)

Mark Nash (2160)

Hopeman Settlement Statement

Carmen Gillies (1666)

Not Taken Forward

Springfield Properties Plc (10)	
Provision of the development plan to which the issue relates:	Housing, employment and other designations within the, Burghead, Cummingston, Duffus and Hopeman Settlement Statements.
Planning authority's summary of the representation(s):	
<p>Burghead</p> <p>R2 Clarkly Hill</p> <p><u>Strathdee Properties (1798/2/1)</u></p> <p>The landowner supports the inclusion of the site in the Proposed Plan and is committed to ensuring delivery of housing on the allocated site.</p> <p><u>Arquiva (1809/2/1)</u></p> <p>Seek similar wording to adjacent LONG designation "Land constraints relating to the operational radio masts must be incorporated into the layout."</p> <p><u>Sheila Munro (2007/1/1)</u></p> <p>The sewage system at Burghead cannot cope. The medical practice is full. The plan suggests an extra doctor, where would this doctor come from when Moray cannot attract enough professionals. The school is full where would extra teachers come from. The development would increase the population of Burghead by 10% and upset the social balance. Most incomers to the area are OAPs attracted by cheaper housing. If this site were not developed they would not come. In 10 years' time there will be extra care requirements on clinics, doctors and social care and Moray cannot attract the professionals to address this. There will be an increase in traffic on roads that cannot cope as it is, in particular past the cemetery and from Elgin.</p> <p>LONG Clarklyhill</p> <p><u>Scottish Environment Protection Agency (569/12/3)</u></p> <p>Object to this site unless the supporting designation text highlights the requirement for a Phase 1 Habitat Survey.</p> <p><u>Strathdee Properties (1798/2/2)</u></p> <p>The landowner supports the inclusion of the site in the Proposed Plan and is committed to ensuring delivery of housing on the allocated site.</p> <p>OPP 1 West Foreshore</p> <p><u>Spencer Murray (1971/1/1)</u></p> <p>Any development would spoil natural beauty. The poor access is unable to</p>	

accommodate increased traffic. Improved sea defences and infrastructure would be required for new buildings and this would affect the aesthetics of the old village.

T2 Caravan Park Extension

Scottish Forestry (1136/6/2)

Object to inclusion of site designated for extension of caravan park. The Scottish Governments Control of Woodland Removal Policy has a presumption against development in woodland.

Cummingston

R1 Seaview

Jerome Lestienne (1972/1/1)

Four houses on this site will not respect the layout of Cummingston which is a historical feature that makes Cummingston unique. Farmer's paths are a feature on both sides of the main road and separate every 2-3 houses with a small lane. This is respected in the current houses on Seaview Road but does not feature in the Local Development Plan (LDP).

Duffus

Sites Not Taken Forward (East of Duffus)

Dean Anderson (2204/2/1)

Accessibility

Duffus benefits from a range of facilities including an inn, shop, village hall, associated playing field, playpark, church and Gordonstoun School nearby to the east. All existing facilities within the village are considered to be within easy walking distance of the proposed site. The village also enjoys good connectivity to the wider area via the Core Path network linking to Hopeman and Burghead to the west and Lossiemouth to the east. There is scope to improve the Core Path to the east which is in the same ownership as the proposed site. The development of land on the east of Duffus would be the first step in upgrading this route. Offering the opportunity to create a safe and useable route for pupils from Gordonstoun School into the village. At the moment pupils require to walk along the public road. Improved surfacing would dramatically improve usability to a range of users and offers a significant opportunity to improve sustainable links which would be to the benefit of the local community.

The development will reflect the existing grid pattern layout of Duffus and the existing urban grain of the village to ensure character is protected. The layout provided to accompany the submission offers high levels of permeability for both vehicular and pedestrian connections.

Deliverability

The current school roll forecasts show that there is ample projected capacity within both

Lossiemouth High School and Hopeman Primary School. This is particularly the case in the early years of the new plan from 2020 onwards, and therefore there are no education capacity constraints which apply to the site.

There is ample capacity within the treatment works in relation to water supply and no shortage of capacity at Moray West Waste Water Treatment Works. To address requirement for extension for 1 additional GP and support staff it would be expected that all development within the catchment would contribute via developer obligations toward this.

The proposed extension to the village will be planned to connect into the existing grid pattern with vehicular access linked into the 4 routes which lie on the eastern edge of the settlement. The availability of choice of routes will spread traffic across the network, avoiding the requirement for significant upgrades on any individual route.

There is an available electricity connection for the development.

Sites Not Taken Forward (West of Duffus)

Duffus Estate (1437/4/1)

The time has come for small scale release of land to accommodate further residential development. The proposed development of land to the west is not considered to constitute an obtrusive or unsympathetic extension to the village and nor would it compromise the open character of its countryside setting particularly where appropriate landscaping is delivered alongside (or in advance of) the housing. This extension of the settlement boundary to meet the boundary of the cemetery would consolidate the existing orthogonal grid pattern of Duffus.

The sensitive expansion of Duffus can be seen as a way of alleviating development pressure in the countryside around Elgin whilst providing good quality private market and affordable housing in close proximity to the main population centre. The additional housing will help to support local businesses, facilities as well as providing much needed accommodation for staff of the nearby Gordonstoun School.

No objections to the principle of the site were forthcoming at Main Issues Report (MIR) stage from Transportation, the Flood Risk Management Team, SEPA, Environmental Health and the Contaminated Land Team. Responses of Scottish Water and landscape requirements set out do not preclude development of this site.

The landowner is willing to undertake all of the required assessment work to support a proposal on this site as well as engage in the implementation of a long term landscaping scheme to help integrate the development further into its surroundings.

Hopeman

R1 Manse Road

Melissa and Peter Richardson (1046/2/1) Elizabeth Haddow (2205/1/1)

Impact on Adjacent Properties

This development will have an impact on the value of existing properties. Adjacent properties privacy will be impacted by the development.

Infrastructure

There does not appear to be any plans to improve Hopeman Primary School which is already sharing a Head Teacher with a neighbouring school. What measures have been put in place to accommodate an increase in pupil numbers, what about child safety in the playground?

The identification of one additional GP and support staff does not seem nearly enough for the already stretched medical staff in this area.

Environmental Impact

What will the impact on the environment be when 105 new homes are built in Hopeman bringing a potential of at least 105 extra cars?

How will all these new houses be heated? Hopeman is currently supplied by oil/electric with very few homes using renewable sources of heating. Will there be a building requirement in the new building standards to support ambitions to promote low carbon and sustainable development? Will buyers be able to afford these extra costs?

It is not possible to enhance the natural environment when you are replacing it with buildings. Is promoting development in this location improving the resilience of the natural and built environment in keeping with climate change when there are risks of coastal erosion?

Impact on Village

Hopeman is a small village and any development will adversely affect the quality of life and environment.

Proximity to Old Landfill Site

There are concerns for those living in new homes so close to the old landfill site.

Transportation

Drivers continue to exceed speed limits through the village. A continued concern placed with the Council. Will this development be designed to improve traffic flow through the village especially given there will be more cars on our roads? The main entrance to the site is from Forsyth Street. What steps are being taken to avoid road safety threats especially in respect of speeding through Hopeman?

Flooding

Adjacent properties were flooded in 2018. What measures are being put in place to ensure that drains on the public highway are not blocked as a result of mud from construction vehicles?

Noise

What steps will be in place to keep noise to a minimum to accommodate shift working?

R2 Hopeman Golf Club

Tulloch of Cummingston (1426/2/1)

Object to capacity of 8 units. Current discussions on development of the site are based on provision of 10/12 flats and 6 holiday lets. Revising the designation text to give assurance to interested parties on the capacity.

Springfield Properties plc (10/13/14)

Object to the allocation of 8 dwellings. It is unclear why the limited growth previously proposed due to capacity or character issues has been disregarded bringing forward sites on both the west and east edges of the village that increase the risk of coalescence with neighbouring coastal communities. It would appear that any alternatives to southward expansion of Hopeman is preferred, all of which would add to the linear sprawl of the village.

Antony Gabb (1973/1/1)

Concerned as this development extends the boundary of Hopeman further east. The village already extends eastwards to the golf club which forms a natural boundary. Allowing it to extend into the grounds of the golf club seems entirely unnecessary given that there is considerable development planned to extend the village southwards across the B9040. The village should not be allowed to sprawl further eastwards as well.

T1 Hopeman Caravan Park

Dr Carey Nash (2121/1/1) Mark Nash (2160/1/1)

Impact on Adjacent Properties

Object to the plan to extend the boundary of the caravan site to the east and the west. In particular the eastward extension of the caravan park to include Platform Cottage and its garden and the land running toward the south boundary of 54 Harbour Street.

Object on the grounds of safety due to the stability of the land upfilled to 2.0m above the gardens of adjacent properties at 52 and 54 Harbour Street, undertaken without planning permission, engineering or structural design. The stability of this land is crucial if vehicles, heavy plant vehicles, caravans and double decker buses are planned for the sites. There is a risk to the safety of people, particularly children who are now able to gain easy access to the top of the boundary wall of 54 Harbour Street

There is a loss of privacy to the back garden of 54 Harbour Street. The elevation of the land to the south to 2.0m means there are views from the garden of the underside of vehicles and caravans placed there, currently there is a double decker bus intruding onto our privacy. At other times vehicles, heavy vehicles, mobile homes and a static caravan have been placed there. If this area is designated for business use there will be an exponential increase in land use and loss of privacy.

Planning History

Seek assurances from the Council about the rigour with which the Council will apply and enforce planning policies and regulations on Hopeman Caravan Park.

Previously the site to the west of the caravan has been developed without prior planning permission. The caravan park now extends into rough scrub land and has had an overbearing effect on the meandering coastal path. The foreshore path should be available to be enjoyed by all not just caravans.

Adjacent dwelling known as “Platform Cottage” has been converted to a public venue without prior planning permission. The land to the north of Platform Cottage has been raised without planning process and may not be safe to support the decking. It is inappropriate to site venues for social gatherings within the village with potential disturbance to surrounding homes.

A caravan was positioned on unlawfully raised land overlooking the rear garden.

Parking and Traffic

It would be inappropriate to site a social venue (Platform Cottage or on elevated land south of 54 Harbour Street) without dedicated parking. Harbour Street is particularly narrow in sections and there is little capacity for increased safe pedestrian passage. There is no room for additional street parking. The road seems unlikely to be able to take increased traffic and it would seem inappropriate to inconvenience local residents and businesses by using yellow lines to prioritise traffic to the caravan site.

The transport impact on Harbour Street will be further increased with additional pitches. The bridge near the Ice House is at significant loading risk in the future. There is also a risk to road safety as the number of tourism related and other vehicles increases.

Ancillary Facilities

Concerns regarding the reference in the designation text to “ancillary facilities appropriate to tourist development such as a shop, café, laundry and shower facilities will be supported within this area.” There has been mention of converting a double decker bus into a bistro for the caravan park. This bus is currently parked on unlawfully raised land overlooking the rear garden and dominating the private rear quarters, breaching amenity and privacy. Previously a static caravan was removed under enforcement action.

Environmental Impact

The potential adverse impact on the environment and community amenity of permitting yet more development in this location needs to be considered.

Hopeman Settlement Statement

Carmen Gillies (1666/3/1)

Petition with 150 signatures supporting the LDP and specifically the plans for Hopeman.

Site Not Taken Forward

Springfield Properties plc (10/13/22)

Springfield properties are seeking a designation for 25 houses to be effective during the Local Development Plan 2020 and a LONG designation to accommodate a further 50 houses. These designations are to be within the highlighted areas A/B, immediately to the south of Hopeman as shown in Fig 19 of the Landscape Character Study (LCS) (SD02).

The requirement for a masterplan to be prepared for the designations based on the Development Framework Plan shown in the LCS is identified by Springfield Properties Plc. There is also reference to development beyond the designations being determined during subsequent LDP reviews and within the context of the Development Framework Plan shown in the LCS.

Planning History

The site's previous history should not in itself be an overriding constraint on future development, especially as there have been significant changes in the intervening period. Planning permission has been granted for affordable housing to the south of the B9040. A key strand of the appeal was the assertion that the Council's staunch attitude to blocking development to the south of the B9040 has resulted in development, which has unnecessarily encroached into the (former) Coastal Protection Zone. Creating substantial visual intrusion into an area of attractive coastal scenery and added significantly to the linear sprawl of Hopeman. The growth strategy for Hopeman should be re-evaluated in light of these changed circumstances. Clearly the Reporter did not see the B9040 as a limit on development to the South of Hopeman.

Accessibility

A Hopeman Accessibility Review (SD01) has been prepared to support this representation. It highlights there are no transportation reasons as to why the site cannot be zoned for residential development, community facilities and other ancillary land uses, subject to the identification and implementation of a range of appropriate transport interventions. Any possible development proposals could easily satisfy all local and national required transportation policies. With a strong emphasis on pedestrian and cycle accessibility, particularly between the site and the existing village, the site is well located to meet the transportation requirements of a rural community within Moray. The site is also strategically well located with direct access onto the B9040, Moray Coastal Road, as well as the regional road network where there are direct links to Elgin and the other major settlements across Morayshire.

Infrastructure

There is capacity within the Primary School at Hopeman which has a functional capacity of 273 pupils with a roll of 160 in 2018. A new High School for 800 pupils is under construction at Lossiemouth, up from the current capacity of 500. The checklist prepared during the Call for Sites phase of the plan review did not identify any significant infrastructure constraints.

Deliverability

Springfield has a proven track record of successfully delivering housing led developments, large and small, in Moray and elsewhere in Scotland.

Landscape

A Landscape Capacity Study (LCS) (SD02) has been prepared to support this representation. To avoid the “unfettered sprawl” referenced in the Reporters recent decision and allow housing on land immediately to the south of the B9040, this objection is supported by a masterplanned approach informed by the LCS including a Development Framework Plan which sets out a long term vision for the site.

The study highlights that the existing village is framed by recreational open space to the north and east whilst to the west the existing farm leading down to the coastline forms a key feature reinforcing the sense of separation between Hopeman and Cummingston. To the south and across the proposed site, there are no such restrictions to development and therefore, it is considered that this land holding offers the opportunity for a high quality development form to come forward which could be designed to fit into the landscape setting and make a positive contribution to settlement planning in Moray. New development will not impact on the distinctive settlement pattern that has established along the North West Moray Coastline. Rather any new development would be seen as a logical extension to the existing village taking reference from historic, successfully planned settlements in the area, including Hopeman.

Modifications sought by those submitting representations:

Burghead

R2 Clarkly Hill

Strathdee Properties (1798/2/01)

No change sought.

Arquiva (1809/2/1)

Amend designation text to identify land constraints relating to the operational radio masts.

Sheila Munro (2007/1/1)

Party not specific regarding change sought.

LONG Clarklyhill

Scottish Environment Protection Agency (569/12/3)

Amend designation text to require Phase 1 Habitat Survey.

Strathdee Properties (1798/2/2)

No change sought.

OPP 1 West Foreshore

Spencer Murray (1971/1/1)

Removal of site implied.

T2 Caravan Park Extension

Scottish Forestry (1136/6/2)

Delete designation.

Cummingston

R1 Seaview

Jerome Lestienne (1972/1/1)

Removal of site implied.

Duffus

Not Taken Forward (East Duffus)

Dean Anderson (2204/2/1)

Designate site for residential development of 45 houses.

Not Taken Forward (West Duffus)

Duffus Estate (1437/4/1)

Designate site for small scale residential development.

Hopeman

R1 Manse Road

Melissa and Peter Richardson (1046/2/1)

Party not specific regarding change sought.

Elizabeth Haddow (2205/1/1)

Party not specific regarding change.

R2 Hopeman Golf Club

Tulloch of Cummingston (1426/2/1)

Reword designation text as follows "Density will be dependent upon the nature of proposals with a higher number acceptable for a flatted development.

Springfield Properties plc (10/13/14)

Delete designation.

Antony Gabb (1973/1/1)

Delete designation.

T1 Hopeman Caravan Park

Dr Carey Nash (2121/1/1) Mark Nash (2160/1/1)

Amend Hopeman Caravan Park boundary to remove Platform Cottage and its garden and the land running toward the south boundary of 54 Harbour Street.

Hopeman Settlement Statement

Carmen Gillies (1666/3/1)

No change sought.

Site Not Taken Forward

Springfield Properties plc (10/13/22)

Designate site for 25 houses to be effective during the LDP 2020 and a LONG designation to accommodate a further 50 houses.

Designations to be within the highlighted areas A/B, immediately to the south of Hopeman as shown in Fig 19 of the LCS.

Include requirement for a masterplan to be prepared for the designations based on the Development Framework Plan shown in the LCS.

Development beyond the designations requested to be determined during subsequent LDP reviews and within the context of the Development Framework Plan shown in the LCS.

Summary of responses (including reasons) by planning authority:

Burghead

R2 Clarkly Hill

Strathdee Properties (1798/2/1)

Supportive comments noted.

Arquiva (1809/2/1)

There is merit in highlighting the potential impact of the radio masts on the R2 Clarkly Hill designation.

If the Reporter is so minded, the Council would not object to additional text highlighting the implications of the operational radio mast. The Council supports the following wording "*Land constraints relating to the operational radio masts must be incorporated into the layout.*"

Sheila Munro (2007/1/1)

The Council has an infrastructure first approach to plan for growth and has proactively identified infrastructure requirements for each designated site. No waste water treatment issues have been identified which would constrain Burghead. It has been identified within the Proposed Plan that developers must pay a financial contribution to an extension to the Moray Coast Medical Practice. At present, Burghead Primary School has the capacity to accommodate pupils associated with the identified development sites. The Council regularly monitors school rolls and capacities.

In terms of transportation, the designation text highlights requirements for a Transport Assessment and provision of road improvements. Transportation issues will be considered in detail at planning application stage.

In terms of attracting people to Moray, the Council is already actively working to achieve the vision set out within the Moray LDP 2020 Proposed Plan (CD01). "People want to live, work and invest in Moray because of the outstanding quality of life and environment." It is intended to implement the vision through the delivery of high quality housing and employment land sites and enhancement of the environment.

No modification is proposed.

LONG Clarklyhill

Scottish Environment Protection Agency (569/12/3)

The requirement for a Phase 1 Habitat Survey has been omitted in error.

If the Reporter is so minded, the Council would not object to additional text requiring a Phase 1 Habitat Survey being added to the designation text. The Council supports the following wording. "*Phase 1 Habitat Survey required.*"

Strathdee Properties (1798/2/2)

Supportive comments are noted.

OPP 1 West Foreshore

This is a long standing designation to redevelop a former chemical works and brownfield site. Ownership issues have constrained development from coming forward to date however, these are being resolved and preparatory work to develop the site is actively being progressed.

Spencer Murray (1971/1/1)

Development of this site will require planning permission and as part of this transportation

issues will be assessed. The designation text states buildings must not be sited within 10m of the top of the sea defence embankment and a Flood Risk Assessment is required. A comprehensive layout for the whole of the site is required. Development in keeping with the character of the area that continues the esplanade and provides improved connectivity to the caravan park alongside street furniture and lighting will greatly enhance this area and make it more attractive.

No modification is proposed.

T2 Caravan Park Extension

Scottish Forestry (1136/6/2)

The Council has sought, where possible, to delete designated sites from the Proposed Plan where development would necessitate woodland removal. This has led to the removal of a number of historic sites. The Council is committed to implementing the Scottish Government's Control of Woodland Removal Policy as set out in Policy EP7 Forestry, Woodlands and Trees.

The Council considers development of the T2 Caravan Park Extension to meet the Control of Woodland Removal Policy. The Council is committed to developing Moray's tourism offer and supporting its growth and believes that the potential for expansion at Burghead Caravan Park would assist in supporting this aim. There are clear significant benefits to the local economy from such an expansion in addition to the provision of improved tourism infrastructure. The Scottish Government's Policy on Control of Woodland Removal: Implementation Guidance (CD58, pg. 14) supports this approach, as it identifies woodland removal with compensatory planting as being acceptable where there are significant direct and indirect benefits to an important existing tourism facility. It should be noted that this woodland is not one where there is a strong presumption against woodland removal as set out in Annexe 2 of the Implementation Guidance (CD58, pg. 12). This approach is also consistent with Policy EP7 Forestry, Woodland and Trees in the Proposed Plan.

Furthermore the designation text is explicit in setting out that the site can only be developed for tourism uses, so it is clear that other uses will not be permitted in this location. To offer additional protection, text could be added to strengthen reference to minimising woodland removal and low density development. Policy EP7 Forestry, Woodlands and Trees will require the provision of compensatory planting to mitigate woodland removal. A commuted sum for compensatory planting will be required if planting cannot be undertaken on land in Moray within the developer's ownership.

On the basis of the above, the Council supports the retention of the T2 Caravan Extension.

If the Reporter is so minded, the Council would support the inclusion of the following text as a minor amendment to the T2 Caravan Park Extension designation text.

"Proposals must be lower density than the existing caravan park to retain a woodland setting for any chalets/caravans/camping."

Proposals must minimise woodland removal by locating development in natural clearings where physically possible and maximising woodland retention."

Proposals must not negatively impact on the Moray Coastal Trail that runs through the site.”

Amendment of first bullet point to read “*Extension of Caravan Park including chalets and camping provision.*”

Cummingston

R1 Seaview

Jerome Lestienne (1972/1/1)

This is a long standing designation that already has planning consent and development has commenced on site.

No modification is proposed.

Duffus

Sites Not Taken Forward (East and West)

Spatial Strategy

The Spatial Strategy for housing land set out within the Proposed Plan seeks to;

Reinforce and strengthen the primary role of Elgin in the settlement hierarchy, followed by Forres and Buckie, with growth areas at Aberlour and Fochabers promoted through the Plan period. Aberlour and Fochabers are viable local centres with a range of services and facilities, including secondary schools and while growth to date has been slow, the Plan will aim to deliver development in these centres.

The smaller settlements are expected to grow in proportion to their current size and land designations have been made at smaller, proportionate level and in accordance with existing supply, previous development rates etc. However, some towns and villages have been proposed for no, or very limited growth, due to capacity or character issues.”

East of Duffus

This objection from Dean Anderson should be read in conjunction with his objection to the Spatial Strategy (Schedule 4 Issue 1).

Dean Anderson (2204/2/1)

Duffus is identified as one of the smaller towns and villages in the Spatial Strategy and no development has been designated in Duffus in successive local plans in order to protect the character of the village. The village has limited services and limited public transport links and the Council is not looking to expand Duffus but instead seeking to curtail any further growth. It is considered the compact form and distinctiveness of the village would be eroded by development to either the east or west. A very generous supply of effective housing land is proposed which will meet demand in the Elgin Housing Market Area (LHMA) without compromising town and village character or breaching longstanding

planning principles.

Planning History

In 2005 Scotia Homes submitted a planning application for 45 houses (planning reference 05/01519/FUL) which was subsequently withdrawn. In 2012 a site for 35 houses was submitted as a bid at Main Issues Report stage for inclusion in the Moray Local Development Plan 2015 and subsequently withdrawn.

Accessibility

The site is constrained for vehicular access and this issue has not been adequately addressed by the submission. A vehicular access is still indicated on Gordonstoun Road, which is not suitable for accommodating additional development traffic, due to its narrow width and the fact that visibility would be restricted by trees and the level of the verge. This issue has previously been identified at Main Issues Report stage by the Council to the developer but has not been addressed. In addition to this, the representation proposes connections (pedestrian and vehicular) to Hall Place, Dunbar Lane and St Peters Lane. These existing roads are of restricted width and suffer from poor visibility at the junction with Well Lane. It is therefore unlikely that these roads can accommodate additional development generated traffic.

The Council notes it is proposed to re-direct and provide new sections of core path creating a pedestrian/cycle link between the site and Gordonstoun School. Whilst this may provide an improved link between the site and Gordonstoun school. It is highlighted that the most direct routes to village facilities and public transport links from the site would still require walking on road on the section of Gordonstoun Road between the site boundary and the B9012 (or on other sections of road with limited pedestrian provisions). For these reasons, school transport would still be required to the nearest public primary school/secondary school.

The Council is of the view that no housing designations should be supported in Duffus due to the impact on the character and appearance of the village and in the case of development to the east, additional issues in relation to access constraints.

No modification is proposed.

West of Duffus

Duffus Estate (1437/4/1)

Duffus is identified as one of the smaller towns and villages in the Spatial Strategy and no development has been designated in Duffus in successive local plans in order to protect the character of the village. The village has limited services and limited public transport links and the Council is not looking to expand Duffus but instead seeking to curtail any further growth. It is considered the compact form and distinctiveness of the village would be eroded by development to either the east or west. A very generous supply of effective housing land is proposed which will meet demand in the Elgin Housing Market Area (LHMA) without compromising town and village character or breaching longstanding planning principles.

In terms of supporting the approach to rural housing, additional rural groupings have

been identified in areas of high demand for housing in the countryside. A new developer-led rural grouping has been identified in close proximity to Duffus at Mains of Inverugie.

The Council is of the view that no housing designations should be supported in Duffus due to the impact on the character and appearance of the village.

No modification is proposed.

Hopeman

R1 Manse Road

Background to designation

During preparation of the Moray Local Plan 2008, due to landfill gas emissions at Greenbrae to the west of Hopeman and limited other opportunities, the Council proposed to designate a small site for 12 houses at Forsyth Street.

The Reporter disagreed with allocating development (of any size) to the south of Forsyth Street, with growth to the west being the preferred option. The Reporter considered the allocation of the 12 houses proposed “would demonstrate acceptance of a limited breaching of the B9040 road – and trigger longer term risks associated with that “precedent” (CD34 pg. 2.141).

In accordance with these findings and following resolution of the landfill gas issues, officers identified a site to the west of Hopeman at R1 Manse Road to meet housing land requirements within the plan period and an adjacent site as LONG to provide a longer term indication of growth under the provision of Policy H2.

In terms of establishing the effectiveness of the R1 Manse Road site, Tulloch of Cummingston has provided confirmation (CD13) that a planning application will be submitted in the summer 2019 and the Council has provided initial comments to an early draft layout.

Melissa and Peter Richardson (1046/2/1) Elizabeth Haddow (2205/1/1)

Impact on Adjacent Properties

The impact on the value of adjacent properties is not a material planning consideration. The impact on privacy and any potential noise issues affecting neighbouring properties will be considered as part of the planning application process.

No modification is proposed.

Infrastructure

Moray Council has an infrastructure first approach to proactively plan for growth. The Proposed Plan has sought to identify infrastructure requirements. At present, Hopeman Primary School has the capacity to accommodate pupils associated with the identified development sites. The Council regularly monitors school rolls and capacities.

The identification of the requirements in relation to the extension of the Moray Coast

Medical Practice has come from a robust evidence base prepared by NHS Grampian.

No modification is proposed.

Environmental Impact

No significant environmental impact was identified in the Strategic Environmental Assessment (SEA) prepared to support the Proposed Plan or from detailed consultation with statutory agencies including SEPA and SNH. There is no policy requirement within the Proposed Plan that requires new housing to install renewable technologies. Developers will be required to meet the Building Standards requirements in place when proposals are being assessed which set standards for energy efficiency. There is no evidence of coastal erosion being an issue in this location.

No modification is proposed.

Impact on Village

The Council does not agree that R1 Manse Road will have a significant adverse impact on the quality of life in Hopeman. The site will deliver high quality new housing, meet affordable housing needs and help sustain services in the village.

The long term strategy for Hopeman is for expansion to the west at R1 Manse Road, a small residential/tourism development at R2 Hopeman Golf Course and a small expansion at R3 Forsyth Street as set out in the Proposed Plan. Thereafter for no further expansion of the village is proposed reflecting the character of this coastal village, the limited services available, Special Landscape Area (SLA) and Hopeman's position in the Spatial Strategy.

No modification is proposed.

Transportation

The Council's Transportation Section has contributed to the preparation of the Proposed Plan and identified no significant transportation issues constraining development at Manse Road. Any planning application submitted for developing the site must be supported by a Transport Assessment and various other requirements relating to connectivity and access are set out in the designation text.

No modification is proposed.

Flooding

The developer is expected to meet all responsibilities in terms of site management practises to ensure there are no offsite issues arising from the construction phase/s of the development.

No modification is proposed.

Proximity to Old Landfill Site

Within the R1 Manse Road designation text there is a requirement for a landfill gas

assessment to support any planning application; this has been omitted in error. The Council's Contaminated Land section has been consulted and raised no objection to the principle of development in this location. It is also noted that the developer has already commissioned the required assessment.

If the Reporter is so minded the Council would support inclusion of this requirement. The Council suggests the following wording "*Landfill gas assessment required.*"

R2 Hopeman Golf Club

Tullochs of Cummingston (1426/2/1)

The Council accepts the site has potential for a variety of proposals and the density will vary depending on the nature of these proposals. Policy DP2 Housing states that capacity figures indicated in the Proposed Plan are indicative only and capacities will be considered through the Quality Auditing process, characteristics of the site and surrounding area, conformity with all policies and the requirements of good placemaking set out in PP1 Placemaking and DP1 Development Principles. On this basis the Council does not support increasing the capacity figure.

No modification is proposed.

Springfield Properties plc (10/13/14) Antony Gabb (1973/1/1)

The eastern settlement boundary of Hopeman has been amended to include the golf club and golf course. This allows the identification of an area of land for a small scale residential/tourism development adjacent to the golf clubhouse and existing housing to replace existing storage buildings. Given the proximity of neighbouring buildings and existing buildings on site, it is not considered development in this location would constitute an eastwards sprawl of the village. This site is not directly comparable with the scale of development proposed south of the B9040. The Council remains unsupportive of development south of the B9040.

The golf course itself is identified as an environmental designation and is not being promoted for development and instead is safeguarded from development to define this edge of Hopeman.

No modification is proposed.

T1 Hopeman Caravan Park

Dr Carey Nash (2121/1/1) Mark Nash (2160/1/1)

Impact on Adjacent Properties

There has been no extension of the caravan site to the east and the boundary remains the same as the Moray LDP 2015. There are no current planning applications on this part of the site and, as part of the determination process an assessment would be made on the impact on adjoining residential properties including loss of amenity and safety.

No modification is proposed.

Traffic and Parking

The highlighted parking and traffic implications would be considered as part of any planning application deemed to increase vehicle movements.

No modification is proposed.

Planning History

There is an extensive history on this site as set out within the representations. Both representations have been passed to the Council's Enforcement Officer to ensure that all the issues raised have been fully investigated.

No modification is proposed.

Environmental Impact

Scottish Natural Heritage has been consulted regarding the extension to the boundary of the caravan park and identified no issues. The extension to the west takes account of the approval of 19 tourist pitches which followed a decision of the Local Review Body (LRB) to allow an extension of the caravan park to relocate 12 pitches in May 2016. In addition to this there is also the opportunity for further modest expansion to the south. The consented proposals and additional land are not considered to impede access to the coastal path and other informal path networks or impact adversely on the enjoyment of this area.

No modification is proposed.

Hopeman Settlement Statement

Carmen Gillies (1666/3/1)

Supportive comments are noted.

Site Not Taken Forward

Springfield Properties plc (10/13/22)

Planning History

There is an extensive planning history on this site. The large scale expansion of the village (in excess of 600 houses) has twice been rejected through the Local Plan Public Inquiry in 2007 and LDP Examination in 2014. In 2008 the Reporter stated (CD34, pg. 2.137) that "One of Hopeman's distinguishing characteristics is that, broadly speaking, the B9040 road forms an effective southern boundary. This principle has been reinforced by local plans allocating new housing development exclusively on sites to the north of this road. This has safeguarded this characteristic feature of the village and its setting, with its generally open rural outlook to the south of the B9040 road."

The Council remains unsupportive of development south of the B9040 and the long term strategy for Hopeman is for expansion to the west at R1 Manse Road, a small residential/tourism development at R2 Hopeman Golf Course and a small expansion to

R3 Forsyth Street as set out in the Proposed Plan. Thereafter for no further expansion of the village reflecting the character of this coastal village, the limited services available, Special Landscape Area (SLA) and Hopeman's position in the Spatial Strategy.

The recent appeal decision (CD68) to allow 22 houses to the south of the B9040 is not considered to be a significant change requiring reassessment of the Council's position. In his appeal decision, the Reporter stated "My decision in this case cannot legitimately be used as a precedent for allowing unfettered urban sprawl. The unique circumstances of this case include the contribution that the proposal would make towards addressing an urgent unmet need for affordable housing across the Elgin Housing Market Area." Furthermore, within the appeal decision there is no reference to the Reporter supporting the assertion that existing and identified development sites in Hopeman encroach into the Coastal Protection Zone, are visually intrusive or contribute to the linear sprawl of Hopeman.

As part of the Moray LDP 2008, the Council sought to allocate a small part of this site as at the time there were no other development opportunities available. Ultimately the site was not supported for inclusion by the Reporter. The Council contends the characteristics and impact of a 22 house development infilling a gap between existing housing is considerably different from 25 houses and a LONG site for 50 houses covering a significantly larger area stretching up onto the slopes south of Hopeman.

Designation of Sites A and B

Springfield Properties Plc has requested the allocation of 75 houses within Site A and Site B identified on Figure 19 of the Landscape Capacity Study (SD02). The potential capacity of these sites is considered to be significantly more than the 75 houses referenced. Site A is approximately 9 ha and Site B is approximately 16 ha even discounting space requirements for green infrastructure and SUDs and applying a low density figure, a capacity of 75 is unrealistic for the areas identified, with in excess of 300 houses more likely.

It is also very apparent from the submission this is only an initial phase of a wider large scale expansion, similar to that previously rejected at Local Public Inquiry and LDP Examination. It is contended that release of this land will create capacity for a development considerably in excess of 75 houses. This is completely at odds with Hopeman's place in the Spatial Strategy. This objection should be read in conjunction with Springfield Properties Plc's objection to Hopeman's position in the Spatial Strategy (Schedule 4 Issue 1).

Accessibility

The Council has previously raised concerns that this proposal to designate a significant housing site does not reduce the need to travel and therefore is not in compliance with Scottish Planning Policy Para 270 (CD53). The Accessibility Review (SD01) submitted to support inclusion of the site fails to adequately address this concern. A more detailed response to the Accessibility Report by the Council's Transportation section is set out in (CD12)

Whilst the initial designations (75 houses total) being requested are of a smaller scale than what has been proposed previously, the Council are of the view that there is not an adequate level of employment and services within the locality of Hopeman to support an

increase in residential development at this time, particularly without the inclusion of significant employment opportunities in nearby designations. There is also a concern that this will lead to an incremental increase in housing over time in Hopeman at a location where residents would need to commute to the main settlements for employment. Therefore, whilst an initial designation of 25 houses could be seen as acceptable in transportation terms, as already highlighted the site clearly has capacity for further development and Springfield Properties Plc has an aspiration for significant growth of Hopeman. A precedent could be set allowing further residential development without the provision of services and significant employment opportunities to support it.

The Accessibility Report highlights that a high percentage of existing work trips originating from Hopeman are made by the private car (69%) and that 37% of these trips are destined for Elgin where the main employment opportunities exist. It is demonstrated that the majority of trips originating from Hopeman are around 10km in length which is not a realistic distance that would allow modal shift away from the private car for existing trips. Therefore, the likelihood is that residents of any future residential development would be reliant on the private car to reach employment opportunities in Elgin and other settlements (i.e. Lossiemouth, Kinloss, Forres) which are beyond a reasonable distance for sustainable travel.

As demonstrated by the Accessibility Report, 84% of Hopeman residents have access to 1 or more cars and therefore are unlikely to utilise public transport. This will likely be true of any future residents given the location of Hopeman. Given the fact that the majority of future residents would be making trips by car, both to work and for other purposes, there will be an effect on the local road network through the additional generated trips

The Report has highlighted in Table 3 that there are a number of community facilities within Hopeman itself within reasonable walking/cycling distances. However, these services are not considered sufficient to support a larger settlement and it is likely that many services are located beyond a reasonable distance for sustainable travel, as previously discussed. Without any significant employment opportunities and further community facilities being incorporated into the proposed designation, the proposal does not support the need to reduce travel particularly by the private car.

The Report suggests that the proposal would incorporate improvements and changes to the road infrastructure, particularly along Forsyth Street B9040 with the aim of reducing vehicle speeds and providing greater levels of connectivity. It is recognised that such proposals would help to improve the road network in the immediate vicinity of the site in terms of accessibility and safety for all road users, however the wider concerns over the need to travel beyond the settlement to reach a variety of trip attractors by private car remain.

As per Scottish Planning Policy para 270, the planning system should support patterns of development that reduce the need to travel. Following consideration of the information provided, the Council are of the view that this proposal still fails to meet this requirement. The Spatial Strategy for the Moray LDP has been developed focusing growth on Elgin, and to a lesser extent, Forres and Buckie, taking cognisance of the existing, and future, employment opportunities that enable a reduction in travel distances and are within a reasonable distance to encourage sustainable forms of travel.

Infrastructure

It is accepted that both Hopeman Primary School and Lossiemouth High School have capacity to accommodate the requested 75 houses. As already identified, the Council considers Sites A and B to be of a scale to accommodate significantly more development which could have an impact on infrastructure requirements.

Deliverability

The Council accepts that Springfield Properties Plc have delivered a number of developments across Moray and elsewhere. However, the Proposed Plan aims to deliver housing to meet identified need in the most sustainable way in conformity with the Spatial Strategy.

Housing Land

The designated sites within the Proposed Plan are considered to meet housing need within the plan period and beyond. There is an effective housing land supply in Hopeman of 47 units identified in the housing land audit 2019, consisting of 22 units at Forsyth Street and 25 units at R1 Manse Road. This will be added to through the “release” of the current LONG site at Manse Road in the new Plan for 50 units and the new site R2 at Hopeman Golf Club for a further 8 units, bringing the total housing land supply for Hopeman for the period of the Plan to 47 units plus 58, giving a total effective supply of 105 units. This is considered to meet needs within the plan period and beyond. Once these sites are developed, the Council considers that Hopeman will have reached the limits of its “physical” growth. In terms of the effectiveness of the R1 Manse Road site evidence has been provided by the developer that a planning application is expected in the summer (CD13).

This objection from Springfield Properties Plc should be read in conjunction with their objection to the Spatial Strategy (Schedule 4 Issue 1).

Landscape

The Council has sought to safeguard the characteristic features of the village and its setting by retaining the open rural outlook to the south of the B9040 road which is an attractive feature of Hopeman. Development of the scale proposed and potential larger scale expansion is completely out of keeping with Hopeman’s status as one of the smaller towns and villages in the Spatial Strategy

A review of local landscape designations has recently been undertaken, where cultural heritage, recreational and nature conservation value are considered together with scenic qualities in a more holistic approach as to what comprises landscape (CD37). As part of the review, the Burghead to Lossiemouth Special Landscape Area (SLA) was identified, an extensive designation stretching along the coast and covering the site.

In the context of Hopeman, this open area provides immediate backdrop to the coast and allows the distinct pattern of coastal settlements to be appreciated and is considered to make an important contribution to the setting of Hopeman. This objection by Springfield Properties Plc should also be read in conjunction with their objection to the boundaries of the Burghead to Lossiemouth SLA. (Schedule 4 Issue 6)

The Council does not agree the site is a logical extension to the village. It is considered once the sites in the Proposed Plan are developed Hopeman will have reached the limits

of its “physical” growth. There is no scope to extend the village beyond the sites identified in the Proposed Plan due to the impact on the character of the fishing village and SLA, the limited services available and the impact on the local road network. The designation of land for 25 houses and a LONG allocation for 50 houses is not supported.

No modification is proposed.

Reporter’s conclusions:
Reporter’s recommendations:

Issue 10	Forres Housing Market Area (HMA) Forres Dallas, Dyke, Findhorn, Kinloss and Rafford	
Development plan reference:	<p>Volume 2: Settlement Statements</p> <p>Forres</p> <p>General</p> <p>R1 Knockomie page 198</p> <p>R2 Ferrylea page 199</p> <p>R3 Lochyhill page 200</p> <p>R7 Pilmuir Road West page 204</p> <p>LONG1 Lochyhill page 205</p> <p>I4 Waterford North page 207</p> <p>OPP1 Caroline Street page 208</p> <p>OPP5 Edgehill Road page 210</p> <p>OPP7 Whiterow page 211</p> <p>TSP14 page 219</p> <p>Dallas</p> <p>R3 Former Filling Station (page 80)</p> <p>Dyke</p> <p>R2 South Darklass Road (page 96)</p> <p>R3 Fir Park Road (page 97)</p> <p>Findhorn</p> <p>R2 Dunelands (page 174)</p> <p>Settlement Boundary (page 179)</p> <p>Kinloss</p> <p>R1 West of Seapark House (page 264)</p> <p>R2 Findhorn Road West (page 264)</p>	Reporter:

	R3 Damhead (page 265) OPP2 Land at Former Abbeylands School (page 266) Rafford R1 Brochloch (page 314)	
Body or person(s) submitting a representation raising the issue (including reference number):		
Forres General Robert McEntee (1976) R1 Knockomie Stephanie Anderson (1974) Paul Anderson (2012) R2 Ferrylea Springfield Properties Plc (10) Woodland Trust Scotland (1818) R3 Lochyhill Paul Hudson (1011) Leiths (Scotland) Ltd (1817) Andrew Moore (1975) Michael Miller (2100) R7 Pilmuir Road West Frank Thomson (2024) Andrew Laing (2113) LONG1 Lochyhill Leiths (Scotland) Ltd (1817) Woodland Trust Scotland (1818)		

I4 Waterford North

Johnstone Macpherson-Stewart (1812)

OPP1 Caroline Street

Dominic Jordan (1978)

OPP5 Edgehill Road

Sandy Aird (1977)

OPP7 Whiterow

Altyre Estate (72)

Raymond Webber (352)

Woodland Trust Scotland (1818)

James Findlay (2105)

TSP14

Lyn and David Main (1856)

Dallas**R3 Former Filling Station**

Anthony Boyle (729)

Dyke**R2 South Darklass Road**

Amanda Clark (2114)

Erin Fraser (2152)

Douglas Graham (2210)

R3 Fir Park Road

Mr and Mrs Soutter (2120)

Alan Doughty (2171)

Robert Hunt (2211)

Ros Davidson (2219)

Findhorn	
R2 Dunelands	
Frances Knight (2134)	
Settlement Boundary	
Frances Knight (2134)	
Kinloss	
R1 West of Seapark House	
Woodland Trust Scotland (1818)	
R2 Findhorn Road West	
Michael and Sheila Thompson (2010)	
R3 Damhead	
Peter Bales (2089)	
OPP2 Land at Former Abbeylands School	
Lenita van Hoff (1980)	
J. Duncan (2003)	
Carl Coghill (2005)	
Steven Gasgrath (2009)	
Rafford	
R1 Brochloch	
Alistair and Dawn Smith (718)	
Howard and Christine Davenport (1049)	
Dallas Estate (1319)	
Finderne Community Council (1398)	
Woodland Trust Scotland (1818)	
Robert McEntee (1976)	
Provision of the	Housing, employment and other designations within the Forres

development plan to which the issue relates:	Housing Market Area Settlement Statements.
Planning authority's summary of the representation(s):	
<p>Forres</p> <p>General</p> <p><u>Robert McEntee (1976/1/1)</u></p> <p>Where is the "infrastructure" to be located to support all the new housing locations around the Forres area?</p> <p>R1 Knockomie</p> <p><u>Stephanie Anderson (1974/1/1)</u></p> <p>There is no room for houses in the field.</p> <p><u>Paul Anderson (2012/1/1)</u></p> <p>Will struggle to get satellite tv signal due to new houses. Believe that a path should be provided between the new houses and Brander Gardens/Whiterow Drive. A number of properties along these roads have gates on the back fences which they would be unable to use.</p> <p>R2 Ferrylea</p> <p><u>Springfield Properties Plc (10/13/15)</u></p> <p>Currently have a live planning application for the remaining parts of the site. The proposed text would prejudice the determination of this application. Object to the level of prescriptive requirements as onerous and simply unviable.</p> <p><u>Woodland Trust Scotland (1818/2/12)</u></p> <p>The southern part of this site is adjacent to an area identified as Long Establish Plantation Origin (LEPO) on the Ancient Woodland Inventory. Recommend a site-specific requirement of a significant buffer to protect the woodland. The site development is likely to increase recreational use, which is encouraged, however paths within the woodland should not result in felling and be designed to ensure they are followed to avoid creation of desire lines and damage to ground flora.</p> <p>R3 Lochyhill</p> <p><u>Paul Hudson (1011/2/1)</u></p> <p>The Proposed Plan is entirely inconsistent with extensive plans for Eastern Forres drawn up by Moray Council only a matter of a few years ago. This indicates a waste of significant time, effort and goodwill. Query what is the running total of costs incurred by local taxpayers of planning U-turns by the Moray Council since publication of the Moray Local</p>	

Plan 2008? Question why planning in the eastern half of R3 given the uncertainty over the A96 dualling route in this area.

Leiths (Scotland) Ltd (1817/2/1)

Object to the indicative masterplan which shows vehicular and pedestrian linkages from R3 through LONG1 and on to the C27E and Forres Enterprise Park due to conflict between residential and quarry traffic which may have an impact on the ability to fully exploit the economically recoverable mineral resources at the quarry. Failing this, access to R3 and LONG1 should only be taken from the A96 and not from the C27E.

Andrew Moore (1975/1/1)

Inappropriate Scale of Development

Believe that a development of the proposed size and scale will change the very nature of the area. The small rural town of Forres will become a bland urban conglomeration of matchbox houses similar to the other developments recently erected in Forres. Question whether Forres needs anymore housing as properties are now difficult to sell due to the number of houses built in recent years. Believe that a development of this size will damage the local tourist industry, particularly in Forres and Findhorn, as well as affecting local businesses in the town centre. This ill-conceived grotesque development will introduce around 2000 people to the area and bring increases in traffic, pollution and noise all concentrated in Forres.

New Town

Believe that a development of this size, with schools and shops, should be placed outside of Forres as a standalone new small town with its own name and identity.

Michael Miller (21001/1)

Impact on Property

The combination of the A96 dualling and the proposed R3 development has blighted the property making it unsellable for a number of years.

The area to the south of Tarras Farmhouse was built as a privacy barrier as part of the agreement for the Enterprise Park and this should be respected.

Transportation

The A96 dualling will hugely affect the R3 development and the current road conditions would not be able to deal with additional traffic. Suggests that the Sandy Road by the mound be used as the exit point for the middle section of R3. The road from the A96 to our property should remain private as a suitable access cannot be created without removing screening, the dry-stone dyke is considered a safety hazard to cars and pedestrians and the road will become littered with dog dirt.

R7 Pilmuir Road West

Frank Thomson (2024/1/1)

Transportation

The proposed site suffers from restricted access, single carriage roadways and little or no scope for improved footpath/cycle routes allowing access to Pilmuir school. Pilmuir Road West already has several blind bends and increased traffic is already becoming an issue.

Flooding

The site sits on ground adjacent to the Forres Flood Alleviation Scheme, which has not yet had a significant test to establish effect of displaced water.

Contamination and Archaeology

Site was previously used as an airfield with some Asbestos roofs visible on standing buildings and archaeological digs have shown possible Roman remains.

Design

Query whether proposed building types will be similar to existing residential buildings.

Andrew Laing (2113/1/1)

Transportation

The road infrastructure and dimensions cannot adequately support the development. Increase in traffic flow would pose an increased risk of vehicle collision with pedestrians due to the proximity to a Children's Nursery and poor layout of a junction. The dimensions of the Ferry Road/Pilmuir Road West junction do not lend itself to the safe movement of an increased volume of vehicles.

Flooding

The site is in the run off area for a flood alleviation scheme and the water table is high in this area, as such additional development would increase the risk of flooding.

Contamination

An assessment of Asbestos and contamination hazard should be carried out as the site is a disused RAF Airfield and Buildings.

Bats

The buildings have a resident bat population.

Healthcare

An assessment on the ability of Forres to cater for the health and education needs of an increased population is required.

LONG1 Lochyhill

Leiths (Scotland) Ltd (1817/2/1)

Object to allocation if access is to be taken via the C27E road due to conflict between residential and quarry traffic which may have an impact on the ability to fully exploit the economically recoverable mineral resources at the quarry. Propose that LONG1 site remains within the Countryside Around Town (CAT) designation. Failing this, access to LONG1 should only be taken from the A96 via R3 and not from the C27E.

Woodland Trust Scotland (1818/210)

Identified woodland area on this site on the 1st Edition OS 1874 maps, and recommend that it is assessed for its ancient woodland value. It is known that the Ancient Woodland Inventory is incomplete and that smaller woodlands were left off the Inventory altogether, therefore it is worth surveying this area with a view to ensure its retention and appropriate management.

I4 Waterford North

Johnstone Macpherson-Stewart (1812/2/1)

The preferred route of A96 dualling route sees the future dual carriageway carve its way straight through the middle of the proposed site, with little or no pockets of land remaining available.

Propose inclusion of Greshop House and its paddocks for industrial land given the terminal blighting of the Grade II listed property due to the dual carriageway and industrial development. The proposed inclusion of Greshop House, along with the pocket of land likely to be left to the west of the dual carriageway, would provide a total usable space of around 7ha which would go a long way towards satisfying the ongoing need for suitable industrial or business land in and around Forres. A map of the site proposed for inclusion is included within this representation.

OPP1 Caroline Street

Dominic Jordan ()

Forres High Street should be a focus for retail units and not another location. Local roads would become congested and likely cause safety issues.

OPP5 Edgehill Road

Sandy Aird (1977/1/1)

This site is situated behind and very adjacent to the first green of Forres Golf Course. Residential buildings may be susceptible to stray golf balls flying through windows. A very high fence would need to be erected to prevent damage or injury.

OPP7 Whiterow

Altyre Estate (72/3/1)

Support allocation of site providing potential for reuse and repurposing of a former poultry

shed and brown field site, improvements to the settlement edge and scope for other uses, including housing.

Wider proposals for a more extensive development here have been under consideration but are not being brought forward at this time. Preliminary work has been undertaken to review access options to serve new development here and address transportation concerns. Ongoing work will be undertaken with Scottish Gas Network, the Council and others to appraise options.

Raymond Webber (352/7/1)

Transportation

Object on the basis of the lack of road infrastructure and the effect it will have on local drainage. Forres South has been saturated with new developments in recent years and the last thing the area needs is another new development on the southern edge of the town with no plan to link the area with the A96.

Flooding

The current agricultural fields around Whiterow have drainage into the stream which flows along the roadside through the grounds of Plantation Cottage to the Mundole Road. Any increase in water drainage will impose a flood risk to the area.

Woodland

Woodland Trust Scotland (1818/2/11)

Long Establish Plantation Origin (LEPO) woodland identified on this site. The indicative drawing for this site at p 212 appears to show a complete loss of the woodland. Introduce change in site drawing (figure 1.5) in the Proposed Plan to recognise the importance of this remaining woodland and request retention and appropriate buffers in site requirements.

James Findlay (2105/1/1)

Support the principle of opportunity designation. Note the high pressure pipeline is identified as requiring to be addressed.

Planning History

Designation should be amended to better reflect that the 2 consented houses will take access across the pipeline with appropriate protection measures before connecting to a new access to the A940 and any link road from the A940 to Mundole Road will also require a further crossing of the pipeline as it is unavoidable.

Transportation

Support the closure of the U83E to through traffic but would object to existing residents having their access rights removed. In the case of own property, changing the access would alter the character of the house as access would be restricted to the north. The U83E has poor visibility, a lack of passing places and is prone to landslip from the north.

Re use of Chicken Sheds

As the site will be a gateway entrance to Forres from the south on the A940, considers the re-use of the large chicken shed at Whiterow is unlikely to enhance the approach to Forres and this building should be demolished and replaced with better purpose designed units in a different location in OPP7 either to the south or north of the site.

TSP14

Lyn and David Main (1856/2/1)

Concerned at the increased amount of vehicular traffic using the U83E as a short cut to access the A96 as it is single track with no passing places and poses a threat to non-vehicular users and wildlife.

Dallas

R3 Former Filling Station

Anthony Boyle (729/2/1)

Does not object to the proposal but houses should be restricted to a maximum of 1.5 storeys in order to reflect the rural character of the village.

Dyke

R2 South Darklass Road

Character

Amanda Clark (2114/1/1)

Very high development rate will change the size and character of the village dramatically, as well as negatively impacting on the landscape of the rural area. Buildings would not integrate sensitively into the landscape and would not be in keeping with the character of the village and rural area.

Erin Fraser (2152/1/1)

Concerned that the proposed site will compromise privacy and that property will become overlooked and affected by noise issues. The character of the village is being compromised by too many houses in such a small space.

Access / Transportation

Amanda Clark (2114/1/1)

The road structure from the A96 to the village cannot cope with the impact of heavy lorries and building vehicles and potholes are appearing on the road. Further development at R2 would have a significant effect on local people as there are no foot/cycle paths into the village and pedestrians are constantly required to step out of the way when large lorries

are coming in and out of the village. Darklass Road is unable to cope with heavy vehicles and cars are often parked haphazardly on the street, whilst children also use this road to catch the school bus. The increase of traffic would enhance the risk to pedestrians and children.

Erin Fraser (2152/1/4)

Darklass Road is already very congested due to the number of households using it. As most houses using the road have 2 cars, it is not fit to accommodate more, particularly considering the development at R1 and Darklass which will add 19 large houses (potentially nearly 40 extra cars) to the existing route. Due to cars parking on the road it is often reduced to single track, which is extremely treacherous in the winter. The junction with the Main Street has poor visibility and is frequently blocked.

Douglas Graham (2210/1/1)

The junction of Darklass Road and Main Street is very dangerous due to poor visibility, parked cars and speeding. Any additional traffic will only increase the problem and the number of dwellings served by this junction will be in excess of 50.

Other Issues

Amanda Clark (2114/1/1)

Development is being promoted in areas where service provision is significantly lacking, with constraints at the local health centre and Forres Academy.

Douglas Graham (2210/1/1)

Surface water will feed into the ditch to the west of the site which will increase the flood risk to the lower properties adjacent to 'Small Burn'. The existing sewage treatment plant is already at capacity and any additional effluent may pollute the "Muckle Burn".

R3 Fir Park Road

Character and Amenity

Mr and Mrs Soutter (2120/1/1)

Concerned with the loss of prime agricultural land, impact on amenity and the promotion of 'ribbon development'.

The view from properties across the road, such as Old Mason Lodge, Ardenair, Glenavon and Crowhall Bungalow, would be completely obscured and solar panels present would be shaded for part of the day as a result of houses on the proposed site. Should the site be designated, houses should be restricted in height to a single storey (bungalow) to adhere to the aesthetic look of the village.

Alan Doughty (2171/1/1)

There is no need for this site with two sites under construction within village, resulting in 19 new houses, and this is not sustainable for current and future economic growth.

Inclusion of site would lessen and detract from the amenity of the village, detrimentally changing the open nature and character of the neighbourhood. Residential development would alter the existing character and feel of current village life detrimentally. The proposed site is long and undefined with no defensible boundaries and new development would contrast and clash with the feel of the area.

Site is significantly higher than existing properties and proximity of designated site causes concern for loss of sunlight to own property and reduction to the current quality of life experienced. The location of the proposed site raises privacy issues due to the proximity of existing houses opposite, with only the narrow road through the village separating the boundaries of existing properties and the proposed site.

Robert Hunt (2211/1/1)

Concerned that development would cause overshadowing as houses opposite lie below the proposed site. Proposed development would not fit into and would take away from the feel of the village.

Infrastructure and Services

Mr and Mrs Soutter (2120/1/1)

The sewer system is at capacity. The road is very narrow and would require to be widened to accommodate access to the proposed site. New facilities aren't being provided as a result of the construction of houses at the opposite end of the village.

Alan Doughty (2171/1/1)

The proposed designated site would necessitate considerable changes to the road, which is very narrow and currently causes traffic problems, resulting in damage to properties and vehicles. Entrance to property's drive is currently used as an unofficial passing place.

Robert Hunt (2211/1/1)

There are currently parking issues due to the single lane road and any development on this site would create more traffic. There are no pavements to walk children to the school. The walled boundaries of neighbouring properties are regularly hit by speeding cars.

The field has drainage issues and the sewer system does not function properly with the properties that exist presently.

Other Matters

Mr and Mrs Soutter (2120/1/1)

Worried that a very large oak tree in the corner of our property would cause considerable damage to any property built on the proposed sites should it blow down.

Ros Davidson (2219/1/1)

Support the allocation of site. Early tree planting has been undertaken to ensure any development in this location integrates as sensitively as possible into its surrounds.

Findhorn

R2 Dunelands

Mrs Frances Knight (2134/4/2)

Mapping is incorrect as shows an area of open space between R2 and the neighbouring property, Tor Avon. Development – not houses – on R2 has extended to take land up to the fence line of Tor Avon.

Settlement Boundary

Mrs Frances Knight (2134/1/1)

The settlement boundary at the north end of The Park (shown as white land and with an asterisk) should be returned to its layout in 2007 in order to respect the integrity of the coastal dunes landscape and the environmental value of the land, as well as underlining the unsuitability of the land for housing development, now or in the future. This area is unsuitable and inappropriate for development for a number of reasons including access, environmental sensitivity and recreational protection.

Kinloss

R1 West of Seapark House

Woodland Trust Scotland (1818/2/13)

This site contains mature trees protected by a Tree Preservation Order (TPO) since 2009 for their biodiversity value. Designation text recognises that development must be located in clearings with tree removal avoided. Best protection for trees on site would be to avoid development on this site altogether. If unavoidable, map on page 264 should be amended to clearly show where the housing would be appropriate, taking into account root protection areas.

R2 Findhorn Road West

Michael and Sheila Thompson (2010/1/1)

Proposal for 6 houses on the site is a departure from the Local Development Plan (LDP) 2008 where the capacity was for 4 houses. The building of 6 houses would be over-development and an intensification of the housing density in this part of Kinloss village. The close proximity of the houses would give an appearance of a terrace, which is totally out of keeping with the surrounding detached, single-storey properties along Findhorn Road. Up to 4 single-storey houses would not have such an impact and would retain a consistent roof line and height with adjacent properties. Development should be completed within a set timescale to minimise the impact on the amenity and residents.

With no screening on the bay side of the site, development would adversely impact on the wildlife in the area and would not be “integrated into the surrounding landscape”. The area currently is a natural “buffer” between the village and the Bay and acts as a safe haven for a diverse range of birds, animals and flora.

Development at this site would result in doubling the number of junctions within 150m of each other, causing a major road safety hazard for both pedestrians and road users. Due to increasing volumes of traffic and excessive speeds, development should require that the 30mph speed restriction be relocated further north on the B9011. Should development be approved, no construction traffic, workers or visitors to the site should be permitted to use Manse Road, Glebe Road or Findhorn Road for parking for the duration of the building phase and beyond.

The site will not provide adequate parking spaces for 6 houses as this does not consider additional or visiting vehicles. The lack of adequate parking would inevitably cause an overflow of cars onto Findhorn Road or into Manse Road, causing severe traffic safety issues and major problems for residents.

SEPA have previously objected to planning applications due to the possibility of flooding. Photographic evidence provided that shows the site flooding, which occurs at least 3 times a year.

R3 Damhead

Peter Bales (2089/1/1)

Right of way, used for over 20 years, exists through the site.

OPP2 Land at Former Abbeylands School

Lenita van Hoff (1980/1/1)

There is no demand for housing as there is a lot of empty housing in Kinloss, owned by the MOD, which should be looked at first.

The proposed development is located in a SEPA identified high flood risk area and this should be addressed in the flood risk document. There is a problematically high water table and, despite the site having a drainage pipe, the area continues to be very boggy. Concerned about the consequence of a further rise in water table and management of the watercourse.

The adjacent housing development is a privately owned estate which manages its own roads, street lighting, common areas and waste. The access to the development and proposed site is a private road which is not fit for purpose and would require engineering works to improve it. It is doubtful that residents would agree to the road being used as access to the site. The waste system is also privately-owned by the estate and therefore access and services would likely have to enter the proposed development from the road connecting the A96 to Kinloss.

J. Duncan (2003/1/1)

Access road is private and residents pay an annual fee to cover maintenance etc. The volume of traffic currently using the road to access Morayvia is high, reducing the condition of road, and concerned that the expansion will increase the amount of traffic and impact on the drains and structure of houses on North Road.

Carl Coghill (2005/1/1)

Object to access via North Road which is a private road deteriorating with current usage. Road is restricted to 20mph speed limit, is unsuitable for large vehicles to navigate due to double parking and is used by many pedestrians crossing to the adjacent sports field.

Steven Gasgrath (2009/1/1)

Query the contribution from Morayvia towards repairs and upkeep of North Road, which is already subject to significant traffic to Morayvia including heavy vehicles.

Traffic study should be carried out which measures the amount of traffic using North Road to access Morayvia over the past 12 months.

Rafford

R1 Brochloch

Alistair and Dawn Smith (718/2/1), Howard and Christine Davenport (1049/3/1) and Finderne Community Council (1398/3/1)

Two site requirements have been removed from the LDP 2015 regarding the retention of the area to the rear of the existing houses as open space / landscaping and consideration of safe routes to school, these should be re-included.

All septic tanks in the area serve individual houses and are privately owned and maintained. To add sufficient septic tanks to service 12 houses in such a confined area would seriously raise and pollute the local water table and impact on the existing properties in that area.

Dallas Estate (1319/4/1)

Support allocation of site and underline commitment to the development of the site.

Woodland Trust Scotland (1818/2/14)

The site abuts 48ha Long-established Woodlands of Plantation Origin (LEPO) to the west. Uncertain of the nature conservation value and would recommend assessment of any ancient woodland features which may be present to determine any further management required.

Robert McEntee (1976/1/2)

Development will exacerbate ongoing problems in Rafford with septic tank soakaways.

Modifications sought by those submitting representations:

Forres

General

Robert McEntee (1976/1/1)

No change sought.

R1 Knockomie

Stephanie Anderson (1974/1/1)

Delete designation

Paul Anderson (2012/1/1)

Amend designation text to require path between existing housing and new development.

R2 Ferrylea

Springfield Properties Plc (10/13/15)

Party not specific regarding change.

Woodland Trust Scotland (1818/2/12)

Amend designation text to require significant buffer to protect woodland.

R3 Lochyhill

Paul Hudson (10112/1)

Party not specific regarding change.

Leiths (Scotland) Ltd (1817/2/2)

Amend designation text to state access to R3 must be via the A96 only with no access onto the C27E.

Andrew Moore (1975/1/1)

Delete designation and identify new town to accommodate growth.

Michael Miller (2100/1/1)

Amend designation text to delete link through BP1 Enterprise Park Forres to R3 Lochyhill.

Amend Fig 1.2 design principles for the site to exclude Sunny Road as an access onto the A96.

R7 Pilmuir Road West

Frank Thomson (2024/1/1)

Party not specific regarding change.

Andrew Laing (2113/1/1)

Party not specific regarding change.

LONG1 Lochyhill

Leiths (Scotland) Ltd (1817/2/1)

Delete LONG designation or amend designation text to state access to LONG 1 must be via the A96 only with no access onto the C27E.

Woodland Trust Scotland (1818/2/10)

Amend designation text to require tree survey(s) to identify if there is ancient woodland on site.

I4 Waterford North

Johnstone Macpherson-Stewart (1812/2/1)

Amend the boundary of I4 Waterford North designation to include Greshop House and paddocks.

OPP1 Caroline Street

Dominic Jordan (1978/1/1)

Party not specific regarding change.

OPP5 Edgehill Road

Sandy Aird (1977/1/1)

Party not specific regarding change.

OPP7 Whiterow

Altyre Estate (72/3/1)

No change sought.

Raymond Webber (352/7/1)

Delete designation.

Woodland Trust Scotland (1818/2/11)

Amend key design principles to reference retaining woodlands.

James Findlay (2105/1/1)

Amend designation text to reflect planning consents for individual houses on the site.

Amend designation text to require the demolition and replacement of the chicken sheds.

TSP14

Lyn and David Main (1856/2/1)

Party not specific regarding change.

Dallas

R3 Former Filling Station

Anthony Boyle (729/2/1)

Restrict house heights to a maximum of 1.5 storeys.

Dyke

R2 South Darklass Road

Amanda Clark (2114/1/1), Erin Fraser (2152/1/1) and Douglas Graham (2210/1/1)

Remove Site R2 South Darklass Road. (Modification is implied based on the objection wording rather than specified).

R3 Fir Park Road

Mr and Mrs Soutter (2120/1/1), Alan Doughty (2171/1/1) and Robert Hunt (2211/1/1)

Remove Site R3 Fir Park Road. (In some cases, modification is implied based on the objection wording rather than specified).

Mr and Mrs Soutter (2120/1/1)

If site is retained, restrict house heights to a maximum of one storey (bungalows).

Ros Davidson (2219/1/1)

No change sought.

Findhorn

R2 Dunelands

Frances Knight (2134/1/2)

Amend mapping to reflect the realities of what is on the ground.

Settlement Boundary

Frances Knight (2134/1/1)

Amend settlement boundary to exclude area to the north of The Park (shown as white land and marked with an asterisk).

Kinloss

R1 West of Seapark House

Woodland Trust Scotland (1818/2/13)

Remove Site R1 West of Seapark House.

If site is retained, amend site boundary to clearly show where the housing would be appropriate, taking into account root protection areas.

R2 Findhorn Road West

Michael and Sheila Thompson (2010/1/1)

Remove Site R2 Findhorn Road West.

If site is retained, restrict house heights to a maximum of one storey (bungalows) and require the relocation of 30mph speed limit further north on the B9011.

R3 Damhead

Peter Bales (2089/1/1)

Require right of way path(s) to be retained.

OPP2 Land at Former Abbeylands School

Lenita van Hoff (1980/1/1), J. Duncan (2003/1/1), Carl Coghill (2005/1/1) and Steven Gasgrath (2009/1/1)

Remove Site OPP2 Land at Former Abbeylands School. (In some cases, modification is implied based on the objection wording rather than specified).

Rafford

R1 Brochloch

Alistair and Dawn Smith (718/2/1), Howard and Christine Davenport (1049/3/1) and Finderne Community Council (1398/3/1)

Require the retention of area behind existing houses for open space / landscaping and consideration to be given to safe routes to school.

Dallas Estate (1319/4/1)

No change sought.

Woodland Trust Scotland (1818/2/14)

Require tree survey/s to identify if there are ancient woodland features on site.

Robert McEntee (1976/1/2)

Party not specific regarding change.

Summary of responses (including reasons) by planning authority:

Forres

General

Robert McEntee (1976/1/1)

The Council is committed to an infrastructure first approach as advocated through the emerging Planning (Scotland) Act.

The Council works closely with NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents.

In Forres the following infrastructure requirements have been identified in the Proposed Plan.

Education -New Primary School and 2.5ha serviced site at Lochyhill, extension to Pilmuir Primary School and extension to Forres Academy.

Healthcare -Extension to Forres Health Centre and Care Centre, 2 additional dentist chairs and reconfiguration of pharmacy outlet/s.

Sports and Recreation - Enclosed, floodlit 4G pitch at Roysvale, enclosed sports pitch at Lochyhill LONG 1 and floodlit multi-use games area (MUGA) at Lochyhill.

Transport Proposals - 31 transport proposals are identified to mitigate the impact of development on existing infrastructure.

No modification is proposed.

R1 Knockomie

Stephanie Anderson (1974/1/1) and Paul Anderson (2012/1/1)

The R1 Knockomie designation is approximately 6.7ha in size and is capable of accommodating residential development. This site was originally designated in the Moray Local Plan 2008 and went through the Examination process for the Moray Local Development Plan (MLDP) 2015. A planning application (19/00293/APP) for 112 housing units and associated infrastructure has been submitted for this site and is currently under consideration. The site is considered effective and makes a key contribution to the

housing land supply in Forres over the plan period.

The potential negative impact on satellite signals is not a material consideration in the determination of any planning application. It is highly unlikely that the Council will accept a path between the existing development and any new housing as this will create a route with 6ft fencing on each side that would be unattractive and have poor natural surveillance.

No modification is proposed.

R2 Ferrylea

Springfield Properties Plc (10/13/15)

The requirements identified in the designation text have been identified in consultation with key consultees and the Council considers these to be proportionate to the size and constraints of the site. The “placemaking” agenda has progressed significantly as a national priority since the site was first consented in 2013 and this is reflected in the designation text.

The Council recognises that there is a live planning application for the third phase which would mean a total of 565 units on a site identified for 275 units originally in the Moray Local Plan 2008.

The developer obligations and infrastructure requirements should be reflected in land value and given the significant increase in houses proposed the Council does not consider there to be a viability issue in meeting the requirements set out in the Proposed Plan.

No modification is proposed.

Woodland Trust Scotland (18/18/2/12)

Where mature trees exist bordering a site it is a policy requirement within EP7 Forestry, Woodland, and Trees part c) for a tree survey, and tree protection and mitigation plan to be submitted with any planning application. The requirement for a significant buffer does not require to be written into the designation as this is covered within Policy EP7 and supporting guidance. The gas pipeline effectively means there will be a large buffer between most of the development and the existing woodland and connections into the woodland are being progressed through the current planning application (18/01142/APP).

No modification is proposed.

R3 Lochyhill

Paul Hudson (10/11/2/1), Andrew Moore (19/75/1/1) and Michael Miller (21/00/1/1)

This site was originally designated in the Moray Local Plan 2008 and was subject to Public Local Inquiry. In the Moray Local Development Plan 2015 the site was enlarged and went through the Examination process. This identified growth area is considered to represent the next large scale expansion of Forres following development in the south along the Grantown Road.

The preparation of a new LDP offers the opportunity to review designations and take account of current circumstances and address constraints to development coming forward. The planning consent (09/02364/APP) for 229 houses on the northern portion of the site has lapsed. Discussions are currently being held with developers and landowners to take forward a Masterplan for R3 Lochyhill and LONG 1.

The eastern half of the R3 site is currently designated in the MLDP 2015 as a Business Park, however a decision was made to change this to a residential designation in the Proposed Plan in order to consolidate housing development on the southern side of the A96 and overcome issues with crossing the A96 and proximity to facilities and services.

Consideration of issues such as noise, pollution and traffic will be considered as part of any detailed planning application. The designation text requires submission of a Noise Impact Assessment and Transport Assessment to support proposals and consider these issues in detail.

No modification is proposed.

Transportation

It is accepted that part of the R3 site will be impacted by the preferred A96 dualling route. This is acknowledged in the designation text which requires development proposals to take into account the preferred option for the A96 dualling route.

Key design principles have been developed to provide a framework to highlight access and connectivity across the site as an important consideration in development of the site. No detailed assessments or surveys have been undertaken at this time. The required Masterplan will have to address connectivity across the various parcels of land within the growth area and determine the appropriateness of using existing roads. As acknowledged above the Masterplan will also have to take account of the preferred dualling route and any implications arising.

Leiths (Scotland) Ltd (1817/2/2)

Development at Lochyhill is not considered to have a detrimental impact on the operations of the quarry and would not result in the sterilisation of mineral resources in this location. A Transport Assessment is required to support development proposals and this will allow transport implications to be more fully considered. The LONG site will not be developed in isolation with access being provided both through R3 and onto the C27E to form a well-connected permeable development. Quarry traffic would need to avoid using roads through residential sites to access the A96 and the preferred route for quarry traffic would be via the C27E through the Forres Enterprise Park. Further comment in terms of the preferred junction for A96 access by the quarry HGV traffic would be a matter for Transport Scotland to consider as the trunk roads authority.

The route via the C27E through Forres Enterprise Park would also provide a more direct access to the Forres East junction of the proposed A96 dualling than via the network of roads which may be proposed as part of the Lochyhill Masterplan.

No modification is proposed.

Inappropriate Scale of Development

Andrew Moore (1975/1/1)

The Spatial Strategy approach set out in the Proposed Plan is considered the most sustainable, directing development to the main service centres with the best public and active travel connections. The east of Forres is an identified growth area and there is a requirement to prepare a Masterplan to support development in this location. A development of this scale is considered proportionate to Forres' size and place in the Spatial Strategy. Development of the site will be in phases over a number of years and not all at once.

The required Masterplan will seek to support the delivery of a high quality new neighbourhood in Forres where infrastructure has been considered at the outset. The Masterplan will also focus upon delivering advanced planting providing significant new woodland creation required to integrate the new development sensitively and create an attractive gateway into Forres. The development will have to reflect the character and identity of Forres and not be an "anywhere development." It is accepted that there are parts of the Forres where there is a lack of character and identity and the Council has sought to address this in future developments through the adoption of Placemaking as a primary policy in the MLDP 2015 and primary policy (PP1) in the Proposed Plan.

It is not considered development of the eastern edge of Forres would damage local tourism or impact negatively upon Forres High Street.

No modification is proposed.

New Town

Andrew Moore (1975/1/1)

The Council is committed to the Spatial Strategy and directing development to Forres as a secondary growth area. A new town is not required to meet housing land requirements at this time. The Proposed Plan states "...taking a longer term view of future development, a longer term action to undertake preliminary investigations into suitable locations for new town has been included in the Action/Delivery Programme."

No modification is proposed.

Impact on Property

Michael Miller (2100/1/1)

The impact on property values and saleability is not a material planning consideration. As part of the Masterplan and any detailed planning application, impact on the amenity of existing properties will be considered. The creation of an access through the Enterprise Park Forres landscaped area is only indicative at this time and will require further investigation as part of the Masterplan. There will be an opportunity to comment upon any detail during consultation on the Masterplan and subsequent planning application submitted.

No modification is proposed.

R7 Pilmuir Road West

Frank Thomson (2024/1/1) and Andrew Laing (2113/1/1)

This brownfield site was originally identified in the Moray Local Plan 2000. The site was not formally designated in the Moray Local Plan 2008 due to flooding issues. It was subsequently embargoed from development in the current MLDP 2015 until the flood alleviation scheme was completed. The sites inclusion in the MLDP 2015 was subject to Examination. The flood alleviation works have now been completed and the Council has prepared a detailed development brief to promote development of the site (CD27). The brief was subject to public consultation and was approved by the Council as a material consideration on 30 May 2017.

Transportation

The Council's Transportation section was consulted and raised no significant issues in terms of access constraints or road safety issues.

No modification is proposed.

Flooding

This is an existing site in the MLDP 2015. Both SEPA and the Council's Flood Risk Management team have been consulted on continued inclusion of the site and raised no issues in terms of potential impact on the Flood Alleviation Scheme or increased flood risk elsewhere. The designation text supporting the allocation requires the submission of a FRA and Drainage Impact Assessment (DIA) to ensure these issues are adequately addressed.

No modification is proposed.

Contamination and Archaeology

The designation text supporting the allocation requires the submission of a contamination assessment and archaeological evaluation of the site which will address the issues raised. The Regional Archaeologist and Council's Contaminated Land section were consulted in the preparation of the Proposed Plan and raised no objections to the principle of development in this location.

No modification is proposed.

Bats

Andrew Laing (2113/1/1)

The presence of bats and appropriate mitigation will be dealt with at planning application stage. Policy EP1 Natural Heritage Designations requires the submission of a species survey where a protected species may be present or affected by development.

No modification is proposed.

Design

Frank Thomson (2024/1/1)

A development brief has been prepared for the site that sets out requirements for buildings which should reflect and complement existing buildings (CD27). The development brief identifies the opportunity to reflect the farming and traditional heritage of Forres by introducing steading/terraced/courtyard buildings in the southern part of the site. It is also stated that buildings fronting Pilmuir Road West must be of a high quality as they will overlook the entrance into the development. Furthermore, higher standards of design and materials will be sought for buildings in proximity to the listed building to avoid any adverse impact on its setting.

No modification is proposed.

Healthcare

Andrew Laing (2113/1/1)

The Council works closely with NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents. The specific requirements for Forres are set out in the Proposed Plan (CD02, pg. 216 and 218).

No modification is proposed.

LONG1 Lochyhill

Leiths (Scotland) Ltd (1817/2/1)

Development at Lochyhill is not considered to have a detrimental impact on the operations of the quarry and would not result in the sterilisation of mineral resources in this location. A Transport Assessment is required to support development proposals and this will allow transport implications to be more fully considered. The LONG site will not be developed in isolation with access being provided both through R3 and onto the C27E to form a well-connected permeable development. Quarry traffic would need to avoid using roads through residential sites to access the A96 and the preferred route for quarry traffic would be via the C27E through the Forres Enterprise Park. Further comment in terms of the preferred junction for A96 access by the quarry HGV traffic would be a matter for Transport Scotland to consider as the trunk roads authority.

The route via the C27E through Forres Enterprise Park would also provide a more direct access to the Forres East junction of the proposed A96 dualling than via the network of roads which may be proposed as part of the Lochyhill Masterplan.

No modification is proposed.

Woodland Trust Scotland (1818/2/10)

It is a requirement of this designation that a Masterplan is prepared for this growth area

which includes R3 Lochyhill, LONG 1 and I5 Easter Newforres. There is explicit reference within the supporting design principles to the retention of existing trees and hedgerows and the provision of advanced woodland planting including along the A96 frontage and steep slopes, knolls and elevated ridges.

Detailed tree surveys will be required to support any planning application submitted. If it is established there is ancient woodland on site Policy EP7 Forestry, Woodlands and Trees would not support its removal. On this basis it is not considered necessary to include explicit reference to the need for tree surveys and identification of the presence of ancient woodland.

No modification is proposed.

I4 Waterford North

Johnstone Macpherson-Stewart (1812/2/1)

A96 dualling route

The preferred route of the A96 dualling (CD74) passes through the Waterford North site. The preferred route would be on an embankment at this location, which renders much of this site undevelopable. The available frontage on Waterford Road to provide an access into the site is reduced, such that it would become difficult to provide a safe and suitable access to serve the development.

The additional land proposed in the representation would not ameliorate the lack of a suitable location for an access onto Waterford Road. Opportunities to connect the site to the Greshop Industrial Estate to the south are limited by both the existing railway line and the proposed A96 dualling.

Greshop House Listed Building

As Greshop House and Rear Range is a Category B Listed Building, this effects consideration of the suitability of the building/s and surrounding land as an industrial designation.

Following a high level appraisal and site visit by the Council's Planning Officer (Listed Buildings & Conservation Areas), it is considered that Greshop House stills meet the requirements for listing and it is unlikely that a review of listing would change the category and certainly unlikely that it would be delisted.

Works within the surrounding landscape for the bypass and potential for industrial land would impact on the setting of the listed building only and would not physically alter the listed building.

Both the A96 dualling route and industrial development would have to ensure that the established setting around Greshop House is retained and protected as much as possible. The impact on the market value of the property is not a material consideration.

On the basis of a lack of justification to delist the building and identified access constraints the Council does not support inclusion of the identified land and buildings within the I4 Waterford North designation.

The identified transportation constraints associated with the A96 dualling route do however mean that the Council no longer considers the I4 Waterford North site effective in terms of actively promoting it for industrial use.

If the Reporter is so minded the Council would support the deletion of the 14 Waterford North designation and supporting Key Design Principles. The Council however supports the retention of the site within the Forres settlement boundary. This approach offers the opportunity for a small scale development to be investigated following more detailed information in respect of the A96 dualling route.

OPP1 Caroline Street

Dominic Jordan (1978/1/1)

This site was originally designated in the Moray Local Plan 2008. The former Tesco site and gas works had planning permission for retail uses including a petrol filling station that consent has now lapsed. Early design discussions have been held regarding a housing development on the site which is identified within the Council's Strategic Housing Investment Plan (SHIP) 2019.

Proposals to redevelop derelict sites will be favourably considered by the Council subject to compatibility with surrounding uses and other policy requirements. The site is located within the Forres Town Centre boundary in the MLDP 2015 (CD15, pg. 207). This has been amended in the Proposed Plan and OPP1 is now located immediately outwith the town centre (CD02, pg. 221). Outwith town centres any retail proposals have to demonstrate that there are no sequentially preferable sites in the town centre and no unacceptable individual or cumulative impact on the vitality and viability of the town centre. This approach seeks to support Forres town centre. Transportation issues would be considered as part of any planning application.

No modification is proposed.

OPP5 Edgehill Road

Sandy Aird (1977/1/1)

The suitability of this site and relationship to surrounding uses including proximity to the golf course will be considered as part of the detailed planning application process. There are examples in Elgin of residential development adjacent to golf courses where such impacts have been satisfactorily mitigated. The requirement for ball stop fencing is a matter which would be considered at the development management stage.

No modification is proposed.

OPP7 Whiterow

This site was originally designated in the Moray Local Development Plan 2015 to promote redevelopment of the redundant chicken sheds. A larger site is now proposed to facilitate local road network improvements and design discussions with the landowner are ongoing.

Altyre Estate (72/3/1) and James Findlay (2105/1/1)

Supportive comments are noted.

Transportation

James Findlay (2105/1/1) and Raymond Webber (352/7/1)

The proposed alignment for the A96 dualling to the north of Forres (CD74) has now been announced, whilst this will have a bearing on the future routes likely to be used by traffic, the effect of this on traffic associated with sites to the south of Forres and the U83E is likely to be minimal given the current A96 and proposed junction locations.

The need or otherwise for, and the nature of any future improvements, would be considered as part of Transport Assessments for any planning applications where there is a significant impact on that part of the network.

The Proposed Plan text states “Provision of new public road through the site to replace the U83E Whiterow which could be closed to vehicular traffic at the A940 Junction.” It does not state that it ‘must’ be closed or ‘how’ it would be closed. Consultation on any proposals to change the existing U83E road would be undertaken most likely in relation to any planning application providing a future link through the OPP7 designation. There will be an opportunity to make representations to the planning application. The detailed design of any link would need to take account of the crossing or diversion of any services, this would be considered through the Roads Construction Consent process.

No modification is proposed.

Flooding

Raymond Webber (352/7/1)

The designation text requires a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) to support any planning application to ensure drainage and surface water issues are appropriately addressed.

No modification is proposed.

Woodland

Woodland Trust Scotland (1818/2/11)

The Council recognises the merit in requiring retention of existing trees. There is no need to add reference to appropriate buffers as this is adequately addressed in Policy EP 7 – Forestry, Woodlands and Trees. It should be noted that planning consents for individual houses on the southern portion of the site, if constructed will result in loss of part of this woodland.

If the Reporter is so minded the Council would support the following wording to be added to Figure 1.5 Key Design Principles OPP7 Whiterow “Existing trees and hedgerows within the site must be retained.”

Planning History

James Findlay (2105/1/1)

On the basis that none of the consented houses have been constructed it is not considered necessary to reference them with the designation text or denote them on the key design principles. The required development framework would however have to take account of these consents.

No modification is proposed.

Re use of Chicken Sheds

James Findlay (2105/1/1)

It is not necessary to specify the demolition of the existing chicken sheds, it is considered that there is scope to redevelop and enhance the appearance of these buildings. The designation text requires the provision of a 10m wide wooded edge along the southern edge of the site to assist the development to integrate sensitively. This will also create a new wooded edge to Forres and help mitigate the impact of development at Whiterow.

No modification is proposed.

TSP14

Lyn and David Main (1856/2/1)

The proposed alignment for the A96 dualling to the north of Forres has now been announced (CD74), whilst this will have a bearing on the future routes likely to be used by traffic, the effect of this on traffic associated with sites to the south of Forres and the U83E is likely to be minimal given the current A96 and proposed junction locations.

No modification is proposed.

Dallas

R3 Former Filling Station

Anthony Boyle (729/2/1)

The designation text for the site requires development to reflect the character of the village (CD02, pg. 80). Dallas has a variety of house heights within the settlement, from bungalows to 2 storeys. Any future proposals for development on the site will be judged on its own merits through the development management process.

No modification is proposed.

Dyke

R2 South Darklass Road

Context

Site R2 South Darklass Road was proposed for inclusion in the MLDP 2015. Following Examination of the MLDP 2015, the designation was supported by the Reporter (CD14, pg. 457)

Character

Amanda Clark (2114/1/1) and Erin Fraser (2152/1/1)

There are three proposed housing sites in Dyke with a combined indicative capacity of 20 units. These small scale allocations are considered in keeping with and proportionate to the size of Dyke. Sites R1 and R2 are already allocated within the MLDP 2015 and the sensitive development of these sites will not have a detrimental impact on the village.

No modification is proposed.

Access / Transportation

Amanda Clark (2114/1/1), Erin Fraser (2152/1/1) and Douglas Graham (2210/1/1)

The Council's Transportation Section has advised the any planning application(s) will be required to contribute towards localised widening / passing place provision on the C7E road leading to Dyke. The scale of improvements required will be determined via a detailed review of any planning application(s). The site will also be required to provide parking in accordance with Moray Council Parking Standards and therefore should not add to any pre-existing parking issue(s).

Visibility at the Darklass Rd/Fir Park Road junction is acknowledged as being restricted, however it is within the built up area with a 30mph speed limit and therefore speeds of vehicles approaching and passing the junction are expected to be low. In particular, the reduced forward visibility around the bend on Fir Park Road due to the presence of large mature trees should reduce vehicle speeds. At this time, the junction is considered adequate to serve the proposals as they stand however there is a requirement for a second or emergency access to be provided when the number of houses exceeds 50. The suitability of the surrounding road network will be considered in further detail when assessing any planning application(s).

The condition of the access track from Darklass Road and the need for any improvements (e.g. surfacing) will be considered as part of any planning application(s).

It is recognised there is limited provision for pedestrian and cyclists, however Dyke is subject to a 30mph speed limit and the layout and design of surrounding road network/ houses (frontages close to the road) contributes to an environment conducive to low vehicle speeds and therefore aids pedestrian/cycle movement.

No modification is proposed.

Other Issues

Amanda Clark (2114/1/1) and Douglas Graham (2210/1/1)

The Council works closely with NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-

ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents. Infrastructure requirements are detailed in the settlement statement (CD02, pg. 98).

Consultation has been carried out with key consultees including the Council's Flood Risk Management Team and Scottish Environment Protection Agency (SEPA). As a result, a DIA is required for the site, the outcomes of which may affect the developable area (CD02, pg. 96).

No modification is proposed.

R3 Fir Park Road

Character and Amenity

Mr and Mrs Soutter (2120/1/1), Alan Doughty (2171/1/1) and Robert Hunt (2211/1/1)

There are three proposed housing sites in Dyke with a combined indicative capacity of 20 units. These small scale allocations are considered in keeping with and proportionate to the size of Dyke. Sites R1 and R2 are already allocated within the MLDP 2015 and the sensitive development of these sites will not have a detrimental impact on the village.

The site was not supported by the Reporter following Examination of the MLDP 2015 (CD14, pg. 457-458). Since then, construction has begun on Site *R1 North Darklass Road* and within the nearby Darklass Rural Grouping. More importantly, the landowner has implemented advanced planting on the proposed site. This provides containment and integration of the site as well as defining the long-term settlement edge of the village, something that Officers had previously expressed concern about.

There are limited opportunities in Moray to provide development on brownfield sites. In order to meet the requirements of the Moray Housing Land Audit and Employment Land Audit, this requires the Council to consider greenfield sites which are identified as being prime agricultural land. Whilst the Council considers this loss to be unfortunate, the requirement to identify sufficient land to meet demand outweighs the benefits of the quality agricultural land.

No modification is proposed.

Whilst the Council notes that the right to a view is not a material planning consideration, the Council considers that there is merit in the proposal that houses should be restricted in height to a single storey. This would further ensure that the development was in keeping with the character of the surrounding area, as well as mitigating the impact of shading on adjacent properties.

If the Reporter is so minded, the Council would not object to additional wording being added to the second bullet point of the designation text in this regard. The following wording is considered suitable:

"Houses must be one storey in height, front onto the C7E and create a gateway into the village."

Infrastructure and Services

Mr and Mrs Soutter (2120/1/1), Alan Doughty (2171/1/1) and Robert Hunt (2211/1/1)

The Council works closely with the NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents. Infrastructure requirements are detailed in the settlement statement (CD02, pg. 98).

Consultation has been carried out with key consultees including the Council's Flood Risk Management Team and SEPA. As a result, a DIA is required for the site, the outcomes of which may affect the developable area (CD02, pg. 97).

The Council's Transportation Section has advised that the additional 3 plots are not considered to result in a significant increase in traffic that cannot be accommodated by the localised improvements (widening/passing places) as required by the designation text (CD02, pg. 97). An extension of the 30mph limit beyond the end of the site boundary is required, supported by additional street lighting and houses that front onto the public road. Any subsequent planning application(s) will be required to provide parking (and turning) within each plot in accordance with Moray Council Parking Standards (CD01, pg. 109-131).

Traffic speeds and any criminal damage to properties are matters for Police Scotland to consider and any immediate concerns should be raised with them directly.

No modification is proposed.

Other Matters

Mr and Mrs Soutter (2120/1/1)

The large oak tree lies out with the boundary of the designation. Responsibility for the management of trees rests with the owner of the land upon which they stand.

No modification is proposed.

Ros Davidson (2219/1/1)

The supportive comments and implementation of advanced planting are noted.

No modification is proposed.

Findhorn

R2 Dunelands

Frances Knight (2134/1/2)

Unauthorised development is a matter for the Council's Enforcement Officer to consider and any immediate concerns should be raised with them directly. The matter has been forwarded to the Council's Enforcement Officer to investigate further.

No modification is proposed.

Settlement Boundary

Frances Knight (2134/1/1)

This area is designated as "white land" within the Findhorn Settlement Boundary, with no specific allocation for the land (CD02, pg. 179). Identified with an asterisk, any development proposal(s) on this area will require to be supported by a detailed ecological study and will be considered against relevant policies (CD02, pg. 177). A planning application for planning permission in principle (19/00320/PPP) for 38 housing units, 3 craft units and a community facility has been submitted for this area and is under consideration. The application has been supported by a masterplan and supporting documentation, including a comprehensive Ecological Impact Assessment and Transport Assessment. Scottish Natural Heritage (SNH) has been consulted and considers the ecological assessment is comprehensive and covers all relevant natural heritage issues. The suitability of this site for development will be considered through the planning application process.

No modification is proposed.

Kinloss

R1 West of Seapark House

Woodland Trust Scotland (1818/2/13)

The principle of development on the site has been established through planning permission in principle (15/01605/PPP) for the development of 6 plots, with full planning permission approved on Plot 1 (17/00780/APP).

The Council considers adequate protection has been applied to the site by way of the TPO and designation text requires development to be located in clearings, avoid any tree removal and any planning application to be supported by a tree survey and tree protection plan (CD02, pg. 264).

No modification is proposed.

R2 Findhorn Road West

Michael and Sheila Thompson (2010/1/1)

The Proposed Plan is a review of the previous Plan and any proposals therefore cannot be considered as a departure from LDP 2008, which was replaced in 2015. Planning permission for six houses was approved for the site on 6 June 2019 (17/01906/APP).

Placemaking is Primary Policy 1 in the Proposed Plan Volume 1 – Policies (CD01, pg. 22-31) and aims to deliver development that creates sustainable, welcoming, well connected

and distinctive places that are safe, healthy and inclusive. Any planning application(s) must also comply with Policy DP1 to ensure that the scale, density and character of development is appropriate to the surrounding area (CD01, pg. 35-37).

The Council's Transportation Section has advised that, as the site is located within the existing speed limit, the relocation of the 30mph speed limit is not considered to be essential for the development. The presence of new development at this location, fronting onto the public road, will assist in defining the built up area and thereby influence drivers to decide on a more appropriate speed. Any planning application(s) will be required to provide parking in accordance with Moray Council Parking Standards (Policy DP1) through the provision of communal parking within the site or private parking within the curtilage of each plot (or a combination of both) (CD01, 109-131). The risk of overspill parking on Findhorn Road or the surrounding side streets would therefore be minimal for the day-to-day parking requirements of the development. The matter of siting the parking provision within the development would be considered as part of any planning application.

Consultation has been carried out with key consultees including the Council's Flood Risk Management Team and SEPA. As a result, a FRA and DIA are required for the site, the outcomes of which may affect the developable area. The designation text also requires land-raising to elevate the ground above the floodplain (CD02, pg. 264). The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

R3 Damhead

Peter Bales (2089/1/1)

There is no recognised Right of Way path through the site. However, development proposals, in accordance with Policy PP3 b) ii) (CD01, pg. 33), will not be supported where they 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 .

No modification is proposed.

OPP2 Land at Former Abbeylands School

Lenita van Hoff (1980/1/1), J. Duncan (2003/1/1), Carl Coghill (2005/1/1) and Steven Gasgrath (2009/1/1)

Kinloss, and the site in question, forms part of the MLDP 2020 Proposed Plan - Strategic Flood Risk Assessment (CD06). Consultation has been carried out with key consultees including the Council's Flood Risk Management Team and SEPA. As a result, a FRA and DIA are required for the site, the outcomes of which may affect the developable area (CD02, pg. 266). The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

The Council's Transportation Section has advised that the existing access is a privately maintained road and maintenance of the road is a matter for the road owner(s). The suitability of the existing road in terms of road geometry can only be considered in detail

once the proposals of any development within OPP2 are known and the likely vehicle types and frequency have been determined. Access requirements by both vehicular and non-vehicular modes of transport will be considered as part of any planning application(s). In terms of the road condition, the Roads Authority would seek to ensure that the junction of the private road where it meets the public road is of a suitable design and construction for the safety of all road users and to protect the condition of the public road. The need for improvements or mitigation at any existing access, and the design of any new access to the designation from the public road would be considered in detail through any planning application(s).

No modification is proposed.

Rafford

R1 Brochloch

Context

The site has been designated for residential development since MLDP 2008 and has been subject to a Local Plan Inquiry in 2007 and Examination of the MLDP 2015. Drainage and flooding issues were comprehensively discussed at the Inquiry in 2007 and the Reporter supported the designation of the site, finding no basis for removing the designation for drainage reasons (CD14, pg. 455-456 and 462-463). This was a stance supported by the Reporter at the Examination of the MLDP 2015 (CD14, pg. 462-463). No objections to the designation have been received from SEPA, Scottish Water or the Council's Flood Team. Dallas Estate are now progressing proposals for the site, which is an important site to bring forward in the wider context of the revised approach to rural housing (See Schedule 4: Rural Housing).

Alistair and Dawn Smith (718/2/1), Howard and Christine Davenport (1049/3/1) and Finnerne Community Council (1398/3/1)

Designation text for the site acknowledges that a connection to the existing septic tanks requires Scottish Water to upgrade the facilities and this must be investigated by the developer (CD02, pg. 314).

No modification is proposed.

The Council acknowledges that the requirements for retaining the area to the rear of existing properties as open space and giving consideration to safe routes to school were omitted in error.

If the Reporter is so minded, the Council would not object to additional text being provided in the designation text for open space and safe routes to school. The following wording is considered suitable:

- *The area to the rear of the existing houses must be retained as open space / landscaping.*
- *Consideration must be given to safe routes to school, which may take the form of a bus bay for school buses.*

Dallas Estate (1319/4/1)

The supportive comment is noted.

No modification is proposed.

Woodland Trust Scotland (1818/2/14)

Detailed tree surveys will be required to support any planning application submitted. If it is established there is ancient woodland on site, Policy EP7 Forestry, Woodlands and Trees would not support its removal (CD01, pg. 88-92). On this basis, it is not considered necessary to include explicit reference to the need for tree surveys and identification of the presence of ancient woodland.

No modification is proposed.

Robert McEntee (1976/1/2)

Proposals for water and drainage provision are a matter that requires to be addressed by any planning application(s). The site requires a DIA, the outcomes of which may affect the developable area (CD02, pg. 314). Designation text for the site acknowledges that a connection to the existing septic tanks requires Scottish Water to upgrade the facilities and this must be investigated by the developer (CD02, pg. 314).

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue 11	Buckie Cullen, Findochty, Portgordon and Portknockie – Buckie Housing Market Area	
Development plan reference:	<p>Volume 2: Settlement Statements</p> <p>Buckie</p> <p>R6 Barhill Road (s) page 25</p> <p>R9 Site at Ardach Health Centre page 28</p> <p>R10 Site at Station Road, Portessie page 28</p> <p>LONG1 Land to south west of Buckie page 29</p> <p>ENV5 Burn of Buckie page 39</p> <p>ENV6 Mill of Buckie page 39</p> <p>OPP2 Blairdaff Street page 34</p> <p>OPP3 Barron Street page 35</p> <p>OPP4 Bank Street page 35</p> <p>OPP5 Former Jones Shipyard page 36</p> <p>OPP6 Former Grampian Country Park page 36</p> <p>T1 Strathlene Caravan Site page 38</p> <p>T2 Coastal Strip, Strathlene page 38</p> <p>Cullen</p> <p>Site Not Taken Forward - R1 Seafeld Place</p> <p>Findochty</p> <p>R2 West of Primary School page 182</p> <p>OPP1 North Beach page 183</p> <p>Portgordon</p> <p>R1 West of Reid Terrace page 300</p>	Reporter:

	R1 Seabraes Page 306	
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Buckie</p> <p>R6 Barhill Road (s)</p> <p>John Brady (1981)</p> <p>Murray Drummond (1982)</p> <p>George Young (1983)</p> <p>R9 Site at Ardach Health Centre</p> <p>Ann Johnstone (1587)</p> <p>R10 Site at Station Road, Portessie</p> <p>Charles Lachlan MacPherson (1993)</p> <p>LONG1 Land to south west of Buckie</p> <p>Scottish Environment Protection Agency (569)</p> <p>ENV5 Burn of Buckie</p> <p>Ronald Mair (1992)</p> <p>Douglas Ross MP(538)</p> <p>ENV 6 Mill of Buckie</p> <p>Frederick Basil Parkes (2014)</p> <p>OPP 2 Blairdaff Street</p> <p>Mrs T Campbell (735)</p> <p>OPP3 Barron Street</p> <p>Scottish Environment Protection Agency (569)</p> <p>Scottish Natural Heritage (1027)</p> <p>Sarah Shand (2015)</p> <p>William Dempster (2016)</p>		

OPP4 Bank Street

Scottish Environment Protection Agency (569)

Scottish Natural Heritage (1027)

Louie Paterson (1559)

OPP5 Former Jones Shipyard

Scottish Environment Protection Agency (569)

Scottish Natural Heritage (1027)

OPP6 Former Grampian Pork Site

Scottish Environment Protection Agency (569)

Scottish Natural Heritage (1027)

Graham Cormack (2004)

T1 Strathlene Caravan Site

Scottish Environment Protection Agency (569)

Scottish Natural Heritage (1027)

T2 Costal Strip, Strathlene

Scottish Environment Protection Agency (569)

Scottish Natural Heritage (1027)

Cullen**Site not taken forward - R1 Seafeld Place (Moray Local Development Plan 2015)**

Seafeld and Strathspey Estates (1329)

Findochty**R2 West of Primary School**

Jeffrey Tuckerman (1995)

Mr and Mrs Flett (945)

OPP1 North Beach

Ian Middleton (1985)

<p>Portgordon</p> <p>R1 West of Reid Terrace</p> <p>Charlene McDonnell (1984)</p> <p>R2 Crown Street - Site not taken forward</p> <p>Crown Estate Scotland (861)</p> <p>Portknockie</p> <p>R1 Seabraes</p> <p>Mr Wood (2088)</p> <p>Seafield and Strathspey Estates (1329/4/4)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Housing, employment and other designations within the Buckie and Buckie Local Housing Market Area Settlement Statements</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Buckie</p> <p>R6 Barhill Road (S)</p> <p>General</p> <p><u>John Brady (1981/1/1), Murray Drummond(1982/1/1), George Young (1983/1/1)</u></p> <p>Do not understand why a letter was sent out when building works are underway. The site already has planning permission for 112 houses. Query why the letter proposes 170. An increase in numbers on the site would be out of character with the surrounding area.</p> <p>Infrastructure</p> <p><u>George Young (1983/1/1)</u></p> <p>Queries what school provision will be provided in the local development plan to accommodate the proposed growth.</p> <p>R9 Site at Ardach Health Centre</p> <p><u>Ann Johnstone (1587/2/1)</u></p> <p>The site is unsuitable for development as there are safety issues due to the blocking of vision for young school children and other persons walking on the footpath from the school to Highfield Road. It is a busy footpath and cars presently speed down this road in both directions.</p>	

R10 Site at Station Road, Portessie

Charles Lachlan MacPherson (1993/1/1)

Access to the site from Station Road would require access over the sewage pipe which was fitted a few years ago which may be a problem.

The outline of the site includes the end of Station Road which is a longstanding right of way and gives access to houses to the north. Removal of this and the land required for the sewage pipe will reduce the size of the site.

The end of Station Road incorporates part of the pedestrian way which runs from Inverness to Aberdeen. The site incorporates the old railway bed from Elgin along the Moray Coast but also the railway bed that ran from Portessie to Aberdeen. Loss of access to these railway tracks is short sighted as in the future it could provide useful social and tourism use. It will also reduce the future possibility of future rail development.

The site incorporates part of the old railway platforms and approximately 100 yards to the east of the site are the remains of the cooling tower for Portessie Station and the turning circle for the Portessie to Aberdeen line. Both features could provide a site of considerable archaeological interest both for the people of Buckie and tourists.

LONG1 Land to south west of Buckie

Scottish Environment Protection Agency (569/12/4)

Object to the allocation unless the allocation text is amended to highlight that a Flood Risk Assessment may be required.

ENV5 Burn of Buckie

Ronald Mair (1992/1/1)

ENV policy should be changed or the four properties (Ferndale, Burnbank, Burnside, and Doonahree) in the Mains of Buckie area should be taken out of the ENV designation. No other properties in Buckie are within this designation. Other properties have their gardens cut out of the designation such as the nearby property Hemisgarth. Respondent queries why these four properties are different. The new plan should reflect this as it is unfair on these four householders and could be a disadvantage when a property is put up for sale.

Douglas Ross MP(538/1/1)

Support the suggestion to re-designate this area as white land. This would allow greater flexibility and sensibility for home owners wishing to undertake works through the planning system and a better understanding for those wishing to either buy or sell a property there. With most homes outwith the designation it would seem appropriate to move the remaining houses outside the ENV area.

ENV 6 Mill of Buckie

Frederick Basil Parkes (2014/1/1)

Objection to the land being designated as an ENV. The land is currently overgrown and the public footpath is unusable and is likely to deteriorate further over time. The site is not suitable for agricultural purposes due to access through housing estates.

Would like to build a few residential properties on the site and assist in providing the people of Buckie and Buckpool with a community woodland. This would include picnic areas and footpaths/cycletracks, and enhance the existing public footpaths along the top of the western bank of the Burn of Buckie. These improvements would provide a safe access for children to get from the existing housing developments to the south of Buckpool and the local school.

OPP2 Blairdaff Street

Mrs T Campbell (735/2/1)

The site is already used by a number of individuals.

OPP3 Barron Street, OPP4 Bank Street, OPP5 James Jones Shipyard, OPP6 Former Grampian Country Park, T1 Strathlene Caravan Site, T2 Coastal Strip, Strathlene

Drainage

Scottish Environment Protection Agency (569/12/5)

Previously advised that as Buckie has a population of 8,541, foul drainage from all proposed development should connect to a public sewer

Object to the wording in the settlement text as it is considered that it would support private drainage provided it is demonstrated that there will be no adverse impact on the SPA. Wording should be amended to state that development must be connected to mains sewage.

Scottish Natural Heritage (1027/9/7)

SEPA have advised that development in this site must be connected to mains sewerage. Recommend that the wording is amended to separate the two issues, by inclusion of two separate requirements.

OPP3 Barron Street

Sarah Shand (2015/1/1), William Dempster (2016/1/1)

Believe that the site is contaminated. Note that there is a 20ft retaining wall on the border of the site. Concern as to how site could be developed without causing damage to the neighbouring properties. Due to the contamination issues developers will have to dig deep which could make the wall unstable.

OPP4 Bank Street

Louie Paterson (1559/2/1)

Opposed to this area for residential use or have an access from or onto the Low Street

side. The site is not compatible as a neighbour to the respondent's commercial food processing site which borders Low Street. The commercial fish processing site also has day and night activities that could never be compatible with residential use.

OPP6 Former Grampian Country Park

Graham Cormack (2004/1/1)

Requests that the proposed designation should not exclude the future use of the site in whole or in part, for industrial use, as per "established use rights" referred to in the current Local Development Plan. Respondent would like to see a change in the site designation text so as not to impose any constraints on any future development on the site and include recreation and leisure uses as being suitable.

Cullen

Site Not Taken Forward - R1 Seafield Place

Seafield and Strathspey Estates (1329/4/5)

Object to the failure to allocate land at Seafield Place for residential development. The site has been in the Local Development Plan since 2008 and should be retained.

The site has been removed from the Proposed Plan on the grounds that it is a long standing designation with little developer interest and is said to be prominent in the skyline. Five buildings have been built out within the site boundary fronting Seafield Place and an access has been formed into the site.

The site is slightly elevated above the existing development and is not readily visible from any vantage point in the town.

There are a number of sites across Moray that have been in successive local plans that have not been developed. The site has been marketed but no developer has been in a position to take forward the site. Believe that the site will come forward when the market conditions allow it to.

Housing Land Audit 2018 has a requirement for 410 in the Buckie Housing Market Area (HMA) with 251 expected completions between 2018-2022. There are 10 other sites in Buckie HMA that are constrained due to marketability. Request that the site is reinstated to meet the housing requirements in the area.

Findochty

R2 West of Primary School

Jeffrey Tuckerman (1995/1/1)

Concern over access arrangements. The plan proposes a bottle neck going past the school into the site which will increase traffic on what is a quiet street and will destroy the scenic values of the area.

Mr and Mrs Flett ()

The field is frequently waterlogged and flooded, as is the adjoining playing field. The open and piped drainage ditches cause flooding.

Sewage pipe on Seafield Street already causes problems as there is not enough incline on the pipe and periodically backs up and overflows. It could not cope with twenty more houses.

Concern with road access into the site as it is a rough track. Track is only access to the respondent's property and the main pipe carrying water from the drainage ditches runs under it.

The track is not wide enough for two way traffic. Pavements would be needed as it runs in front of the school playing field.

The track joins Seafield and Burnside Street in front of the school gate and is busy during school times.

Existing visibility issues at junctions on Strathlene Road and Netherton Terrace. These roads could not accommodate more traffic.

OPP1 North Beach

Ian Middleton (1985/1/1)

The Hythe's history and unspoilt scenery is good for tourism and the respondents B&B business. The site should be preserved. Understand that the designation aims to improve the recreational amenity of the area however there is concern that future proposals may be detrimental to the area.

Portgordon

R1 West of Reid Terrace

Charlene McDonnell (1984/1/1)

Development on the site would spoil the views towards Lossiemouth. The land where the houses would be built on might collapse. Development on the site would increase noise levels.

Site Not Taken Forward - R2 Crown Street

Crown Estate Scotland (861/6/6)

Object to the deallocation of the site which is within the same housing market area as Mosstodloch. A separate objection has been submitted seeking the identified MU LONG1 site on Mosstodloch to be fully allocated as a mixed use site. The deficit in housing numbers from the de-allocation of the site in Portgordon can be mitigated by the full allocation of MU LONG1 in Mosstodloch.

Portknockie

R1 Seabraes

Mr Wood (2088/1/1)

The area marked R1 Seabraes will prevent lots of wildlife such as deer, pheasants and rabbits using the area. Skylarks nest in the area.

The additional houses will increase the number of pupils attending an already overcrowded primary school.

Queries if the roads can withstand the increased traffic.

Access from Wood Place is within close proximity to the playpark and would be dangerous.

The development would lead to antisocial behaviour due to limited facilities for teenagers and young adults.

Seafield and Strathspey Estates (1329/4/4)

Support the allocation of the site and the opportunity for phased development. Accept that three access points are required. There are no alternative sites available for development in Portknockie.

Modifications sought by those submitting representations:

Buckie

R6 Barhill Road

John Brady (1981/1/1), Murray Drummond (1982/1/1), George Young (1983/1/1)

Parties not specific regarding change sought.

R9 Site at Ardach Health Centre

Ann Johnstone (1587/2/1)

Party not specific regarding change sought. Deletion of Site R9 at Ardach Health Centre implied.

R10 Site at Station Road, Portessie

Charles Lachlan MacPherson (1993/1/1)

Party not specific regarding change sought.

LONG1 Land to south west of Buckie

Scottish Environment Protection Agency (569/12/4)

Include the requirement for a Flood Risk Assessment to be added to the site designation

text.

ENV5 Burn of Buckie

Ronald Mair (1992/1/1)

Suggest that the ENV boundary is amended so that 4 properties are removed from the designation.

Douglas Ross (538/1/1)

Delete ENV designation to leave area as “white land”.

ENV 6 Mill of Buckie

Frederick Basil Parkes (2014/1/1)

Objection to whole site being allocated as an ENV. Part of site should be developed for low density housing to allow the remainder of the site to be used for a community woodland.

OPP2 Blairdaff Street

Mrs T Campbell (735/2/1)

Party not specific regarding change sought.

OPP3 Barron Street, OPP4 Bank Street, OPP5 James Jones Shipyard, OPP6 Former Grampian Country Park, T1 Strathlene caravan Site, T2 Coastal Strip, Strathlene

Drainage

Scottish Environment Protection Agency (569/12/5)

Amend wording to state that a connection to the mains sewage must be provided.

Scottish Natural Heritage (1027/9/7)

Revise wording to create two separate points to address the Scottish Environment Protection Agency objection. The following wording was suggested;

- Development must be connected to mains water and sewerage (this requirement overrides the exception within EP13 Foul Drainage).
- Development must demonstrate that there will be no adverse effect on the integrity of the proposed Moray Firth Special Protection Area (pSPA), for example caused by changes in water quality affecting the habitats and prey species that the qualifying interests of the pSPA rely on.

OPP3 Barron Street

Sarah Shand (2015/1/1), William Dempster (2016/1/1)

Not specific regarding changes sought.

OPP4 Bank Street

Louie Paterson (1559/2/1)

Remove residential being listed as a suitable use for this site.

OPP6 Former Grampian Country Park

Graham Cormack (2004/1/1)

Change text to state “Whilst established use rights would allow continued industrial/business use...” The designation should not constrain any future development to “low impact/low activity”. The proposed designation should also include Recreation and Leisure use as suitable uses.

Cullen

R1 Seafeld Place - Site not taken forward

Seafeld and Strathspey Estates (1329/4/5)

Retain site at Seafeld Place (Site R1 in the Moray Local Development Plan 2015).

Findochty

R2 West of Primary School

Jeffrey Tuckerman (1995/1/1)

Party not specific regarding change sought. Deletion of site implied.

Mr and Mrs Flett (945/2/1)

Delete designation.

OPP1 North Beach

Ian Middleton (1985/1/1)

Party not specific regarding change being sought.

Portgordon

R1 West of Reid Terrace

Charlene McDonnell (1984/1/1)

Part not specific regarding modification sought. Removal of designation implied.

<p>Site not taken forward - R2 Crown Street</p> <p><u>Crown Estate Scotland (861/6/6)</u></p> <p>Site to be reallocated to Mosstodloch MU LONG1.</p> <p>Portknockie</p> <p>R1 Seabraes</p> <p><u>Mr Wood (2088/1/1)</u></p> <p>Party not specific regarding change being sought.</p> <p><u>Seafield and Strathspey Estates (1329/4/4)</u></p> <p>No modification.</p>
<p>Summary of responses (including reasons) by planning authority:</p> <p>Buckie</p> <p>Site R6 Barhill Road (s)</p> <p>General</p> <p><u>John Brady (1981/1/1), Murray Drummond(1982/1/1), George Young (1983/1/1)</u></p> <p>Neighbour notification was carried out in line with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. Neighbouring properties that are within 20 metres of the site boundary were sent a neighbour notification letter. The site has an approved planning permission and at the time the notification was sent the site was still being developed. Under the regulations the Council is still required to notify on sites within the proposed plan. As this site is still under construction it was included.</p> <p>A typographical error was made in relation to the indicative capacity that was sent in the neighbour notification letter. In the Proposed Plan site R6 Barhill Road (S) has been given an indicative capacity of 110 units to reflect the approved consent and not 170 as was stated in the respondent's letter.</p> <p>Infrastructure</p> <p><u>George Young (1983/1/1)</u></p> <p>In line with Policy PP3 Infrastructure and Services, development must be planned and co-ordinated to ensure that places function properly and are adequately served by infrastructure and services. The policy states that Developer Obligations will be sought to mitigate any measurable adverse impacts of a development proposal on local infrastructure including education and transport. Should any future proposal be deemed to impact on the local infrastructure then Developer Obligations in line with the Supplementary Guidance will be sought to mitigate the impact.</p> <p>A large growth area has been identified to the south west of Buckie (Sites R8 and</p>

LONG1). A masterplan will be required for this area to ensure that all of the necessary infrastructure is planned from the outset to accommodate this growth. The settlement designation text reflects this and 2.5 ha has been identified within Site R8 for a potential future primary school should the requirement be needed.

No modification is proposed.

R9 Site at Ardach Health Centre

Ann Johnstone (1587/2/1)

The site has been designated to allow for a low density development with an indicative capacity of five. This is to reflect the surrounding residential neighbourhood which is characterised by bungalows.

The designation text states that any proposal must provide a 2m footpath along the frontage of the site as well as improving connections to the school along the west of the site. These measures will help to ensure and improve safe access to the school.

The requirement for a Transportation Statement has been included in the designation requirements. Details regarding parking requirements and any necessary road improvements will be dealt with at the planning application stage. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which any proposal will have to adhere to.

No modification is proposed.

R10 Site at Station Road, Portessie

Charles Lachlan MacPherson (1993/1/1)

The site is located on the eastern side of Buckie and is currently covered by an ENV designation. The site was previously part of a larger housing designation for housing in the Moray Local Plan 2000. It was changed to an ENV designation in the Local Plan 2008 by the Reporter due to the high biodiversity and amenity value of the site. The site was retained in the Moray Local Development Plan 2015. In support of the allocation of the site in the Proposed Plan, a biodiversity report was provided at the Main Issues Report which demonstrated that there are no rare species of rare flora or fauna on the site.

Due to various constraints there are very limited options for development in the eastern side of Buckie. In order to try to facilitate development on the eastern side of Buckie there is scope to allocate a small area of land for low density development. An indicative capacity of five is given which reflects the existing development pattern/density along Station Road as well as respecting the location on top of the coastal cliffs.

The developer will be required to consider the potential impact of crossing any services/pipework including sewage pipes within their layout to ensure their proposals prevent adverse impacts. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage. The designation text requires a Drainage Impact Assessment to be provided. Site capacities are indicative and the developable area may be affected by any constraints.

The Council acknowledges the importance of the existing cycle path which provides good east west connections across Buckie and the coast. This has been reflected in the site designation text which requires the cycle path to be retained and remain segregated from the road access. This will ensure that any development proposals will not have an adverse impact on this key connection.

There is no suggestion or plan to reopen the old railway line. The disused railway line runs through the settlement and other allocated sites in the Local Development Plan and therefore is not a valid planning reason not to allocate the site for development.

Issues relating to archaeological features are noted. The regional archaeologist was consulted and raised no objection to the site being included in the plan.

No modification is proposed.

LONG1 Land to south west of Buckie

Scottish Environment Protection Agency (569/12/4)

The requirement for a Flood Risk Assessment was omitted from site text in error.

If the Reporter is so minded, the Council would not object to the requirement for a Flood Risk Assessment being added into the site designation text. The following wording is considered suitable "Flood Risk Assessment (FRA) required."

ENV5 Burn of Buckie

Ronald Mair (1992/1/1), Douglas Ross MP (538/1/1)

The objections relate to four properties (Ferndale, Burnbank, Burnside and Doonharee) that are located within the ENV5 Burn of Buckie designation. The objection seeks to remove these properties and curtilages from the ENV5 designation.

The four properties have been located within the ENV designation from the Local Plan 2000 which reflects their location within the Burn of Buckie green corridor. At the time of this allocation there were no other properties built in this area.

A planning application (19/00126/APP) has been approved at Ferndale to change an area of this ENV to garden ground. On this basis the Council accepts that the boundary of the ENV designation should be redrawn to reflect this approval.

It is accepted that the area around the Burn of Buckie has become more developed with a number of houses being built outside of the ENV designation which are in close proximity to the four properties in the objection.

The garden ground of the properties Burnside and Doonahree are well established, small in size, and sit above the burn. The Council would not object to the ENV boundary being redrawn to exclude these properties and curtilages.

If the Reporter is so minded, the Council would not object to the following changes being made to the ENV5 Burn of Buckie designation;

- The ENV designation boundary being amended to reflect the planning approval at the property Ferndale;
- The ENV designation boundary at Burnbank being amended to be consistent with the approach taken at Ferndale; and
- The ENV designation boundary being amended to remove the properties and curtilages at Burnside and Doonahree;

ENV 6 Mill of Buckie

Frederick Basil Parkes (2014/1/1)

The site had no designation in the Moray Local Development Plan 2015 and was classed as “white land”. Through the Tesco development in Buckie the Council secured £20 000 from Developer Obligations to be spent on a community woodland. Although the site did not have a formal designation in the plan it was acknowledged as the preferred location for a community woodland.

The Open Space Strategy Supplementary Guidance (CD 24, page 47) reviewed all of Buckie’s open spaces which resulted in the recommendation that the site should be designated as an ENV which is reflected in the Proposed Plan.

During the Proposed Plan consultation period discussions between the landowner and Council Officers were held. These discussions were based on the potential for a strip of low density housing backing onto the existing development to the east with the remainder of the site being used for a community woodland which the landowner is agreeable to. The respondent has attached a draft layout with his objection to show how this could potentially look. This is seen as an acceptable compromise to allow the community woodland to be delivered. A planning application is anticipated in summer 2019.

If the Reporter is so minded, subject to a future planning application being approved, the Council would not object to part of the site being “white land” with small scale residential proposals to be determined against Local Development Plan policies and the remainder of the site identified as an ENV for a community woodland.

OPP2 Blairdaff Street

Mrs T Campbell (735/2/1)

Comments regarding the site in use are noted.

No modification is proposed.

OPP3 Barron Street, OPP4 Bank Street, OPP5 Former Jones Shipyard, OPP6 Former Grampian Country Park, T1 Strathlene Caravan Site, T2 Coastal Strip, Strathlene

Drainage

Scottish Environment Protection Agency (569/12/5), Scottish Natural Heritage (1027/9/7)

There is no requirement to include the first bullet point from SNH’s proposed wording as

Policy EP13 Foul Drainage requires all development within or close to settlements of more than 2,000 in population must connect to the public sewerage system unless connection is not permitted due to a lack of capacity. There is therefore no reason to duplicate this policy requirement in the settlement statement. This position has been agreed with SNH and SEPA.

If the Reporter is so minded, the Council would not object to rewording of the text to address Scottish Environment Protection Agencies' objection. The following wording is considered suitable;

"Development must demonstrate that there will be no adverse effect on the integrity of the proposed Moray Firth Special Protection Area (pSPA), for example caused by changes in water quality affecting the habitats and prey species that the qualifying interests of the pSPA rely on."

OPP3 Barron Street

Sarah Shand (2015/1/1), William Dempster (2016/1/1)

It is acknowledged that there are potentially contamination issues due to previous uses on the site. The site requirements include any proposal to be supported by a contamination assessment. The issue relating to the boundary wall is an issue that would be dealt with at the planning application stage when detailed proposals would be assessed against all Local Development Plan policies.

No modification is proposed.

OPP4 Bank Street

Suitable Uses

Louie Paterson (1559/2/1)

It is accepted that there is the potential for adverse amenity issues with developing this site for residential uses due to its proximity to the harbour and neighbouring fish processing business.

The suitable uses given are the Council's preferred uses for the site. Opportunity sites are flexible in terms of the uses that are supported and Policy DP6 states that proposals will be considered favourably where they are compatible with surrounding uses.

Notwithstanding this, if the Reporter was so minded, the Council would not object to residential development being removed as a suitable use from the site designation text and additional wording being added to the site to reflect potential amenity issues relating to the existing uses that are within close proximity of the site. The following wording is considered suitable "Likely amenity issues given the adjacent commercial uses in the vicinity and in particular the extent of fish processing activities. These will be required to be addressed in proposals."

OPP6 Former Grampian Country Park

Graham Cormack (2004/1/1)

The site is the site of the former Grampian Country Pork Factory and therefore benefits from “established use” rights for the continued industrial/business use. The site is currently designated as an opportunity site to reflect its brownfield status and it is proposed to retain this designation in the Local Development Plan 2020.

The suitable uses given are the Council's preferred uses for the site. Opportunity sites are flexible in terms of the uses that are supported and Policy DP6 states that proposals will be considered favourably where they are compatible with surrounding uses.

Although the site benefits from “established use” rights for the continued industrial/business uses, the designation text states that the preferred uses for the redevelopment of the site would be for low impact/low activity industrial/business use with residential development being the preferred use. Given the edge of settlement location and proximity to residential properties these are viewed as the most appropriate and preferred uses for the redevelopment of this site. There are more appropriate sites for heavier industrial or more intensive business uses and there is currently a large supply of employment land available at March Road which provides an adequate supply of land for these types of use. It is therefore the Council's view that having the preferred suitable uses as low impact/activity industrial/business with residential being the preferred use is justified.

The respondent seeks to add recreation and leisure uses as being suitable for this site. Given that there is an element of flexibility in Policy DP6 for proposals on Opportunity Sites, any proposals for leisure and recreation uses that are compatible with surrounding uses and meet all other relevant policy requirements could be considered. However, given the out of centre location of the site any leisure or recreation proposal would have to comply with Policy DP7 Retail/Town Centres if it were likely to generate significant footfall.

For this reason the site designation is not deemed to be overly restrictive or unreasonable and the request to add additional suitable uses into the designation is not necessary.

No modification is proposed.

Cullen

Site Not Taken Forward - Cullen R1 Seafield Place

Seafield and Strathspey Estates (1329/4/5)

In the Local Plan 2000 there was a small housing site which was identified at Seafield Place for 8 houses. A planning application for 5 houses was approved on this site in 2004 which have now been built. The larger now deallocated housing site (Seafield Place) was introduced in the Local Plan 2008 and carried over into the Moray Local Development Plan 2015. This larger designation incorporated the smaller site and 5 houses. The respondent states that development has commenced on the site due to the access being built. While this could be deemed to be the case on the older smaller site, no planning application was ever submitted on the larger site (R1 in LDP 2015) and therefore there is no approval on the larger site for development to have commenced.

There has been no developer interest in the site. The site sits high above Seafield Place making any future development proposals likely to be excessively prominent in Cullen's

skyline. Given the lack of developer interest and the overtly prominent nature of the site it was not included in the Proposed Plan.

The deallocated site is classed as being constrained in the Housing Land Audit 2019. The removal of the site would only leave one housing site remaining in Cullen (Site R1 Seafield Road which was previously R2 Seafield Road in the Moray Local Development Plan 2015). With an indicative capacity of 55 units the site is deemed to be a more appropriate and logical site for development. Cullen is classed as a Smaller Town and Village in the Proposed Plan settlement hierarchy and R1 Seafield Road (proposed plan reference) is deemed to provide sufficient development opportunities for a settlement the size of Cullen.

The respondent argues that the deallocated site is required to help meet the housing land requirement across the Buckie Housing Market Area and refers to a number of sites that are constrained. However, the proposed plan includes a number of new development sites in the Buckie Housing Market Area including the large south west growth area in Buckie. This is in line with the settlement hierarchy where Buckie is classed as a secondary growth area. These new sites along with the existing R1 Seafield Road (proposed plan reference) will ensure that there is an adequate supply of land available for housing development across the plan period without the requirement for this site in Cullen.

It is acknowledged that an access could be taken from this road into the larger part of the site. However, it does not outweigh the planning reasons given for removing the site from the Local Development Plan.

No modification is proposed.

Findochty

R2 West of Primary School

Drainage

Mr and Mrs Flett (945/2/1)

Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications and adequate mitigation measures put in place where necessary. It is acknowledged that the site may be at risk from some flooding and as such, a Flood Risk Assessment and Drainage Impact Assessment are required within the designation. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage.

No modification is proposed

Access

Mr and Mrs Flett (945/2/1), Jeffrey Tuckerman (1995/1/1)

The proposed designation text for the site states that the site can be accessed via Burnside Road which must be improved. Furthermore it states that this must include traffic calming measures where this passes the school. The constrained access is noted and is reflected in the designation text with a maximum of 20 houses being permitted on

the site. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed once a planning application has been submitted. This policy ensures that proposals provide a safe entry and exit from the site. Any impacts on road safety and the local road network will be required to be taken into account.

Details regarding parking requirements will be dealt with through the planning application process.

No modification is proposed.

Character

Mr and Mrs Flett (945/2/1), Jeffrey Tuckerman (1995/1/1)

Any future planning application must comply with Primary Policy PP1 Placemaking and DP1 Development Principles which ensure that the highest standards of urban design are met and that any proposal will not have a detrimental impact on the character on the surrounding area.

No modification is proposed

OPP1 North Beach

Ian Middleton (1985/1/1)

The site is currently designated as an Opportunity Site in the Moray Local Development Plan 2015. It is proposed to carry forward this designation into the Moray Local Development Plan 2020.

The site has been identified as an opportunity site in an attempt to promote its redevelopment for leisure and tourism uses. The designation includes the industrial building on the west of the site where the text states that proposals for housing could be seen as an acceptable alternative for this building. The text states that the eastern side of the site should be for leisure and tourism uses.

During the Examination of the Moray Local Development Plan 2015 (CD14, page 218) the Reporter agreed with the Council to this approach for the redevelopment of the area and that the text provided clarity in differentiating between the potential uses that would be acceptable on the eastern and western parts of the site.

The respondents concerns relating to the Hythe's history and unspoilt scenery are noted. However, the designation provides an element of control on the uses that would be acceptable which would not be there if the site were to be removed and it was left as "white land". It is proposed to retain the designation so that proposals that would support the regeneration of the area for tourism and leisure uses would be supported.

No modification is proposed.

Portgordon

R1 West of Reid Terrace

Charlene McDonnell (1984/1/1)

The site has been in successive local plans and provides the best opportunity for development in Portgordon. Although it is located on the coastal slope it is able to integrate and connect into the existing settlement without being detrimental to the overall character of Portgordon. It is therefore deemed the most appropriate site for a modest expansion for housing in Portgordon.

In planning terms the right to a view is not a material planning consideration. All development proposals must comply with Primary Policy PP1 Placemaking to ensure that the highest standards of urban design are met and that there are no adverse impacts on the character of Portgordon.

Issues relating to noise will be dealt with at the detailed planning application stage to ensure that there are no amenity issues to neighbouring properties as a result of the development.

No modification is proposed.

Site Not Taken Forward – R2 Crown Street

Crown Estate Scotland (861/6/6)

Portgordon has an existing housing designation (Site R1 West of Reid Terrace) which is located on the western edge of the settlement which allows for a modest expansion. Although it is located on the coastal slope, it is able to integrate and connect into the existing settlement without being detrimental to the overall character of Portgordon. It is therefore deemed the most appropriate site for a modest expansion for housing in Portgordon.

The site not taken forward at R2 Crown Street is relatively detached and isolated from the rest of the settlement with little connection opportunities. It is in a prominent open location with no visual containment. If the site were to be developed it would represent a southerly expansion which would be out of character from the existing settlement pattern. The deallocated site is also classed as being constrained in the Housing Land Audit 2019.

The respondent states that the site should be reallocated as through a separate objection they are seeking to have the identified MU LONG1 site in Mosstodloch to be fully allocated as a mixed use site. The respondent incorrectly argues that Mosstodloch is within the same housing market area as Portgordon. Portgordon is within the Buckie Housing Market Area while Mosstodloch is within the Elgin Housing Market Area. The objection states that the deficit as a result of the Portgordon sites deallocation can be accommodated in Mosstodloch. Issues relating to the MU LONG site in Mosstodloch are dealt with in Schedule 8.

Portgordon is within the Buckie Housing Market Area where a number of sites for development have been identified including the large south west growth area in Buckie. The Proposed Plan settlement hierarchy classes Portgordon as a Small Town and Village. Due to the large number of housing sites available across the Buckie Housing Market Area, there is no need to find another site either in Portgordon or in the wider Housing Market Area.

No modification is proposed.

Portknockie

R1 Seabraes

Mr Wood (2088/1/1), Seafield and Strathspey Estates (1329/4/4)

The site is a long standing designation and has been in successive local plans. It is the only available site for residential development available in Portknockie. Support from the landowner for the designation is noted.

Scottish Natural Heritage was consulted and has not objected to the sites inclusion in the plan. The requirement for a Phase 1 Habitat Survey has been included in the settlement designation text which must accompany any future planning application.

The Moray Council's Transportation Section was consulted and did not object to the proposal and is satisfied that the site can be accessed safely.

The issue of potential anti-social behaviour is not a valid material planning reason not to allocate the site for development.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue 12	Keith	
	Newmill – Keith Housing Market Area	
Development plan reference:	Volume 2: Settlement Statements Keith R2 Dunnyduff Road page 242 R4 Banff Road North page 243 R7 Jessieman's Brae page 244 Newmill R1 Isla Road page 296	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Keith R2 Dunnyduff Road Keith and Catherine Bowie (620) Margaret and Brian Coull (624) Sally Coull (2017) R4 Banff Road North Springfield Properties plc (10) R7 Jessieman's Brae Mrs A Ross (2147) Jodi Best (2153) Scottish Environment Protection Agency (SEPA) (569) Newmill R1 Isla Road Sheila Nicoll (617)		
Provision of the development plan to which the issue relates:	Housing, employment and other designations within the Keith Local Housing Market Area Settlement Statements.	

Planning authority's summary of the representation(s):

Keith

R2 Dunnyduff Road

Keith and Catherine Bowie (620/2/1), Margaret and Brian Coull (624/2/1), Sally Coull (2017/1/1)

Flooding

Immediate area around the site is prone to high levels of water and there is potential for the flooding of nearby properties. Further housing development would escalate the drainage issues. The bottom end of Bridge Street floods on a regular basis and properties No. 1- 6 have been affected by flooding. The drainage is full to capacity and is not able to cope with such high demands and sewage boils onto the road during floods.

Transportation

A building merchant and lorry park is located at the corner of Bridge Street and a car business on Edindiach Road. This creates potentially high volumes of traffic on what is a side street and is dangerous. Noise and traffic already affects the quality of life in the area. The road is unsuitable for more development and vehicles park on both sides of the road and at the junctions at Bridge Street and Edindiach Road causing a hazard.

Infrastructure

Concern over providing the necessary infrastructure to support the expansion of Keith which needs to be in place before further housing development is permitted. Schools and nurseries are full to capacity due to the high demand. The site has electric cables running through it and a pylon making it unsuitable for development. There is no public provision for a bus service outwith the A96.

Environment/Amenity/Character

Development on this green belt land is significant affecting the quality of wildlife, local life, appearance of the area and loss of light and privacy.

R4 Banff Road

Springfield Properties plc (10/13/16)

Currently have a live planning application for 121 affordable houses on the site which is currently under consideration. The proposed text would prejudice the determination of this application. Object to the level of prescriptive requirements as onerous and unviable.

R7 Jessiemans Brae

Habitats

Scottish Environment Protection Agency (569/12/11)

The current plan allocation text states that “A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependent terrestrial ecosystems.” Object to the allocation unless the wording is added to the allocation text.

Amenity/Transportation

Mrs Ross (2147/1/1), Jodi Best (2153/1/1)

Privacy would be affected by any future development on the site. Light from the future development will impede light into existing properties.

Road infrastructure is not adequate or wide enough for the development on the site. The site has a steep slope and to level and stabilise the area for buildings will require heavy equipment to access the site. The road is a single track that narrows at a choke point and the stone wall gives very little room to manoeuvre. Concern that the property 2 Jessiemans Brae will be damaged by these vehicles.

Historic Interest/Character

Jodi Best (2153/1/1)

The site is situated in close proximity to the medieval Milton Castle and has great potential to be a site of archaeological significance. The area has been the location of a number of mills, tanneries, breweries, and distilleries that have been built along the river over the centuries. There is the potential for other archaeological finds to be found in the area. An in depth archaeological survey should be conducted before any activity takes place

Houses in the area are stone built and the character of the neighbourhood will be severely impacted by any new build.

Newmill

R1 Isla Road

Sheila Nicoll (617/3/1)

Isla Road is very narrow and would be unsuitable for increased traffic due to 6 – 10 houses being built. The road is already unsafe when refuse lorries drive down it and there is nowhere for them to turn. If more houses were to be built then it would become more dangerous.

Modifications sought by those submitting representations:

Keith

R2 Dunnyduff Road

Keith and Catherine Bowie (620/2/1), Margaret and Brian Coull (624/2/1), Sally Coull (2017/1/1)

Delete designation.

R7 Jessiemans Brae

SEPA (569/12/11)

Add additional text. "A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependent terrestrial ecosystems."

Mrs Ross (2147/1/1), Jodi Best (2153/1/1)

Not specific regarding change sought but site removal implied.

R4 Banff Road

Springfield Properties plc (10/13/16)

Suggest rewording of designation text to reduce site requirements. No revised wording provided.

Newmill**R1 Isla Road**

Sheila Nicoll (617/3/1)

Party not specific regarding change sought.

Summary of responses (including reasons) by planning authority:**Keith****R2 Dunnyduff Road****Flooding**

Keith and Catherine Bowie (620/2/1), Margaret and Brian Coull (624/2/1), Sally Coull (2017/1/1)

Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications and adequate mitigation measures put in place where necessary. It is acknowledged that the site may be at risk from some flooding and as such, a Flood Risk Assessment is required. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage.

No modification is proposed.

Transportation

Moray Council's Transportation Section will be consulted on any detailed planning

application. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed once a planning application has been submitted. This policy ensures that proposals provide a safe entry and exit from the site. Any adverse impacts on road safety and the local road network will be required to be taken into account and mitigated.

The site designation text requires that any future proposal must provide a Transport Statement to assess the impact of the development at the junctions on the Trunk Road network. There is a requirement for footways to be provided on site boundaries where they do not exist to provide safe routes for pedestrians.

The designation text addresses issues with road safety by including the requirements for houses fronting Edindiach Road to be serviced internally to reduce vehicle movements and on street parking. This requirement will help to alleviate concerns relating to traffic and amenity.

No modification is proposed.

Infrastructure

In line with Policy PP3 Infrastructure and Services, development must be planned and co-ordinated with infrastructure to ensure that places function properly and that places are adequately served by infrastructure and services. The policy states that Developer Obligations will be sought to mitigate any measurable adverse impacts of a development proposal on local infrastructure including education and transport. In line with the Developer Obligations Supplementary Guidance should any future proposal be deemed to impact on the local infrastructure then Developer Obligations will be sought to mitigate the impact.

It is acknowledged that the site has electrical cables and associated infrastructure on it. This has been reflected in the settlement designation which states that this may affect the developable area of the site. Any future planning will have to take this into consideration and meet all of the necessary safeguards.

No modification is proposed.

Environment

The site is an existing housing designation in the 2015 Local Development Plan and is located within the settlement boundary of Keith. Scottish Natural Heritage raised no objection and the requirement for a Phase 1 habitat Survey has been included in the settlement designation text.

No modification is proposed.

Character

Any future planning application must comply with Primary Policy PP1 Placemaking and DP1 Development Principles which ensure that the highest standards of urban design are met and that there is no detrimental impact on the character of the surrounding area.

No modification is proposed.

Amenity

Policy DP1 ensures that proposals must not adversely impact on neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

No modification is proposed.

R4 Banff Road

Springfield Properties plc (10/13/16)

The respondents planning application is currently being assessed against the policies in the existing Moray Local Development Plan 2015. The text in the Proposed Plan will not prejudice the determination of that application.

The requirements in the site designation text reflect the requirements in the existing plan. In particular the requirement for significant structural landscaping on the upper slopes of the site. The proposed requirements are not deemed to be onerous and reflect Primary Policy PP1 Placemaking which seeks to achieve the highest standards of urban design. Several of the other site requirements have been added to the site designation text from key consultees who will have been consulted on the current planning application.

No modification is proposed.

R7 Jessiemans Brae

Habitat

Scottish Environment Protection Agency (569/12/11)

If the Reporter is so minded, the Council would not object to additional text requiring a walkover and photographic survey of habitats to assess the presence of wetlands being added to the designation text. In line with other settlement statements in the proposed plan the following wording is considered suitable "Phase 1 Habitat Survey required."

Amenity

Mrs Ross (2147/1/1), Jodi Best (2153/1/1)

It is acknowledged that the site will be difficult to develop due to the topography. Any future proposal will be required to be assessed against the Placemaking and Development Principles policies to ensure that the highest standards of design are met and that the amenity of neighbouring residents is not affected.

No modification is proposed.

Transportation

Mrs Ross (2147/1/1), Jodi Best (2153/1/1)

The respondents concerns are noted due to the nature of the access into the site. It will be the responsibility of the developer to ensure that no property is damaged during

construction. Any development proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which any proposal will have to adhere to.

No modification is proposed.

Historic Interest/Character

Jodi Best (2153/1/1)

The respondent's comments regarding the historical features of the surrounding area are noted. The Regional Archaeologist was consulted on the site and did not object to the inclusion of the site. No modification is required in this respect.

The Council acknowledges the respondents comments regarding the existing character of this area and how it will be a challenging site to develop. The site has been in successive local plans with little developer interest. Development opportunities within Keith are limited and are generally restricted to larger sites and the site does offer the opportunity for a smaller scale development.

The site designation text acknowledges the sensitive nature of the site and its proximity to the ENV5 designation which states that it is a site that "could accommodate a small high quality housing development that reflects the ENV designation and surrounding area."

Development rates in Keith and the wider Housing Market Area are generally slow and the site is classed as being constrained in the Housing Land Audit 2018 (CD41). There are a number of large housing sites available for development including site R9 Edindiach Road which was previously designated as LONG. This along with other existing designations ensures that there is an adequate supply of land available for housing development over the plan period.

On this basis if the Reporter is so minded, the Council would not object to the site being deleted as a housing designation. As it is a constrained site it would have no impact on the overall housing supply in the Keith Local Housing Market Area and a replacement site would not be required to be found. If the Reporter was minded to do so, the Council would support it being designated as part of the adjoining ENV5 River Isla Corridor designation.

Newmill

R1 Isla Road

Sheila Nicoll (617/3/1)

The site has been carried forward from the Moray Local Development Plan 2015 and it is the only suitable site available for development in Newmill. The capacity of the site is indicative and is subject to any proposal complying with all of the relevant Local Development Plan policies. Any planning application will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed. This policy ensures that proposals provide a safe entry and exit from the site. Any impacts on road safety and the road network will be required to be taken into account and mitigated.

No modification is proposed.
Reporter's conclusions:
Reporter's recommendations:

Issue 13	Speyside Housing Market Area (HMA) – Aberlour, Archiestown and Rothes	
Development plan reference:	<p>Volume 2: Settlement Statements</p> <p>Aberlour</p> <p>Not Taken Forward – AB1 (Site Map 13-1)</p> <p>R2 Speyview (pages 4 – 5)</p> <p>Archiestown</p> <p>R2 South Lane (page 18)</p> <p>Rothes</p> <p>R1 Spey Street (page 318)</p> <p>R2 Green Street (page 318)</p> <p>I5 Greens of Rothes (page 320)</p> <p>OPP1 North Street (page 320)</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Aberlour</p> <p>Not Taken Forward – AB1</p> <p>Mervyn and Heather Campbell (1764)</p> <p>R2 Speyview</p> <p>Springfield Properties Plc (10)</p> <p>Scottish Environment Protection Agency (SEPA) (569)</p> <p>Lee Philip (910)</p> <p>Mervyn and Heather Campbell (1764)</p> <p>Eric Forsyth (2208)</p> <p>Chris Mears (2209)</p> <p>Archiestown</p> <p>R2 South Lane</p>		

<p>Ian Simpson (2181)</p> <p>Roths</p> <p>R1 Spey Street</p> <p>Wendy Van-Hoof (1960)</p> <p>David Shand (2116)</p> <p>Nicola Boardman (2180)</p> <p>Eric Gillies (2206)</p> <p>R2 Green Street</p> <p>Carole Spencer (1961)</p> <p>Adrian Paul Spencer (1962)</p> <p>I5 Greens of Roths</p> <p>Michaela Paterson (2207)</p> <p>OPP1 North Street</p> <p>Rebecca Kendrick (2154)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Housing, employment and other designations within the Speyside HMA Settlement Statements.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Aberlour</p> <p>Not Taken Forward – AB1</p> <p><u>Mervyn and Heather Campbell (1764/5/1)</u></p> <p>Object due to non-inclusion of site for residential development at Tombain (See Site Map 13-1). The land is strategically located and adjacent to the Aberlour southern settlement boundary. Effective site due to developer interest and would contribute to the Spatial Strategy.</p> <p>Considered a more effective development site compared to R2 Speyview and is closer to the main facilities and services in Aberlour. Believe that the long-term planned expansion of Aberlour should be to the south and utilising adjacent land in the first instance.</p> <p>Total land ownership extends to some 12.64 hectares and is effectively dissected into East and West by the Aberlour to Edinville Road (C59H). Transport Statement provided which confirms that the site can be appropriately accessed and serviced, including</p>	

improving the Aberlour to Edinville Road. The land required to upgrade the road is in ownership and is available for improvement as part of any development of AB1.

R2 Speyview

Site Capacity

Springfield Properties Plc (10/13/17)

Object to the proposed reduction in the overall capacity from 100 homes to 60

Site Boundary

Springfield Properties Plc (10/13/17)

Object to the inclusion of triangular area to the north into the site.

Eric Forsyth (2208/1/1)

Consideration should be given to extending the site to include the area to west and south-west, bounded by the A95 and Ruthrie Road. This flat area would provide easier development potential than the limited opportunities afforded on the plateau at the top of the hill.

The additional area would allow for the possibility of an enhanced landscaped design to separate the housing and employment land elements. Additionally, there would be an opportunity to provide a gateway into Aberlour, with long term improved pavements, cycle paths and a safe and conveniently located bus stop layby, all on level land with clear road sight-lines.

Employment Land

Chris Mears (2209/1/1)

Clarification is required for the proposed uses for the industrial land. Restrictions should be placed on the times of use due to the neighbouring properties and impact on quality of life.

Site Requirements

Springfield Properties Plc (10/13/17)

Currently have a live planning application under consideration for 44 affordable and private homes on 1.9ha of the site and believe that the proposed text would prejudice the determination of this application. The level of prescriptive requirements is onerous and simply unviable.

SEPA (569/12/12)

Due to presence of rough grassland to west of site, object to allocation unless text highlights the requirement for a Phase 1 Habitat Survey.

Connectivity

Mervyn and Heather Campbell (1764/5/3)

Object to allocation of R2 as it is considered that the site cannot be delivered in terms of Scottish Planning Policy (SPP) on sustainable development, as the majority of the site is out with walking distance of 1600m to local amenities. States that the site is remote from the existing settlement boundary and more suitable land is available for development located nearer the settlement.

Pedestrian access to/from the site is sub-standard and requires that "Phase 1 must provide an active travel connection to Sellar Place." This land is under separate ownership and, without prejudice, should R2 be retained then it is requested that land situated to the south of the settlement boundary (AB1 (West)) [See comments to Not Taken Forward - AB1 and Site Map 13-1] is allocated for residential development.

Access / Transportation

Lee Philip (910/2/1)

Access to the site from the A95 is on a corner at the top of a steep hill and the only means for a safe access would be to have a roundabout or traffic lights. This could lead to traffic queuing up the hill, which will be an issue in winter.

The Ruthrie Road is not suitable for the traffic that currently uses it, i.e. distillery lorries, as there are no proper foundations. Any development on this site should be required to reconstruct Ruthrie Road, with proper foundations and passing places.

Mervyn and Heather Campbell (1764/5/3)

A Traffic Assessment has been submitted which confirms difficulties in effectively developing the site and notes that a visibility splay cannot be achieved within the available site frontage.

Eric Forsyth (2208/1/1)

Further road improvements at the junction of the A95 and Ruthrie Road (U103H) could also be undertaken together with relocating the 30mph speed limit to the south-west due to increased traffic foreseen at this junction emanating from the access onto Ruthrie Road from R2.

Chris Mears (2209/1/1)

The south access road is not suitable for the proposed volume of traffic in addition to the heavy traffic that currently uses it.

Traffic serving the industrial units, i.e. lorries delivering/collecting goods, should be time and size sensitive.

Development Brief / Masterplan

Springfield Properties Plc (10/13/17)

A masterplan is not required for this site as it is neither of the size or the sensitivity for such a need. Mitigation of landscape impact, as proposed for the initial phase and envisaged for latter phases, would offset this. A Development Brief was required to be prepared under the Moray Local Development Plan (LDP) 2015 and no drafting of such a Brief has commenced. Therefore it would appear that the production of such a document is a low priority for the Council as such a considerable period has lapsed.

Visual Impact and Topography

Mervyn and Heather Campbell (1764/5/3)

Site is unsuitable as it is challenging for development in terms of topography with various elevated areas and will require substantive landscaping to mitigate the landscape and visual impact.

Chris Mears (2209/1/1)

Concerned about size of houses proposed due to the elevation of the site. Propose that these should be restricted to a maximum of one and a half storeys, even though this will still block views for existing properties.

Flood Risk

Chris Mears (2209/1/1)

Note that site has been assessed for a 1:200 year event, but site has drainage issue which will require serious alteration to be undertaken. The north and south access roads have surface water issues.

Utilities

Lee Philip (910/2/1)

Houses surrounding the site are on private water supplies and private sewage as there is no mains water/sewage in the area. Developers will need to install mains water/sewage for this development and the installation of this should be extended free of charge to the surrounding houses.

Dark Skies

Lee Philip (910/2/1)

The site is currently a dark skies area as there is no street lighting. Any lighting therefore should be low level and directional to the ground so as not to distract from the dark skies.

Services

Chris Mears (2209/1/1)

The schools and doctors can barely cope with the existing population, let alone an increase, therefore need an overhaul to successfully serve the new increased community.

Archiestown

R2 South Lane

Ian Simpson (2181/1/1)

Have witnessed a dramatic decline in flora and fauna, especially in the last ten years. Previously was a peaceful village with little traffic and an abundance of wildlife. The increase in inhabitants and relevant traffic has reduced the safe environs for wildlife.

As the High Street is the main thoroughfare to continuous traffic, including lorries which thunder through the village at excessive speeds, the South Lane is a safer haven for those villagers whether it is pensioners and parents with young children who enjoy a walk or children playing on their bicycles.

Site is only green belt in the village where villagers and visitors can enjoy uninterrupted views of Ben Rinnes. Development of site would deny residents of open space and create a second 'High Street' with more traffic than it can safely cope with.

Rothes

R1 Spey Street

Flooding

Wendy Van-Hoof (1960/1/1)

Flood risk in this area is already high and insurance costs are high in order to cover this. The addition of more houses out towards the river will increase the flood risk to existing properties.

David Shand (2116/1/1)

Concerns regarding flooding issues, including drainage, with the addition of a further 30 houses in area.

Nicola Boardman (2180/1/1)

The site is a flood plain and, even with the flood alleviation scheme, SEPA identifies the area as being at medium risk of flooding, with the outer boundaries at high risk. The development of the site would put houses, new and existing, at risk including areas which have been unaffected by the flooding in Rothies.

The run off of water would be affected, causing any run off to move into the Spey differently which could ultimately impact the shape and course of the river. The current flood alleviation work in Rothies was built to withstand 1 in 100 year risk of flooding and current expectations are that any flood alleviation work should be built to withstand 1 in 200 year risk of flooding, rendering the existing infrastructure useless if additional properties were to be built. The risk comes from the Burn of Rothies and the run off from that passes through site.

Eric Gillies (2206/1/1)

The proposal is contrary to the LDP and SPP, which states that new development in areas of Medium to High Likelihood of flooding should be avoided. The site would directly put new properties in an existing flood risk zone and, as a result of increased runoff and loss of floodplain storage from development, potentially puts existing adjacent properties at increased risk. The required flood scheme upgrade, consisting of embankments and flood walls adjacent to the channel would have a negative impact on the Water Framework Directive status of the Burn of Rothes and the River Spey.

To protect development from flood risk may directly affect the natural hydromorphology of the Burn of Rothes and the River Spey. Any un-natural changes to the sediment in the Spey may have an adverse effect on important, at risk, fish species and their life-cycles. Development would degrade the natural floodplain and may directly increase surface water runoff in a Potentially Vulnerable Area. It is contrary to a resilient approach to flood risk and may affect fragile ecosystems in the riparian zone and in nearby important waterbodies. Building on a natural floodplain and sediment deposition zone is not good practice both hydromorphically and in terms of future flood resilience to uncertain climate change.

Transportation

Eric Gillies (2206/1/1)

Any increase in vehicular traffic along the access route may increase the potential for road accidents at this junction. The road access is not suited to an increase in properties (especially for road safety and fire access) without further land take and reduction in the number and size of gardens in the area.

Character and Amenity

Nicola Boardman (2180/1/1)

The site is adjacent to public walking routes, a public amenity which would be significantly impacted were more houses to be built in this area as the silence, solitude and open country feel would be taken from Rothes.

As property's bedrooms all back on to the site, there is no intrusion of artificial light after dark. The proposed development would significantly alter the character of the street and cause deterioration in current living conditions for residents due to increase in light and noise.

Eric Gillies (2206/1/1)

Would directly affect the rural and semi-rural nature of Speyside which is important both for the local agricultural community and industry, tourism and wildlife. Development would significantly reduce the public amenity value of this semi-rural/rural stretch of Rothes and risk changing the character (through noise and light pollution, increased urban rubbish etc.) of the adjacent areas for fishing on the Spey, which is important for tourism.

Development would obscure the view of farmland, trees, the River Spey corridor and riparian zone as well as Ben Aigan from properties along Spey Drive and Ben Aigan View

and adversely affect the pleasant, open nature of the back of Rothies. Development would also result in the loss of views of the night sky from Spey Drive/Ben Aigan View as a result of light pollution from the proposed development.

Agriculture

Nicola Boardman (2180/1/1)

Farmed and in regular use, the site is quality agricultural land which provides a good yield, usually 2 crops per year.

Eric Gillies (2206/1/1)

Development would result in the loss of valuable farmland, making farming of other fields uneconomic.

Wildlife

Nicola Boardman (2180/1/1)

The site is home to groups of hares and this habitat would be destroyed as a result of development, leaving these native Scottish wild animals without a home.

Eric Gillies (2206/1/1)

Development would directly reduce habitat for many wild animal species including badger, bats, wild hares and many wild birds.

R2 Green Street

Carole Spencer (1961/1/1)

Query why the boundary of site appears to change arbitrarily with each issue of the Development Plan.

Given the significant sensitivity of this site in respect of flood risk and drainage issues, 40 houses on a small site seems excessive and would likely result in significant problems in respect of natural drainage and waste water removal. Query whether even the most cursory of studies has been conducted before proposing to develop 40 properties on the site, considering that millions have already been spent on flood alleviation in Rothies mitigating the impact of the existing developments.

Adrian Paul Spencer (1962/1/1)

Query how proposals have increased the number of properties from 6 – accessed via Ben Aigan View – to 40 with no indication of how access will be provided. Lack of information suggests that access will be via Green Street, which would place a significant burden on a small road that runs directly in front of a primary school.

Boundary incorporates the rear garden and outbuildings on 45 Green Street, which is no longer part of the farm. Replacing an existing residential development with a high density residential development does not improve the area and significantly increases the threat

to the local environment, particularly with regard to drainage and flood risk.

The proposal fails to take account of retaining the vehicle access to the River Spey which is the only route through to the local Salmon fishing. This would further reduce the available land. Do not believe that simply increasing the density of houses and expanding a Greenfield site year on year to try and meet targets is a realistic or effective use of resources.

The area has already required millions in investment to alleviate the flood risk caused by the current developments and it is irresponsible to attempt to squeeze 40 additional dwellings into an area that contributes towards the free draining of the valley floor in an area that is already recognised as a potential flood risk. Stating that development would be subject to appropriate surveys is an attempt to avoid addressing the issue and makes the whole point of the development plan null and void.

There is no point in wasting resources to produce a development plan that has no basis in practical reality and simply serves to meet legal obligations. It is dishonest and disingenuous to increase the size of the development by stealth over a number of years hoping that local people will not notice. The site has started with 6, and then increased to 30 and now to 40 without carrying out any further investigations or offering any explanations as to how this area has suddenly become capable of coping with an eight fold increase in the number of properties on the site.

15 Greens of Rothies

Michaela Paterson (2207/1/1)

Living opposite, object to allocation of site for industrial purposes as it will have an impact on property value and quality of life. This area of Rothies is already blighted by large industrial buildings and the constant noise deep into the night from the processing plant nearby. Speyside is a beautiful area and a jewel for tourism and it is very sad that countryside will be eaten away by ugly industrial buildings. Should development proceed, seek that buildings are sympathetic to the beautiful landscape and are low in height, in muted colours and have sufficient planting (trees and hedges).

OPP1 North Street

Rebecca Kendrick (2154/1/1)

The land is a green space on a slope downwards from the A941 to North Street in Rothies and is adjacent residential and business properties. Considers the development of site for business would tip the balance of residential/business mix in the immediate area too far towards a business environment.

Concerned that the addition of new businesses alongside existing such as the stonemasons, Forsyths, Rothies Corde and the gas distribution site may bring additional unwelcome noise and nuisance, impact on air quality and be a building that may not enhance the visual impact of the area.

Note that a number of trees on the edge of the drop between Greenbrae and the stonemasons which previously provided screening from Rothies Corde have come down.

Concerned about the stability of the land and that digging out the foundations on the site would see land give way and cause irreparable damage to both Greenbrae and the stonemasons, and possibly own property.

Overdevelopment of the site is a concern and considers, in respect of residential dwellings, that low density residential dwellings with generous garden areas would be the most appropriate and safest options for this site, if considered appropriate for development at all. This may allow for adequate drainage provisions and planting of trees/shrubs to absorb water from the hills and provide screening. High density housing or flats will result in limited garden space and green areas. An increase in residents will increase the requirement for parking spaces, which in turn means more concrete, less ability for natural drainage to occur and the potential for increased flooding.

Safety concerns for the entrance/exit of the site as the A941 is a very fast road and the speed limit would require to be significantly reduced and relocated further back to access the site. Proactive enforcement will be required to ensure that these are adhered to and prevent serious road traffic accidents from occurring. The entrance to the site from North Street may also present some challenges from a safety point of view due to the closeness to a bend in the B9015 and obstructed view from the old railway bridge.

Modifications sought by those submitting representations:

Aberlour

Not Taken Forward – AB1

Mervyn and Heather Campbell (1764/5/1)

Allocation of AB1 (East and West) [Site Map 13-1] for 80 houses and 1ha of employment land, with a requirement for a phased masterplan.

R2 Speyview

Springfield Properties Plc (10/13/17)

Increase capacity of the site to 100 units.

Site boundary amended to remove triangular area to the north of the site.

Remove requirement for a masterplan.

Party not specific regarding change sought in respect of requirements under the site designation text.

SEPA (569/12/12)

Requirement for a Phase 1 Habitat Survey.

Lee Philip (910/2/1)

Requirement for Ruthrie Road to be reconstructed with proper foundations and passing places.

Requirement for developers to install mains water/sewage to surrounding properties.

Requirement that any lighting is low level and directional to the ground.

Party not specific regarding change sought in respect of site access.

Mervyn and Heather Campbell (1764/5/3)

Remove Site R2 Speyview.

If site is retained, amend site boundary to include Site AB1 (West) [Site Map 13-1] for residential development.

Party not specific regarding change sought in respect of access / transportation and topography.

Eric Forsyth (2208/1/1)

Amend site boundary to include flat area to west and south-west, bounded by the A95 and Ruthrie Road.

Requirement for further road improvements at the junction of the A95 and Ruthrie Road (U103H) and relocation of 30mph speed limit to the south-west. (Modification is implied based on the objection wording rather than specified).

Chris Mears (2209/1/1)

Provide clarification on proposed use(s) on employment land.

Requirement for traffic serving the employment land to be time and size sensitive.

Restrict times of use on employment land.

Restrict house sizes to a maximum of one and a half storeys.

Party not specific regarding change sought in respect of flood risk, services and south access road.

Archiestown

R2 South Lane

Ian Simpson (2181/1/1)

Remove Site R2 South Lane.

Rothies

R1 Spey Street

Wendy Van-Hoof (1960/1/1), Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

Remove Site R1 Spey Street. (In some cases, modification is implied based on the objection wording rather than specified).

David Shand (2116/1/1)

Party not specific regarding change sought.

R2 Green Street

Carole Spencer (1961/1/1) and Adrian Paul Spencer (1962/1/1)

Remove Site R2 Green Street. (Modification is implied based on the objection wording rather than specified).

I5 Greens of Rothes

Michaela Paterson (2207/1/1)

Remove Site I5 Greens of Rothes.

If site is retained, requirement that buildings are sympathetic to the landscape, low in height, in muted colours and have sufficient planting (trees and hedges).

OPP1 North Street

Rebecca Kendrick (2154/1/1)

Remove Site OPP1 North Street.

If site is retained, residential development should be restricted to low density.

Summary of responses (including reasons) by planning authority:

Aberlour

Not Taken Forward – AB1

Mervyn and Heather Campbell (1764/5/1)

Whilst the site may be closer to the main facilities and services in Aberlour, the site is outwith the settlement boundary and, when considered in isolation, cannot provide an acceptable means of access. The Council considers the site to be overtly prominent and any development (including road infrastructure) would cause an unacceptable detrimental visual impact. The respondent believes the proposed site to be more effective than Site R2 Speyview. The Council does not agree and considers the effectiveness of the site to be evidenced by the live planning application (18/01373/APP) for Site R2.

The Council's Transportation Section has been consulted on the additional information submitted in the Transportation Statement and a copy of the full response has been provided as CD11. They consider that it does not demonstrate that the site could be adequately accessed by vehicles, or by pedestrians/cyclists. The proposed

improvements to the transportation infrastructure cannot be delivered without third party land, significant changes to ground levels and removal of mature trees required to be retained as per the designation text for Site R1 Tombain Farm. Whilst the representation proposes to reduce the indicative capacity of the site from 150 units (proposed at the Main Issues Report stage) to 60-80 units, the concerns raised regarding accessibility and transport infrastructure provision for the proposed site remain, regardless of the proposed reduction in units.

On the basis of the identified visual and landscape issues as well as access constraints, the site is not supported for inclusion in the LDP 2020.

No modification is proposed.

R2 Speyview

Context

Providing an effective housing land supply in Aberlour has been a challenge with no site developed in the last 10 years. The Proposed MLDP 2020 has reviewed the sites identified in the MLDP 2015 and proposes the removal of current designations at Braes of Allachie and amending the Chivas Field designation from residential to industrial, leaving Site R2 Speyview and the smaller Site R1 Tombain Farm as the designations to meet the housing needs of Aberlour during the Plan period.

A planning application for Site R2 Speyview was submitted on 22 October 2018 (CD52) and the site is identified within the Council's Strategic Housing Investment Programme (CD44, pg. 9) to deliver much needed affordable homes in Speyside.

Site Capacity

Springfield Properties Plc (10/13/17)

Policy DP2 Housing states that capacity figures are indicative only and that proposed capacities will be considered through the Quality Auditing process against the characteristics of the site and surrounding area, conformity with all policies and the requirements of good placemaking, as set out in Policies PP1 Placemaking and DP1 Development Principles (CD01, pg. 38-39; 22-31 and 35-37). The indicative capacity of the site was reduced from 100 to 60 units to reflect the topographical constraints of the site and requirement for 1ha of employment land. As part of the live planning application for the site (18/01373/APP), the Council requested the developer to provide slope analysis and an indicative layout for the overall site which indicates that an increased capacity may be able to be accommodated on the site.

If the Reporter is so minded, the Council would not object to the indicative capacity for the site being increased to 100 units. The following wording is considered suitable:

"R2 Speyview 14ha 100 units and 1ha of employment land"

Site Boundary

Springfield Properties Plc (10/13/17)

There is a requirement to provide an active travel connection to Taylor Court. Following discussions as part of the live planning application (18/01373/APP), this is not required as part of Phase 1 due to the development of a footpath along or parallel to the extent of the site frontage onto the A95. If the Reporter is so minded, the Council would not object to the removal of the requirement to provide the active travel connection to Taylor Court as part of Phase 1 and instead include as part of the overall development of the site. The following wording is considered suitable:

“An active travel connection to Taylor Court must be provided.”

The site boundary was extended to the north as part of the Proposed Plan to facilitate the requirement for an active travel connection to Taylor Court, as well as provide for a small release of land for residential development. The Council considers this area to be important to the delivery of the site and provision of safe route(s) into Aberlour and therefore does not support its removal.

No modification is proposed.

Eric Forsyth (2208/1/1)

The submission does not appear to be from the landowner. No supporting map has been provided to identify the areas proposed for inclusion in the site boundary although it is implied as being the area between Muir of Ruthrie and Crossroads Cottage. The Council has not pursued this area previously due to land ownership and tenancy constraints and have undertaken no technical consultations to establish if the site can be developed. Further consideration could be given to this area as part of future reviews of the LDP.

No modification is proposed.

Employment Land

Chris Mears (2209/1/1)

Consideration of the suitability of proposed uses for the employment land, the impact on adjacent properties and any conditions to be applied will form part of the development management process.

No modification is proposed.

Site Requirements

Springfield Properties Plc (10/13/17)

The requirements in the designation text have been identified in consultation with key consultees and the Council considers these to be proportionate to the size and constraints of the site.

No modification is proposed.

SEPA (569/12/12)

The Council acknowledges that the requirement for a Phase 1 Habitat Survey was

omitted in error.

If the Reporter is so minded, the Council would not object to additional text being provided in the designation text for a Phase 1 Habitat Survey. The following wording is considered suitable and consistent with similar requirements elsewhere in the Plan:

“Phase 1 Habitat Survey required.”

Connectivity

Mervyn and Heather Campbell (1764/5/3)

The Council’s Transportation Section has advised that the SPP recommended walking distance of 1600m to local amenities is guidance only and, considering other factors, development may improve accessibility to these amenities for other existing properties which would provide a wider benefit. Pedestrian access to/from the site is one constraint to the site which requires to be addressed by any live and future planning application(s). The Council does not support the inclusion of Site AB1 (West) for residential development (see comments to Not Taken Forward – AB1).

No modification is proposed.

Access / Transportation

Lee Philip (910/2/1) and Mervyn and Heather Campbell (1764/5/3)

Access to the site from the A95 is a matter for Transport Scotland, subject to consideration of any proposed junction and associated road safety assessment. The principle of a new access on the A95 frontage has previously been supported in principle by Transport Scotland. The detail of such a junction requires to be determined by any live and future planning application(s). It would be for Transport Scotland to consider a departure from standards, subject to consideration of any proposed junction and associated road safety assessment.

No modification is proposed.

Lee Philip (910/2/1), Eric Forsyth (2208/1/1) and Chris Mears (2209/1/1)

The Council’s Transportation Section has advised that Ruthrie Road is an existing public road and the condition of the road and the need for any improvements would be considered as part of any live and future planning application(s). If appropriate, improvements or mitigation works would be sought.

No modification is proposed.

Development Brief / Masterplan

Springfield Properties Plc (10/13/17)

The Council drafted a Development Brief for the site in 2018, however, as Springfield Properties Plc are aware, the brief was not progressed following a complaint by Springfield Properties Plc that the brief would hold up their planning application and agreement was

reached between the Council and Springfield Properties Plc to proceed with informal discussions and workshops instead. Given that the site is a key gateway to Aberlour and incorporates mixed uses across the site, a masterplan - which complies with Policy PP1 - is deemed necessary. As part of the current live planning application (18/01373/APP), an indicative layout masterplan for the site was provided by Springfield Properties Plc.

No modification is proposed.

Visual Impact and Topography

Mervyn and Heather Campbell (1764/5/3) and Chris Mears (2209/1/1)

The Council recognises the topography of the site as a constraint and this is reflected in the designation text and Key Design Principles (CD02, pg. 4-5). Any development proposals require to be located predominantly on the flat areas of the site and substantial landscaped areas provided to create a setting and backdrop for the site as well as containment for buildings. No evidence has been provided by the respondent to demonstrate that the site would be undevelopable due to topography or to support their proposed area for inclusion as a more appropriate location.

Houses fronting the A95 must be 1½ storey in height and substantial woodland planting and landscaping must be provided across the site to create a backdrop and containment for buildings. Any development proposal(s) for the site will be assessed against relevant policies to ensure that any adverse visual and landscape impacts are identified and adequately mitigated.

No modification is proposed.

Flood Risk

Chris Mears (2209/1/1)

Parts of Aberlour are at risk of flooding and this is acknowledged in the designation text which requires proposals to be supported by a Flood Risk Assessment (FRA), the outcomes of which may affect the developable area of the site (CD02, pg. 4-5).

No modification is proposed.

Utilities

Lee Philip (910/2/1)

Proposals for water and drainage provision are a matter that requires to be addressed by any live and future planning application(s). Any new development will depend on the suitability of ground conditions for drainage. The Council considers it is unreasonable to expect the developer to provide connections free of charge for existing properties in the surrounding area.

No modification is proposed.

Dark Skies

Lee Philip (910/2/1)

The site is not within the Dark Sky designation. Policy EP14 (a) Pollution, Contamination & Hazards requires any development proposals which may cause significant light pollution, or exacerbates existing issues, to be accompanied by detailed assessment reports (CD01, pg. 101). No such issues have been identified at this time; however, these are matters that require to be addressed by any live and future planning application(s). Street lighting requirements for new public roads are based on LED technology which produces significantly less light pollution compared with sodium lighting which is currently being replaced across Moray.

No modification is proposed.

Services

Chris Mears (2209/1/1)

The schools within the catchment area are currently operating under capacity. The Council works closely with the NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents. Infrastructure requirements are detailed in the settlement statement (CD02, pg. 9).

No modification is proposed.

Archiestown

R2 South Lane

Ian Simpson (2181/1/1)

Site R2 South Lane is a longstanding designation carried over from previous plans. The spatial hierarchy and revised approach to rural housing seeks to promote a more sustainable pattern of development and address the proliferation of individual houses in the open countryside by directing development towards settlements in the first instance.

The Council's Transportation Section are of the view that such a small scale development would not generate significant additional traffic that cannot be accommodated by the surrounding road network and via the provision of safe and suitable accesses in line with current standards. These matters would be considered as part of any live and future planning application(s) and, if appropriate, improvements or mitigation works would be sought. Traffic speeds are a matter for Police Scotland to consider and any immediate concerns should be raised with them directly.

Policy EP2 Biodiversity (CD01, pg. 77) has been introduced to ensure all development proposals retain, protect and enhance features of biological interest and provide for their appropriate management.

The site is not a formally designated open space identified for protection and will not have

a detrimental impact on open space provision in the village. The Council notes that the right to a view is not a material planning consideration.

No modification is proposed.

Roths

R1 Spey Street

Flooding

Wendy Van-Hoof (1960/1/1), David Shand (2116/1/1), Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

Consultation has been carried out with key consultees including the Council's Flood Risk Management Team and SEPA who have no objection to the principle of the site being designated. As a result, a FRA and Drainage Impact Assessment (DIA) are required for the site, the outcomes of which may affect the developable area (CD02, pg. 318). Any planning application(s) must also demonstrate that there will be no adverse effect on the integrity of the River Spey Special Area of Conservation (SAC) from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity. The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

Transportation

Eric Gillies (2206/1/1)

The Council's Transportation Section has advised access to this site would be via Spey Street and Ben Aigan Way, both of which are two-way roads. A Transportation Statement may be requested to identify the level of traffic associated with the proposed development and any required mitigation measures as part of any planning application. In respect of fire access, the designation text states "*Prior to commencement of the 50th house (counting both existing and new development) served by Spey Street, an emergency access will be required*" (CD02, pg. 318).

No modification is proposed.

Character and Amenity

Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

The site is an existing designation which has been partially developed and carried over from the previous Plan. The Council considers that the site reflects the adjacent character of residential properties whilst retaining an area of rural and semi-rural nature in the form of the River Spey corridor to the east and south. The Council notes that the right to a view is not a material planning consideration.

Policy EP14 (a) requires any development proposals which may cause significant light pollution, or exacerbates existing issues, to be accompanied by detailed assessment

reports (CD01, pg. 101). No such issues have been identified at this time; however, these are matters that require to be addressed by any planning application(s). Street lighting requirements for new public roads are based on LED technology which produces significantly less light pollution compared with sodium lighting which is currently being replaced across Moray.

PP1 (i) sets out fundamental principles in respect of character and identity that must be incorporated into developments (CD01, pg. 22).

Development proposals, in accordance with Policy PP3 b) ii) Infrastructure and Services (CD01, pg. 33), will not be supported where they 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.

No modification is proposed.

Agriculture

Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

There are limited opportunities in Moray to provide development on brownfield sites. In order to meet the requirements of the Moray Housing Land Audit and Employment Land Audit, this requires the Council to consider some greenfield sites which are identified as being prime agricultural land. Whilst the Council considers this loss to be unfortunate, the requirement to identify sufficient land to meet demand outweighs the benefits of the quality agricultural land.

The Council considers the claim that development on the site would make farming of other fields uneconomic to be speculative and unfounded.

No modification is proposed.

Wildlife

Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

Any development proposal(s) for the site will be assessed against relevant policies, including Policies PP1, EP1 Natural Heritage Designations and EP5 Open Spaces (CD01, pg. 22-31, 74-75 and 80-87), to ensure that any potential adverse impacts on wildlife and habitats are identified and adequately mitigated.

Scottish Natural Heritage (SNH) was consulted in the preparation of the Proposed Plan and raised no objection to the site, subject to the requirement that any planning application(s) must demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity (CD02, pg. 318).

Policy EP2 Biodiversity (CD01, pg. 77) has been introduced to ensure all development proposals retain, protect and enhance features of biological interest and provide for their appropriate management. Proposals for 10 units and more require to submit a Biodiversity Plan as part of the Design Statement, in accordance with Policy PP1(v)

(CD01, pg. 28).

No modification is proposed.

R2 Green Street

Carole Spencer (1961/1/1)

Extensive consultation was undertaken on all sites proposed, both with statutory consultees and the public. Key consultees including the Council's Flood Risk Management Team and SEPA identified that development of the site would require a FRA, topographical information and DIA, the outcomes of which may affect the developable area (CD02, pg. 318). Any planning application(s) must also demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity. The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

Adrian Paul Spencer (1962/1/1)

The Council acknowledges that the area of ground, and the associated outbuildings, to the rear of 45 Green Street now forms part of the property's garden ground.

If the Reporter was so minded, the Council would not object to the site boundary being amended to remove the garden ground and outbuildings of 45 Green Street. The amended site boundary as set out in Site Map 13-7 is considered suitable.

No increase in the indicative capacity is proposed for the site, which is carried over from the previous Plan. The original designation was a smaller opportunity site for 6 units. Following reviews of previous Plans, the site was redesignated for residential development and the capacity was increased to 30 units, and subsequently to 40, to make more efficient use of greenfield land and reflect changing demographics and demand for more, smaller houses.

The Council's Transportation Section has advised that access to this site would be via Green Street, which is a two-way road. Along the frontage of the site, Green Street would be widened and a footway provided. A Transportation Statement may be requested to identify the level of traffic associated with the proposed development and any required mitigation measures as part of any planning application.

Development proposals, in accordance with Policy PP3 b) ii) (CD01, pg. 33), will not be supported where they 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. Therefore the vehicle access to the River Spey will be protected.

Extensive consultation was undertaken on all sites proposed, both with statutory consultees and the public. Key consultees including the Council's Flood Risk Management Team and SEPA identified that development of the site would require a FRA, topographical information and DIA, the outcomes of which may affect the

developable area (CD02, pg. 318). Any planning application(s) must also demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity. The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

I5 Greens of Rothes

Michaela Paterson (2207/1/1)

Redesignated from an opportunity to employment designation, the site is proposed adjacent to an area of Rothes which contains a concentration of employment designations and therefore would be in keeping with the character of the area. The Council acknowledges that the site does lie on the edge of the settlement and as such significant landscaping will be required to provide containment and a gateway into the village. A Development Framework is required for the site which must include the range of uses proposed, landscaping, open space, design and the required high pressure gas pipeline buffer (CD02, pg. 320). The Framework seeks to deliver a high quality development that integrates sensitively into the landscape.

Impact on adjacent properties will be considered as part of any planning application(s). The impact on property values is not a material planning consideration.

No modification is proposed.

OPP1 North Street

Rebecca Kendrick (2154/1/1)

The site is an existing designation carried over from the previous Plan. The Council considers that the identified uses (business and residential) reflect the character of the surrounding area and as such are appropriate.

Placemaking is Primary Policy 1 in the Proposed Plan Volume 1 – Policies (CD01, pg. 22-31) and aims to deliver development that creates sustainable, welcoming, well connected and distinctive places that are safe, healthy and inclusive. Any planning application(s) must comply with Policy DP1 to ensure that the scale, density and character of development is appropriate to the surrounding area (CD01, pg. 35-37).

Any issues regarding ground stability would have to be addressed as part of any planning application(s). Any development proposal(s) for the site will also be assessed against relevant policies, including Policy DP1, to ensure that any potential adverse impacts, such as noise and air quality, are identified and adequately mitigated.

Access to the site from the A951 is prohibited as set out in designation text. Any planning application(s) must provide a detailed design for access onto the B9015 with confirmation that adequate visibility of 2.4m by 70m can be achieved, given the constraints of the old railway abutment. Proposals for development must conform to the Council's current policy on parking standards, as set out in Appendix 2 of Proposed Plan Volume 1 – Policies (CD01, pg. 109-131).

No modification is proposed.
Reporter's conclusions:
Reporter's recommendations:

Issue14	Rural Groupings	
Development plan reference:	<p>Volume 3: Rural Groupings</p> <p>Auchbreck Site A – volume 3, page 5</p> <p>Aultmore Sites A, B & C – volume 3, pages 6-7</p> <p>Birnie Site A – volume 3, page 8</p> <p>Bridgend of Glenlivet – volume 3, page 10</p> <p>Buthill – volume 3, page 12-13</p> <p>Cardhu Site A – volume 3, page 14</p> <p>Clackmarras Site A –volume 3, page 15</p> <p>Clochan Sites A & B – volume 3, page 16</p> <p>Cragganmore Sites A & B – volume 3, page 17</p> <p>Craighead – volume 3, page 17</p> <p>Darklass – volume 3, page 19</p> <p>Glenfarclas Sites A & B – volume 3, page 24</p> <p>Kellas Site B –volume 3, page 26</p> <p>Knock Site A – volume 3, page 27</p> <p>Knockando (Upper) Site A – volume 3, page 28</p> <p>Knockando (Lower) - volume 3, page 28</p> <p>Lintmill Site A – volume 3, page 29</p> <p>Logie Site A – volume 3, page 30</p> <p>Mains of Inverugie Sites A & B - volume 3, page 32</p> <p>Maverston – volume 3, page 34</p> <p>Miltonduff North Site A – volume 3, page 35</p>	Reporter:

	<p>Site Not Taken Forward – MD01A Milntonduff</p> <p>Site Not Taken Forward – Milntonduff Site B</p> <p>Nether Dallachy Site A – volume 3, pages 38-39</p> <p>Rafford Station Site A – volume 3, pages 40-41</p> <p>Rathven Site A – volume 3, page 41</p> <p>Site Not Taken Forward – Roseisle RS1, volume 3, page 42</p> <p>Templestones –volume 3, page 43.</p> <p>Upper Dallachy Sites A & B – volume 3, page 46</p> <p>Woodside of Ballintomb Site A – volume 3, page 47</p>	
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Auchbreck Site A</p> <p>Steven Durno (1998)</p> <p>Ian Rodgers (2130)</p> <p>David Naylor (2132)</p> <p>Aultmore Sites A, B & C</p> <p>Deborah Murdoch and Antonio Guerreiro (2122)</p> <p>Niall Thomson (2222)</p> <p>Kelly Watt (2226)</p> <p>Birnie Site A</p> <p>Mike Woodcock (1275)</p> <p>Bridgend of Glenlivet</p> <p>J L Hope (2018)</p> <p>Buthill</p>		

Strathdee Properties (1798)

Cardhu Site A

Eve Montgomerie (2111)

Bob Spinner (2167)

Clackmarras Site A

Brenda Dyer (2106)

Stewart Ord (2168)

Clochan Sites A & B

Edward Aldwinkle (1997)

Angus Turner (2019)

Cragganmore Sites A & B

Peter Griffiths (2162)

Barry and Ellen Moore (1987)

Peter Murray (1991)

Iris Murray (2020)

Stuart Leiper (2112/)

Julia Milovanovic (2169)

Craighead

Brenda Carnegie (2224)

Darklass

Andrew Stevens (2022)

Glenfarclas Sites A & B

John Grant (1989)

Kellas Site B

Angus Steven (2227)

Knock Site A

David Gordon (1728)

Knockando (Upper) Site A

Mr A Anderson (2021)

David Watt (2079)

Scottish Forestry (1136)

Knockando (Lower)

Scottish Forestry (1136)

Lintmill Site A

Joseph Maguire (2023)

Samantha Bennion (2212)

Logie Site A

Scottish Forestry (1136)

Mains of Inverugie Sites A & B

Tulloch of Cummingston (1426)

Maverston

Scottish Environment Protection Agency (569)

Maverston LLP (2220)

Miltonduff North Site A

Kenneth Milne (2175)

Miltonduff - Sites not taken forward

Site Not Taken Forward – Miltonduff MD01A

Elain Mathews (1828)

Site Not Taken Forward – Miltonduff Site B

James Yool (1829)

Nether Dallachy Site A

Jonathan Meighan (333)

Rafford Station Site A

Dr John Pullen (1990)

Howard Stollar (1612)

Susan Stollar (2131)

Scottish Environment Protection Agency (569)

Finderne Community Council (1398)

Rathven Site A

Elizabeth Reid (1996)

Site Not Taken Forward – Roseisle RS1

Strathdee Properties (1798)

Templestones

Angela Mitchell (163)

Finderne Community Council (1398)

Alan Hughes (1988)

Christine Lane (2177)

Upper Dallachy Site A

Patricia Cowie (1583)

Scottish Environment Protection Agency (569)

Janet Wilkinson (2184)

Crown Estate Scotland (861)

Upper Dallachy Site B

Graeme Jones (2133)

Dr R and Mrs P Pakenham (2225)

Tessa Green (2223)

Crown Estate Scotland (861)

Woodside of Ballintomb Site A

<p>Patricia North (165)</p> <p>Keith North (2158)</p> <p>Dr Malcolm Newbould (632)</p> <p>Mr and Mrs Critchley (2008)</p> <p>Godfrey Leech (2011)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Rural Groupings</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Auchbreck Site A</p> <p><u>Steven Durno (1998/1/1)</u></p> <p>There is no suitable access to the site from the road. The location of the three houses would impact on views and result in a loss of privacy and overlooking. How can developing Site A at Auchbreck be seen as positive.</p> <p><u>Ian Rodgers (2130/1/1)</u></p> <p>Development on this site would increase undesirable development sprawl into the countryside.</p> <p>Transportation</p> <p>The required visibility splays do not take cognisance of visibility available to a driver at or approaching a junction in all directions. The landowner has no control over the relevant adjacent land that would be required to create essential visibility splays and removal of visibility obstructions.</p> <p>There are also concerns in respect of satisfactory access, egress and visibility splays/obstruction provisions. Required visibility splays are restricted by fences, trees, and vegetation.</p> <p>The site appears too small to accommodate all of the required transportation requirements including parking and turning.</p> <p>Drainage</p> <p>There is no public drainage in Auchbreck, additional housing would produce further pollution delivered directly to the River Livet/River Spey.</p> <p>Flooding</p> <p>The lower part of Site A exhibits bog conditions and suffers periodic flooding from the adjacent agricultural fields.</p>	

David Naylor (2132/1/1)

This site has previously been rejected for development due to the land becoming waterlogged and subject to flooding. The proposed access is very close to a busy road junction. Septic tank drainage is virtually impossible due to the water logged nature of land.

Aultmore Sites A, B & C

Deborah Murdoch and Antonio Guerreiro (2122/1/1)

Object to any housing on Aultmore Site B and Site C as there are major flooding issues. Site C is higher than existing property and surplus water runs into the property causing flooding. The site is full of water springs which are a major cause of flooding. A waterway has had to be created between the property and site C to stop water flooding of the garden, steading and house.

Site B is sloped and water runs in one of the gates and goes out the other like a river.

There are also major waste water issues due to broken pipework in the public road leading to water from the septic tank and the water from the verge causing flooding. Septic tanks often flood when it rains. The identified flooding and drainage problems will inevitably increase if new housing is developed on these two sites.

There is no mains sewerage and there are no soakaways in Aultmore due to clay, where will all the septic tanks for any new housing drain to?

There is reference to purchasing third party land to improve the C74H/B9016 junction. This land is in private ownership and the landowner is not supportive of allowing this to happen.

There are power cables which run through Site C which cannot be repositioned due to wayleaves being in place.

Niall Thomson (2222/1/3)

Object to development of additional housing in Aultmore on the basis of obstruction of view, impact on light, septic tank, parking and speed of traffic.

Kelly Watt (2226/1/1)

Developing housing on Site A or Site B will be detrimental the property due to flooding. The roadside edge of the garden floods significantly in bad weather with a river running down the road. Developing this field will make it worse. In addition to this there are no public transport links and further development will add pressure on schools. If granted houses must be in keeping with the area which is characterised by traditional distillery cottages.

Birnie Site A

Mike Woodcock (1275/2/1)

Propose an amendment to Birnie Rural Grouping boundary to increase the size of Site A to accommodate 6 houses instead of the 4 houses identified in the Proposed Plan. All of the site sits outwith the identified flood extent. Two Flood Risk Assessments have been commissioned to support development of this land. The designation for only 4 houses means that development of these sites will be very expensive given the high costs to date and the works required to prepare the sites. On that basis the project is considered marginal.

Bridgend of Glenlivet

J L Hope (2018/1/1)

Any residential development would represent a radical change in the character and identity of the land.

There are flooding, surface water and drainage run off from adjacent fields including Site A which would worsen if this site were developed.

The drainage system is currently operating at capacity and it is difficult to see how any proposals would demonstrate zero impact on the environmental infrastructure and be acceptable to SEPA's and Scottish Water.

There is limited spare capacity within the mains water supply, making further loading to support residential development questionable.

The site is a haven for wildlife with owls, herons, and frogs utilising the site. There are also pipistrelle and brown long eared bats and hedgehogs.

The archaeological remains on site should be protected.

There have been numerous accidents on this stretch of road, access onto the B9008 is hazardous due to restricted views. The visibility splay requirements cannot be met.

There are more appropriate sites in the local rural area that could be considered for good placemaking to match housing demand.

Buthill

Strathdee Properties (1798/2/3)

The proposed amenity land allocations within the Buthill Rural Grouping are too onerous and leave no scope for future plot opportunities. There is no evidence to support this approach. This grouping is subject to high demand for housing and the proposals would not allow this to be delivered. The defensible boundaries created by existing roads, woodland and the cluster of buildings at Wester Buthill have created an ideal location for rural housing. The area is very well connected to both Elgin and Burghead. The success of house plots in the area has confirmed the suitability of this area for measured rural housing however, the proposed rural grouping will restrict this from being delivered.

Buthill can support large development plots for any future housing alongside high quality greenspace being provided. Given the backdrops of existing woodland it is not

considered that such large areas of amenity space need to be provided to the detriment of future plots. The current amenity space designations result in a disjointed and irregular settlement pattern that is not in keeping with other areas of the Moray countryside.

A less restrictive approach to development within the grouping should be considered allowing further limited plot development within the boundaries of the rural grouping.

Cardhu Site A

Eve Montgomerie (2111/1/1)

Development of this site will not protect or enhance the environment but would fracture a small community. There are alternative sites within Cardhu that would fit better with the hamlet. Existing roads serve the distillery, school and housing. There are no pathways or cycle access and as such all of the children for their safety are bused to and from school. Having further housing on Site A would increase the roads problems further.

The older houses have back gardens to the front of houses forming an important part of our sociable community. Houses would be directly looking into housing on this site. The landscape view that is very much part of the community will be withdrawn as a result of development in this location. This would also impact on the privacy, daylight and have an overbearing loss of amenity to existing properties. There is an alternative area at the entrance to Cardhu that could easily accommodate five houses without detracting from its beautiful character with a better access without the roads problems.

The proposed building on the ridge of farmland would see the beautiful setting of the distillery wiped out.

Bob Spinner (2167/1/1)

Development in this location would have a disproportionate impact on the local community and local services. The already reduced medical provision in Aberlour will be adversely impacted. Education and care facilities will cost more simply due to the rural rather than urban location. Opportunities for employment locally are restricted so there will be more private transport as public transport is virtually non-existent giving rise to pollution.

Public drainage is not afforded to all in the area so an upgrade will be needed, each new house will have an impact on the Council's budget for roads repairs.

Clackmarras Site A

Brenda Dyer (2106/1/1)

Previous planning applications on this site have been refused due to being on unsuitable marsh land. There is no further capacity for an increase in waste water and sewage. Don't understand if the land was previously considered inappropriate for single houses why it is now suitable for nine.

The development will result in increased traffic, noise and pollution from traffic. Increased noise pollution in this quiet peaceful area will impact on the ambience of the countryside. There is currently no street lighting and artificial lighting would have to be provided with so

many new houses being introduced. All these impacts would have a detrimental effect on wildlife in the area, in particular bats.

Stewart Ord (2106/1/1)

Development will increase noise levels and infringe upon privacy. There will be an increase in traffic on an already busy road that does not have speed restrictions. There is already access to the main road via existing driveways and providing parking to the rear of existing houses is pointless. Proposals will mean that there will be building on top of the existing drainage system, the current drainage and soakaway system was designed and specified for the current houses and would require significant upgrade to cope with additional housing numbers.

Clochan Sites A & B

Edward Aldwinkle (1997/1/1), (1997/1/3),

Site A- Any work to develop this site would impact on the property and surround adjacent properties.

Site B - Development of this site will lead to the loss of farming land, impact on privacy and daylight of adjoining properties and loss property value.

Angus Turner (2019/1/1)

Object to arable land being used for residential development.

Cragganmore Sites A & B

Sites A & B

Peter Griffiths (2162/1/2), (2162/1/1)

The private water supply has no supply volume capacity for additional consumers. Development on this land would require disturbance of the private infrastructure which part owners of the system are unwilling to allow. A new public water mains supply is 3 miles away which is unlikely to be sustainable.

Site A

Barry and Ellen Moore (1987/1/1)

There is insufficient private water supply for an extra five properties.

Site A

Peter Murray (1991/1/1), Iris Murray (2020/1/1)

Concerns regarding access to and from the site and drainage. Development in this location will further restrict tv/satellite signal. The overflow from adjoining properties septic tank runs through the site. The site has the potential to flood in the event of heavy rainfall. Water runs off the field above the site and floods the site. There is private water

supply pipe which runs through the site, the supply has been dwindling and existing properties are just getting by, any additional development will have impact upon this.

The gasline to Cragganmore Distillery runs through the site and across the potential access to the site.

New development would restrict any sunlight to the property.

Site A

Stuart Leiper (2112/1/1)

Site A is totally reliant upon a private water supply which has previously become seriously low and the amount of water use restricted with residents using bottled water for drinking purposes. Any further demands would put this water supply at greater risk, the supply line of which runs directly beneath Site A

Additional development of 5 further houses would negatively compound access to existing properties. Who would be taking responsibility for the maintenance of the access road as currently the Council does not.

The proposed houses would be looking down on existing properties denying them seclusion. 5 new houses in this location is an issue as people choose to live in remote places so they can enjoy the views and wildlife nature provides.

Site A & B

Julia Milovanovic (2169/1/1), (2169/1/2)

Object to the inclusion of Site A. The private water supply has previously failed as there was insufficient water which resulted in severe rationing. This year was an exceptionally dry summer however environmentalists are advising that this will be the norm. Any new development will put further strain on the water supply and there is no guarantee it would not affect the supply in the future. The supply pipe to properties runs through the proposed site.

Object on the grounds of sustainability which equally applies to Site B. The nearest shop, post office and petrol station have closed as they have become financially unviable. This has a significant effect on the proposed site and is contrary to planning policy which aims to achieve healthy, inclusive and safe places to support healthy lifestyles. There are no services within walking distance and no public transport and the local primary school has closed.

Craighead

Brenda Carnegie (2224/1/1)

Object to housing at Craighead on the basis of septic tank, additional parking of cars, noise of building, access onto the B road, water to households and speed of traffic.

Darklass

Andrew Stevens (2022/1/1)

Proposed amendment to the rural grouping boundary to include an additional area of rough, boggy unkept land of minimal agricultural value. The site is bounded on three sides and would be suitable for a single house, well screened from public view, provide privacy, in keeping with the existing two houses and the seven houses currently planned for the grouping. Access to all services is in close vicinity of the site.

Glenfarclas Sites A & B

John Grant (1989/1/1), (1989/1/2)

Site A is not suitable for the construction of two houses, in addition to covering a track used for access to an area due to be replanted, there is no an adequate water supply. One of the primary reasons for the distillery cottages becoming derelict and eventually demolished was lack of water. In addition there is no mains sewerage and there is no extra capacity at the distillery.

Site B sits on top of or immediately beside the private water supply which is barely adequate for the needs of existing properties and alternative arrangements had to be made during the summer months for the visitor centre. Additionally this site is within the distillery water catchment area and there are concerns regarding the water supply being polluted.

Kellas Site B

Angus Steven (2227/1/1)

Object to the development of the Kellas site B development as it appears to be partially on land in separate ownership. Seek clarification with the developer over the matter of the landownership.

Knock Site A

David Gordon (1728/2/1)

Site A is used for the local community as amenity land, it is used by walkers, cyclists and horses, object to any change to the current free unhindered access to the site. No further development is required as it would alter the balance of the village and increase traffic and pressure of space. There are no facilities in Knock, scarcely any public transport. Do not understand why this site is chosen when there are numerous vacant properties in our town centres that could be converted and are close to facilities.

There are already empty properties in Knock, these could be renovated/subdivided saving building new houses. There is a high chance that the properties built would not fit in with the local architectural style and would be a blot on an otherwise pretty landscape, immutable and with no reversal. Unless houses are built in stone in character with surrounding buildings they would be an ugly blot on an otherwise scenic location popular with locals. The increase in people, traffic and other extra activity is totally unnecessary with many choosing to live here because it has a low population. There are much better locations to build affordable housing and plenty of more suitable sites that could be developed.

Knockando (Upper) Site A

Mr A Anderson (2021/1/1)

Access to Site A is very restricted. There are major concerns over site drainage, the ground is unsuitable for soakaway drainage and existing properties have major issues.

David Watt (2079/1/1)

Concerns in respect of drainage and septic tanks. The existing track road Knockando School/Church Road is over used and in a poor state of repair.

Scottish Forestry (1136/6/4)

There is a high proportion of tree and woodland cover and not all of it has been identified as amenity land. Object unless a clear statement is included stating trees and woodland within the rural grouping designations should be protected and maintained in any development proposals. The Control of Woodland Removal Policy has a presumption against development in woodland.

Knockando (Lower)

Scottish Forestry (1136/6/4)

There is a high proportion of tree and woodland cover and not all of it has been identified as amenity land. Object unless a clear statement is included stating trees and woodland within the rural grouping designations should be protected and maintained in any development proposals. The Control of Woodland Removal Policy has a presumption against development in woodland.

Lintmill Site A

Joseph Maguire (2023/1/1)

Site A is wooded and home to red squirrel, woodpeckers, owls and heron and should be protected. The area is prone to flooding from the adjacent river and the removal of vegetation and trees would cause severe erosion to the river bank. Over time would put septic tanks and soakaways at risk and properties on Seafield Road at risk of collapse.

Samantha Bennion (2212/1/1)

The outline for Site A actually meets Cullen Burn. The flood risk maps for Cullen, which show Lintmill on the periphery do not fully reflect the actual flooding which has previously occurred. Photos are appended to the response from when Lintmill was previously flooded. A large proportion of Site A acts as a buffer strip when there are raised water levels.

There is varied vegetation which supports wildlife including mice, rabbits, birds and bats which are regularly seen in or over Site A. The site is also the location for invasive plant species and digging up the area for building works is likely to disperse rhizomes, potentially to existing homes.

The adjacent road to Site A is private and in a poor condition. Part of the site suggested as suitable now was previously deemed to be amenity land. There must be other sites in Lintmill which would be much more suitable for housing.

Logie Site A

Scottish Forestry (1136/6/3)

Object to Site A as it is entirely within a woodland which is shown on the Ancient Woodland Inventory (AWI) as being of Long Established Plantation. The Control of Woodland Removal Policy has a presumption against development in woodland.

Mains of Inverugie Sites A & B

Tulloch of Cummingston (1426/2/3), (1426/2/4)

Site A

Object to capacity of 12 units for Site A. 15 units on this site is more realistic. By designing the site in a traditional courtyard layout, the buildings will be grouped closer, thereby providing scope for further units. A generous central green amenity space and generous plot sizes will enhance the surrounding area.

Site B

Amend rural grouping boundary to include additional housing and land and consider revising text to state "Site B is for sympathetic conversion of derelict steading, existing farm cottages, outbuildings and adjacent land.

Maverston

Maverston LLP (2220/1/1)

Note the approach being taken at Miltonhill (former Kinloss Golf Club). Land here is identified for mixed use housing and tourism development in line with an agreed Masterplan. There are similarities with Miltonhill and Maverston and request that a similar approach be taken at Maverston to provide certainty for both the Council and the landowner and developer.

No other trees than those already consented to be removed through the extant 40 house planning permission are proposed to be removed. This contrasts with Miltonhill where trees are to be removed to permit proposed development and a consistent approach should be taken by the Council.

The following amendments to the Rural Grouping text are suggested.

Maverston has an extant planning consent for 40 houses, two golf courses, and leisure facilities. Part of the site includes woodland some of which is listed on the Ancient Woodland Inventory. Development proposals **should seek** to retain existing mature trees **where possible** along with **appropriate compensatory planting** in line with Policy EP7 Forestry, Woodlands and Trees.

There is an opportunity to redevelop **the site of** the existing steading buildings. No more than 16 houses will be permitted. **The layout, siting and design of any new development should be in keeping with the character of the area.** Proposals **should** be supported by a Flood Risk Assessment and Drainage Impact Assessment **where appropriate.**

Proposals should be accompanied by a Phase 1 Habitat Survey where appropriate. The innovative use of greenspace could assist with surface water drainage and accommodating **natural heritage.**

The requested changes are on the basis that the original development concept of large housing plots set within the commercial woodland remains unchanged. Much of the eastern part of what would have originally been woodland is now open scrubland and gorse. Any new development can provide new planting in order to assist in the integration of new housing into the area.

The steading building benefitted from detailed planning permission for its replacement with 16 new build houses as an appropriate redevelopment of a rural brownfield site. Redevelopment of the site should not be limited to the conversion of the existing buildings. There is insufficient justification for restricting any new development opportunities at Maverston. There may be scope for additional future development providing compliance with the relevant LDP policies can be demonstrated.

Scottish Environment Protection Agency (569/12/13)

Object to this rural grouping unless the wording "all development must be connected to the public sewer" is added to the allocation text.

Miltonduff North Site A

Kenneth Milne (2175/1/1)

Do not object to the designation of Site A, but wish to ensure that appropriate screening is included between Miltonduff Hall and the new development, appropriate noise mitigation and/or sound attenuation is undertaken. These measures are required to ensure the viability of the community public hall which is utilised for events by preventing bad neighbour issues should this land be developed in the future.

Site Not Taken Forward – Miltonduff MD01A

Elain Matthews (1828/2/1)

Disappointed the identified site has not been included for small scale housing, particularly given the direction of the Moray Local Development Plan to allow rural groupings to expand. This is a popular area with good transport connectivity to Elgin so it would seem to be an ideal opportunity.

The Main Issues Report cited road safety concerns, however any such limitations can be overcome on land under ownership of the developer and that the land is effective. In 2018, the access arrangements for planning application ref 18/00185/APP for a house plot within Area A were confirmed as being acceptable by Moray Council transportation department

The planning application was subsequently refused for cumulative build up/ribbon development reasons. Strongly contend that these reasons for refusal should not be the case going forward to a rural housing policy focusing on development within rural groupings.

Site not taken forward – Miltonduff Site B

James Yool (1829/2/1)

Disappointed the identified site has not been included for small scale housing. Object to its exclusion from the LDP and underline the landowner's commitment to the development of the proposed site and to reassure that the land is effective and that it can be realised in line with the Council's aspirations.

Nether Dallachy Site A

Jonathan Meighan (333/5/2)

There is already a natural boundary to the settlement and no reason to extend it further. While 5 houses is much better than the earlier proposal, the site is still problematic, especially being so close to the gravel pit and timber yard.

Nether Dallachy has already reached the limit of its capacity and its character as a small settlement of randomly placed houses would be impaired by adding an estate outwith the natural, well defined, boundary. These houses would have a detrimental impact on its character and damage the quality of the surrounding area which relies on the wide open spaces for its appeal.

Not only are there no social facilities to support an expansion of the settlement, but there is limited infrastructure. From the main Spey Bay road it is served only by a minor narrow road with a poor road around the site (into a road overcrowded with HGVs), a non-existent bus service, schooling reliant on a bus service, no mains gas, no drainage and a risk of damage to the high water table.

The area simply cannot support extra houses and traffic and further development can only damage the rural character of existing houses in the open countryside setting. This still goes too far beyond the odd infill site which has been accepted in the past. The Local Plan should be designed to bring housing, employment, schools, shops, etc. together.

There are more appropriate areas already of a suitable size and infrastructure, and there is a serious risk that no extra infrastructure would be put in (argued unnecessary), to the detriment of the settlement and the whole Spey Bay area.

Rafford Station Site A

Dr John Pullen (1990/1/1), Finnerne Community Council (1398/3/2)

Supporting Mapping

The mapping accompanying online documentation is inaccurate and does not show existing developments of Southview, Oakside, Taigh Fiodha and Rowan Cottage or the

approved development of three properties adjacent to The Willows.

Transportation

There is currently no access from Site A to the public road. All access between site A and the C14E (Dallas Dhu to Rafford) passes through existing properties. The only other access is onto the Newtyle Forest road which is in an exceptionally poor state of repair and has a blind access onto the C14E. To add further traffic onto this road without upgrading would cause significant damage to the current road and create an even greater traffic hazard onto a school bus route.

The C14E is already suffering increased traffic as a result of existing development, timber extraction and the new pig farms, there are insufficient inter-visible passing places and there is already a high likelihood of traffic accidents.

Services

Existing properties all have drainage systems which border Site A. Due to contours of the land, natural land drainage and all soakaways percolate through Site A towards natural watercourses. The site is not in close proximity to the Scottish Water main. There is no high speed internet connectivity. Proposals are misrepresentative of the ability of the Rural Grouping to contain any further housing.

Howard Stollar (1612/2/1)

Landscaping

Support houses of a good quality with space around them. The low volume of housing proposed and environmental considerations seem well thought through. Council must be firm in requirements for housebuilders to plant trees and wildflowers. The unimaginative and sparse levels of planting elsewhere in Forres are disappointing.

Susan Stollar (2131/1/1)

Reassured that the proposed development will be in keeping with existing housing. There should be a requirement to plant good quality native trees and plants to enhance biodiversity of the area.

Carbon Rich Soils

Scottish Environment Protection Agency (569/12/14)

GIS data indicates some peat on the site. Wording "Peat soils are present on site and proposals may need to be supported by a peat survey to establish peat depths" has been removed in the Proposed Plan. Object to the rural grouping unless this wording, or similar is reinstated or the rural grouping removed.

Rathven Site A

Elizabeth Reid (1996/1/1)

The road leading on from Bede Road is barely wide enough for two vehicles to pass and

is not suitable for access for new houses. There are difficulties with drainage due to the age of the system and any increase would overload the existing set up. Similarly feeding into the existing sewer system could cause multiple issues. The site is also quite small.

Site Not Taken Forward – Roseisle RS1

Strathdee Properties (1798/3/4)

Opportunities for infill housing development in Roseisle are limited. The area around Roseisle is subject to high demand for housing and the proposed grouping would not allow this to be delivered. The Settlement boundary should be extended to include land subject of development bid RS1. This site would be a sensible extension to Site A and the Roseisle settlement. The proposed site is bound by woodland and a road to the east, woodland to the south and Site A to the north which all form defensible boundaries. This would allow a modest extension of six houses to Site A which would be delivered in keeping with the characteristics of Roseisle and the wider Moray area.

The Main Issues Report suggested the site would be detrimental to the character of Roseisle and would be visually prominent. It is argued that the natural topography of the site allows any visual prominence to be minimised as the site slopes gently southwards away from the settlement and surrounding woodland provides a backdrop.

The principle of development to the west of the settlement has been established through the approval of application 16/01859/APP at Site A.

Templestones

Angela Mitchell (163/3/1)

Cumulative Build Up Guidance

Why has there been a change in position from the Landscape and Visual Impacts of Cumulative Build Up of Housing in the Countryside Guidance Note. The Guidance stated that in the wider area around Rafford, additional houses in this location would increase the incidence, density and prominence of housing and have a detrimental impact on the rural character of the area. On that basis no further development should be permitted in this area.

Angela Mitchell (163/3/1), Finnerne Community Council (1398/3/3), Alan Hughes (1988/1/1), Christine Lane (2177/1/1)

Transportation

The existing road is barely adequate and large vehicles are unable to negotiate the turn at the war memorial. The road is narrow and new houses have to build passing places, how can the road possibly accommodate all the passing places required if more housing is built in the area. Improving visibility from the site will be difficult to achieve and also undesirable for people living in neighbouring houses. There is concern that acceptable visibility could not be achieved without significant removal of mature trees. The large trees bordering the road are beautiful and must be saved as much as possible.

Drainage

Finderne Community Council (1398/3/3)

There are currently known and ongoing issues with septic tank drainage from existing residences. Additional development in this location would exacerbate this issue.

Alan Hughes (1988/1/1), Christine Lane (2177/1/1)

Loss of agricultural land

Destroying farmed land by developing housing is not good planning. There is already a loss of good agricultural land in the area with sporadic building across Califer Hill ruining the natural beauty of this very visible landmark in the area.

Landscaping

Vegetation on the south east boundary must be strictly limited in height to retain as much open outlook as possible.

Christine Lane (2177/1/1)

Suburbanisation of the countryside

More of this urbanisation of the countryside is not desirable and should be situated closer to Rafford or Forres where road access is more suitable.

Upper Dallachy Site A

Patricia Cowie (1583/2/1)

Site A impacts on access to Seaview as any removal of the bank will undermine the integrity of the lane and there is no alternative access. Seaview is 220 years old and there are serious concerns regarding the impact of workings required to develop Site A. The electrical supply to Seaview runs underground along the lane and any disturbance to the lane would endanger this supply.

Scottish Environment Protection Agency (569/12/15)

Object unless the wording to highlight the requirement for a Flood Risk Assessment for Site A is added to the designation text.

Janet Wilkinson (2184/2/1)

New properties may affect water pressure of existing properties. 3 to 4 properties are already using a small field for their soakaways so adding further housing could cause the field to be flooded and contaminate the burn. The trees along the banking which would need to remain and need maintaining. Who would be responsible for this and liable if any trees were to damage our property?

Crown Estate Scotland (861/6/12)

Support identified rural grouping and will take forward sites identified within the currency

of the LDP 2020.

Upper Dallachy Site B

Graeme Jones (2133/1/1)

This site is unsuitable for development as it lacks mains sewage necessitating septic tank and soakaways. The site sits above existing dwellings and the lack of an existing access would require the creation of a new access with limited visibility.

The site is regularly used by foxes, deer, and badgers.

Dr R and Mrs P Pakenham (2225/1/1)

The site is uphill of the property and there is a significant difference in levels. There is no public drainage. Concerned that the proposed development of four houses may result in drainage products entering our garden and its surroundings. The road through Upper Dallachy is mostly single track and vehicles meeting on the road have to pull onto verges to allow vehicles to pass. There has been a distinct increase in level of traffic in recent years and speeding vehicles.

Tessa Green (2223/1/1)

There are many brownfield sites that would be more suitable than a greenfield site. The site is used by bats and badgers. The proposed properties could result in more than 8 vehicles and create an access onto an unclassified road with a blind summit. There are road safety concerns for school children, pedestrians and disabled users with mobility scooters using this road regularly without pavements.

Historically there has been flooding concerns that will be exacerbated by the development. The footprint of the development could affect ground water levels with associated problems.

Crown Estate Scotland (861/6/13)

Support identified rural grouping and will take forward sites identified within the currency of the LDP 2020.

Woodside of Ballintomb Site A

Patricia North (165/2/1), Dr Malcolm Newbould (632/2/1), Keith North (2158/1/1), Mr and Mrs Critchley (2008/1/1), Godfrey Leech (2011/1/1)

Drainage

The proposed development and siting of three new properties would drastically alter the nature of the community. The problems with both surface water and foul water are so severe that these sites are unsuitable for development. To risk increasing this is not acceptable. Previously planning applications have not had any convincing answer to this problem.

Patricia North(165/2/1), Dr Malcolm Newbould (632/2/1)

Access

Access continues to be a problem with insufficient visibility splays but could be overcome although drainage is still going to be problematic.

Land Ownership

Patricia North (165/2/1), Mr and Mrs Critchley (2008/1/1)

Site A includes land in the ownership of Ben View, documentation and mapping provided to evidence this. The rural grouping mapping is inaccurate as the garden ground of Forest Ridge extends into this area.

Keith North (2158/1/1)

Appropriate houses need to be built, although there are many empty sites in the area, but an additional property to the west end of our frontage would be less detrimental.

Mr and Mrs Critchley (2008/1/1)

Development would lead to a loss of trees. Recently purchased adjacent house and the development of Site A would impact on privacy.

Modifications sought by those submitting representations:

Auchbreck Site A

Steven Durno (1998/1/1)

Delete Site A.

Ian Rodgers (2130/1/1)

Delete Site A.

David Naylor (2132/1/1)

Delete Site A.

Aultmore Sites A, B & C

Deborah Murdoch and Antonio Guerreiro (2122/1/1)

Delete Sites B and C.

Niall Thomson (2222/1/3)

Delete Sites A, B and C

Kelly Watt (2226/1/1)

Party not specific regarding changes sought.

Birnie Site A

Mike Woodcock (1275/2/1)

Amend Birnie Rural Grouping boundary to increase capacity of Site A from 4 houses to 6 houses.

Bridgend of Glenlivet

J L Hope (2018/1/1)

Delete site.

Buthill

Strathdee Properties (1798/2/3)

Amend rural grouping designation to allow for further limited plot development beyond that identified.

Cardhu Site A

Eve Montgomerie (2111/1/1)

Delete Site A and identify alternative at entrance to Cardhu.

Bob Spinner (2167/1/1)

Delete Site A.

Clackmarras Site A

Brenda Dyer (2106/1/1)

Party not specific regarding change sought.

Stewart Ord (2106/1/1)

Party not specific regarding change sought.

Clochach Sites A & B

Edward Aldwinkle (1997/1/1), (1997/1/3)

Party not specific regarding change sought. Site deletion is implied.

Angus Turner (2019/1/1)

Delete designation

Cragganmore Sites A & B

Peter Griffiths (2162/1/2), (2162/1/1)

Deletion of Site A & B is implied.

Barry and Ellen Moore (1987/1/1)

Deletion of Site A is implied.

Peter Murray (1991/1/1)

Deletion of Site A.

Iris Murray (2020/1/1)

Deletion of Site A.

Stuart Leiper (2112/1/1)

Deletion of Site A.

Julia Milovanovic (2169/1/1), (2169/1/2)

Deletion of Site A & B is implied.

Craighead

Brenda Carnegie (2224/1/1)

Party not specific regarding change sought.

Darklass

Andrew Stevens (2022/1/1)

Identify site for a single house.

Glenfarclas Sites A & B

John Grant (1989/1/1), (1989/1/2)

Delete Site A & B.

Kellas Site B

Angus Steven (2227/1/1)

Party not specific regarding change sought.

Knock Site A

David Gordon (1728/2/1)

Delete Site A and designate as amenity land. (Modification is implied based on the objection wording rather than specified).

Knockando (Upper) Site A

Mr A Anderson (2021/1/1)

Party not specific regarding change sought.

David Watt (2079/1/1)

Party not specific regarding change sought.

Scottish Forestry (1136/6/4)

Identify tree and woodland cover as amenity land.

Knockando (Lower)

Scottish Forestry (1136/6/4)

Identify tree and woodland cover as amenity land.

Lintmill Site A

Joseph Maguire (2023/1/1)

Party not specific regarding change sought.

Samantha Bennion (2212/1/1)

Part not specific regarding change sought.

Logie Site A

Scottish Forestry (1136/6/3)

Delete Site A.

Mains of Inverugie Sites A & B

Tulloch of Cummingston (1426/2/3), (1426/2/4)

Increase site capacity of site A to 15 units. Revise Site B boundary to include additional land.

Maverston

Maverston LLP (2220/1/1)

Amend wording to allow some tree removal, to remove requirement to retain traditional steading, and provide flexibility as to when Flood Risk Assessment, Drainage Impact Assessment and Phase 1 Habitat Survey is requested. See summary for proposed wording.

Scottish Environment Protection Agency (569/12/13)

Add requirement "All development must be connected to the public sewer".

Miltonduff North Site A

Kenneth Milne (2175/1/1)

Additional text to include landscaping between the site and the community hall. Include appropriate noise mitigation measures.

Miltonduff Sites Not Taken Forward

Site Not Taken Forward – Miltonduff MD01A

Elaine Matthews (1828/2/1)

Allocate site in the Proposed Plan

Site Not Taken Forward – Miltonduff Site B

James Yool (1829/2/1)

Reallocate site in the Proposed Plan

Nether Dallachy Site A

Jonathan Meighan (333/5/2)

Party not specific regarding change sought. Deletion of designation is implied.

Rafford Station Site A

Dr John Pullen (1990/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Howard Stollar (1612/2/1)

No change sought.

Susan Stollar (2131/1/1)

No change sought.

Scottish Environment Protection Agency (569/12/14)

Amend wording to add "Peat soils are present on site and proposals may need to be supported by a peat survey to establish peat depths."

Finderne Community Council (1398/3/2)

Party not specific regarding change sought. Deletion of designation is implied.

Rathven Site A

Elizabeth Reid (1996/1/1)

Party not specific regarding change sought.

Site Not Taken Forward – Roseisle RS1

Strathdee Properties (1798/3/4)

Designate Site RS1 for residential development.

Templestones

Angela Mitchell (163/3/1)

Party not specific regarding change sought. Deletion of designation is implied.

Finderne Community Council (1398/3/3)

Party not specific regarding change sought. Deletion of designation is implied.

Alan Hughes (1988/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Christine Lane (2177/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Upper Dallachy Site A

Patricia Cowie (1583/2/1)

Party not specific regarding change sought. Deletion of the designation is implied.

Scottish Environment Protection Agency (569/12/15)

Include requirement for a Flood Risk Assessment.

Janet Wilkinson (2184/2/1)

Party not specific regarding change sought.

Crown Estate Scotland (861/6/12)

No change sought.

Upper Dallachy Site B

Graeme Jones (2133/1/1)

Delete designation.

Dr R and Mrs P Pakenham (2225/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Tessa Green (2223/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Crown Estate Scotland (861/6/13)

No change sought.

Woodside of Ballintomb, Site A

Patricia North (165/2/1)

Party not specific regarding change sought. Deletion of designation is implied.

Keith North (2158/1/1)

Party not specific regarding change sought.

Dr Malcolm Newbould (632/2/1)

Party not specific regarding change sought. Deletion of designation is implied.

Mr and Mrs Critchley (2008/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Godfrey Leech (2011/1/1)

Party not specific regarding change sought. Deletion of designation is implied.

Summary of responses (including reasons) by planning authority:

Context

Scottish Planning Policy (SPP) (CD53, pg 21) seeks to promote a pattern of development that is appropriate to the character of an area, the challenges it faces and a policy approach tailored to local circumstances. Policies should protect against the growth of unsustainable car based commuting and the suburbanisation of the countryside and most new development should be guided to locations within or adjacent to settlements.

Rural Housing is identified as a key issue in the 2018 Main Issues Report (MIR). The Council prepared a Rural Housing Topic Paper (CD31) which highlights the issues with the current policy approach. The settlement hierarchy is not operating as intended, in particular in the rural context. In recent years the role of rural groupings in the development hierarchy has been undermined by a permissive housing in the countryside policy, where it has been easy to obtain planning permission for individual houses in the countryside.

The proposed policy approach seeks to reinforce the development hierarchy with rural groupings accommodating the majority of development. New rural groupings are identified at Birnie, Boat O Brig, Brodieshill, Buthill, Darklass, Mains of Inverugie, Miltonhill, Rafford Station and Templestones. These new groupings supplement the many longstanding designated rural groupings which have a significant role to play in creating a sustainable network of groupings with appropriate opportunities for housing in the countryside

The approach to rural housing is set out in more detail in Schedule 4 Issue 4.

Auchbreck Site A

Steven Durno (1998/1/1), Ian Rodgers (2130/1/1), David Naylor (2132/1/1)

Auchbreck Site A is a longstanding designation carried over from previous plans. The spatial hierarchy and revised approach to rural housing in the Proposed Plan seeks to promote a more sustainable pattern of development and address the proliferation of individual houses in the open countryside (CD01, pg. 8-11).

Loss of Privacy/Overlooking

Any planning application coming forward on this site will be considered against Policy DP1 *Development Principles* (i) (e) states that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity (CD01, pg. 35). Views of the site from existing properties to the North are currently screened by woodland within garden grounds.

Transportation

Whilst there is no direct frontage access available to serve the site, Moray Council's Transportation Section has advised that there may be potential to take access to the rear of the site either from an existing farm track on B9009 or by creating an access to the West of existing houses on the B9008. The matter of access requires to be determined by any future planning application(s) and, as set out in the designation text, this would be subject to the provision of a visibility splay in line with current standards (CD03, pg.5). Evidence will also be required to demonstrate control of the land required to form and maintain the splay and/or any relevant third party land owner agreements.

Drainage

The lack of public drainage in Auchbreck is acknowledged in the designation text and any future planning application(s) will require the provision of an acceptable drainage system (CD03, pg.5).

Flooding

The site is subject to surface water flood risk and this is acknowledged in the designation text which requires proposals to be supported by a Flood Risk Assessment (FRA), the outcomes of which may affect the developable area of the site (CD03, pg.5). SEPA and the Council's Flood Risk Management team have been consulted and raised no objections to the principle of development on this site.

No modification is proposed.

Aultmore

Flooding and Drainage – Sites A, B and C

Deborah Murdoch and Antonio Guerreiro (2122/1/1), Niall Thomson (2222/1/3), Kelly Watt (2226/1/1)

It is acknowledged that there is a spring located on Site C which is referenced in the site designation text.

The designation text acknowledges that parts of Aultmore are at risk from flooding and that any development proposals may require a Flood Risk Assessment. Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications and adequate mitigation measures put in place where necessary.

The lack of public drainage in Aultmore is acknowledged in the designation text and any future planning application(s) will require the provision of an acceptable drainage system.

No modification is proposed.

Loss of amenity – Sites A, B and C

Niall Thomson (2222/1/3)

The loss of a view is not a material planning consideration. Any planning application coming forward on this site will be considered against Policy DP1 Development Principles which states that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

No modification is proposed.

Infrastructure – Sites A and B

Kelly Watt (2226/1/1)

In line with Policy PP3 Infrastructure and Services, development must be planned and co-ordinated to ensure that places function properly and are adequately served by infrastructure and services. The policy states that developer obligations will be sought to mitigate any measurable adverse impacts of a development proposal on local infrastructure including education. Should any future proposal be deemed to impact on

the local infrastructure then Developer Obligations in line with the Supplementary Guidance will be sought to mitigate the impact.

No modification is proposed.

Character – Site A and B

Kelly Watt (2226/1/1)

Any planning application coming forward on this site will be considered against Primary Policy PP1 Placemaking and DP1 Development Principles which ensures that proposals are designed to the highest standard and reflect the character of the surrounding area.

No modification is proposed.

Third Party Land – Site C

Deborah Murdoch and Antonio Guerreiro (2122/1/1)

The site designation text reflects that road improvements will be required to access Site C which will require third party land. The landownership constraint raised is acknowledged, however the reference to the requirement for third party land will be retained in the site designation as over the plan period ownership could change or an agreement could be reached which would allow the necessary improvements to be made.

No modification is proposed.

Power Cables – Site C

Deborah Murdoch and Antonio Guerreiro (2122/1/1)

The location of any power cables and the necessary wayleaves will be taken into consideration at the detailed planning application stage and may affect the developable area.

No modification is proposed.

Transportation

Niall Thomson (2222/1/3)

The Moray Councils Transportation Section will be consulted on any detailed planning application. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed once a planning application has been submitted. This policy ensures that proposals provide a safe entry and exit from the site. Any impacts on road safety and the local road network will be required to be taken into account.

No modification is proposed.

Birnie Site A

Mike Woodcock (1275/2/1)

The proposed expansion of the rural grouping boundary to accommodate a further two house sites is not supported. The proposed extension along the roadside is considered to promote unacceptable ribbon development. The rural grouping boundary has been drawn tightly around existing housing and identified limited opportunities for development in order to create a cohesive cluster that does not impact on the rural character of the area. Sites A, B and C provide the opportunity for up to 7 houses which is considered to be in proportion with the amount of existing housing within the grouping. The costs associated with supporting the inclusion of Site A is acknowledged, but this should not be used as justification to promote development that would have a detrimental impact on the character and appearance of this area.

No modification is proposed.

Bridgend of Glenlivet

J L Hope (2018/1/1)

Character and Alternative Sites

Bridgend of Glenlivet Site A is a longstanding designation carried over from previous plans. The spatial hierarchy and revised approach to rural housing in the Proposed Plan seeks to promote a more sustainable pattern of development and address the proliferation of individual houses in the open countryside (CD01, pg. 8 -11).

The importance of the existing character is recognised in the designation text and new development is required to be sensitively designed (CD03, pg. 10).

Transportation

Moray Council's Transportation Section has advised that the matter of access requires to be determined by any future planning application(s) and, as set out in the designation text, this would be subject to the provision of a visibility splay of 4.5m by 215m in both directions (CD03, pg. 10). A speed survey and evidence to demonstrate control of the land required to form and maintain the splay and/or any relevant third party land owner agreements will also be required.

Flooding

Parts of Bridgend of Glenlivet are at risk of flooding and this is acknowledged in the designation text which requires proposals to be supported by a Flood Risk Assessment (FRA), the outcomes of which may affect the developable area of the site (CD03, pg. 10).

Utilities

A public water supply has been confirmed as being available for any further development. The existing public drainage system (septic tank) is currently operating at capacity however and any new development will depend on the suitability of ground conditions for drainage. This is a matter that requires to be addressed by any future planning application(s).

Archaeology

Designation text acknowledges the existence of archaeological remains and states that this may restrict the extent of development possible within the site (CD03, pg. 10). This is a matter that requires to be addressed by any future planning application(s). The Regional Archaeologist has been consulted and raised no objection to the principle of development on this site.

No modification is proposed.

Buthill

Strathdee Properties (1798/2/3)

A less restrictive approach allowing more development opportunities within the Buthill rural grouping is not supported. The boundary has been tightly drawn around existing and consented house sites in order to control further development.

This area has been subject to a significant amount of new housing in recent times and is an identified housing in the countryside hotspot where cumulative build up is prevalent. The Council's Guidance Note on Landscape and Visual Impact of Cumulative Build Up of Houses in the Countryside 2018 (CD21, pg. 4) states that no further development should be consented within the existing woodland and accordingly this has been identified as amenity land. In terms of the area of young plantation to the east of Wester Buthill steading complex the Guidance Note identifies this as being an inappropriate landscape feature to associate new development with. It is further stated that no new development should be consented in this location as it will appear arbitrary, isolated and contrast with the settlement pattern prevalent in the wider landscape.

On this basis development opportunities within the grouping are limited to those already consented. There are opportunities for development in the nearby Roseisle Rural Grouping to meet local demand.

No modification is proposed.

Cardhu Site A

Eve Montgomerie (2111/1/1), Bob Spinner (2167/1/1)

Setting and Privacy

Site A is a long standing designation. The designation text requires new development to be single storey and reflect Victorian (distillery) architecture and detailing which is a dominant feature of the grouping (CD03, pg. 14). This will help integrate the development into the setting of Cardhu.

Policy DP1 (i) (e) states that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity (CD01, pg. 35).

Transportation

Moray Council's Transportation Section has advised the scale of development will not

create a significant increase in traffic and this can be accommodated by localised improvements (e.g. road widening) as set out in designation text (CD03, pg. 14). Any development on Site A would need to incorporate adequate on-site parking facilities in line with Moray Council Parking Standards and it is unlikely, therefore, that development would affect existing residents parking arrangements (CD01, pg. 109-131).

A safe access with a visibility splay that accords with current standards will require to be addressed by any future planning application(s). Moray Council's Transportation Section has advised that it is expected, given the location of the 30mph gateway and the road layout, that road speeds are already fairly slow. However, there may be scope to relocate the 30mph limit boundary to a point past any proposed development access. Matters such as provision of appropriate visibility splays, access road design and off-site mitigation will be determined by any future planning application(s).

Drainage

The existing public drainage system is currently operating at capacity and any new development will depend on the suitability of ground conditions for drainage. This is a matter that requires to be addressed by any future planning application(s).

Impact on Services

The Council works closely with NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents.

Alternative Site

Reference is made to an alternative site that would be more suitable. No information has been provided to identify and assess the site. Notwithstanding this lack of information, Site A is a longstanding designation which has been assessed as being suitable for development.

No modification is proposed.

Clackmarras Site A

Brenda Dyer , (2106/1/1) Stewart Ord (2106/1/1)

Transportation

Development has not been promoted on Site A previously as evidence had not been provided to demonstrate that the required visibility splay for access was achievable. Following the submission of further information, Moray Council's Transportation Section confirmed that access proposals were acceptable in principle subject to the provision of evidence that demonstrates control of the land required to form and maintain the splay and/or any relevant third party land owner agreements. This is a matter that requires to be addressed by any future planning application(s).

The opportunity to provide parking to the rear for existing houses at Clackmarras Country Houses will increase safety for all road users/residents at this location.

Utilities

A public water supply has been confirmed as being available for any further development. Proposals for water and drainage provision are a matter that requires to be addressed by any future planning application(s). Any new development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution.

Noise/Light Pollution

Policy EP14 *Pollution, Contamination & Hazards* (a) requires any development proposals which may cause significant light or noise pollution, or exacerbates existing issues, to be accompanied by detailed assessment reports (CD01, pg. 101). No such issues have been identified at this time, however, these are matters that require to be addressed by any future planning application(s).

Privacy

Notwithstanding that Site A is located at a lower level than existing properties, Policy DP1 (i) (e) states that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity (CD01, pg. 35).

No modification is proposed.

Clochan Sites A & B

Edward Aldwinkle (1997/1/1), (1997/1/3), Angus Turner (2019/1/1)

Amenity

Policy DP1 (i) (e) states that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Issues relating to loss of privacy and daylight will be dealt with at the Development Management stage once a planning application has been submitted.

No modification is proposed.

Property Value

The impact on property value is not a material planning consideration.

No modification is proposed.

Loss of farmland

The proposed development sites have been carried forward from the Moray Local Development Plan 2015 and allow for a small expansion to Clochan. The identification of development sites within rural groupings is in line with the rural development hierarchy which is set out in Policy DP4. While this will result in the loss of small areas of farmland,

allowing small development opportunities will help to reduce the pressure on the landscape particularly in the Buckie Housing Market Area where there are known pressures from the cumulative build-up of housing in the countryside.

No modification is proposed.

Cragganmore Sites A & B

Peter Griffiths(2162/1/2), (2162/1/1), Barry and Ellen Moore (1987/1/1), Peter Murray (1991/1/1), Iris Murray (2020/1/1), Stuart Leiper (2112/1/1), Julia Milovanovic (2169/1/1), (2169/1/2)

Utilities (Site B)

Proposals for water and drainage provision are a matter that requires to be addressed by any future planning application(s). Any new development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution.

Sustainability (Site A and B)

Directing development to rural groupings promotes a sustainable pattern of development by clustering development as opposed to permitting multiple individual houses in the countryside which may potentially have a greater impact on provision of services.

The Council recognises the concerns raised by respondents in respect of Site A and the impact on private water supply pipes, loss of privacy/sunlight and overlooking due to the topography of the site. The removal of the site is implied based on the objection wording rather than specified.

If the Reporter is minded, the Council would not object to the removal of Site A. It is noted that a replacement site would not require to be found as sufficient housing land has been identified elsewhere within the local housing market area. It is suggested the land is retained within the rural grouping boundary as amenity land.

No modification is proposed in respect of Site B.

Craighead

Brenda Carnegie (2224/1/1)

Craighead is an identified rural grouping and has no housing designation within it. Within the site boundary there are areas of “white land” which have the potential to accommodate development. This is reflected in the designation text which states that there is scope to consolidate the existing row of houses. The text states that proposals must reflect the existing settlement pattern with primary elevations fronting the public road. Furthermore, any proposal will have to comply with Policy DP1 Development Principles to ensure that proposals are appropriate to the surrounding area in terms of scale, character and identity.

No modification is proposed.

Transportation

The designation text states that any proposals must take access from the access track to the east of the existing houses and not from the B9103. Proposals must comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed once a planning application has been submitted. This policy ensures that proposals provide a safe entry and exit from the site. Any impacts on road safety and the local road network will be required to be taken into account.

No modification is proposed.

Drainage

Any future planning application(s) will require the provision of an acceptable drainage system. This will be dealt with once a detailed planning application has been submitted.

No modification is proposed.

Darklass

Andrew Stevens (2022/1/1)

The Council's Transportation section has no objections in principle to allowing an additional house in this location.

If the Reporter is so minded the Council would not object to the inclusion of this site within the Darklass Rural Grouping boundary as set out in Site Map 14-11.

Glenfarclas Sites A & B

John Grant (1989/1/1), (1989/1/2)

Utilities

Proposals for water and drainage provision are a matter that requires to be addressed by any future planning application(s). Any new development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution.

Water Pollution

Policy EP14 (a) requires any development proposals which may cause significant water pollution, or exacerbates existing issues, to be accompanied by detailed assessment reports (CD01, pg. 101). No such issues have been identified at this time however; this is a matter that requires to be addressed by any future planning application(s).

No modification is proposed.

Kellas Site B

Angus Steven (2227/1/1)

The Council recognises there are ownership issues on this site.

If the Reporter is so minded the Council would support amending the boundary of Site B to reflect the ownership map supporting the representation. This does not impact on the ability of Site B to accommodate the single house identified in the designation text.

No modification is proposed

Knock Site A

David Gordon (1728/2/1)

Knock Site A is a longstanding designation carried over from previous plans. The spatial hierarchy and revised approach to rural housing in the Proposed Plan seeks to promote a more sustainable pattern of development and address the proliferation of individual houses in the open countryside (CD01, pg. 8-11).

The Council does not consider it necessary to provide detailed requirements regarding design for this site. Policy DP4 *Rural Housing* requires all proposals for new housing in Rural Groupings to be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry (CD01, pg. 44-54).

The Council recognises that the path that passes through the site is popular with walkers, cyclists and horses.

If the Reporter is so minded, the Council would not object to additional wording being included in the designation text to retain the path. The following wording is considered suitable:

“The layout of the development must retain and integrate the footpath which passes through the site.”

Knockando (Upper) Site A

Mr A Anderson (2021/1/1), David Watt (2079/1/1)

Transportation

As set out in the designation text, Moray Council’s Transportation Section requires the provision of passing places on the single track road leading to the site (CD03, pg. 28).

Utilities

A public water supply has been confirmed as being available for any further development. The existing public drainage system (septic tank) is currently operating at capacity however and any new development will depend on the suitability of ground conditions for drainage. This is a matter that requires to be addressed by any future planning application(s).

No modification is proposed.

Scottish Forestry (1136/6/4)

Policy EP7 *Forestry, Woodlands and Trees*, in support of the Scottish Government's Control of Woodland Removal Policy, recognises the important renewable and beneficial resource that is provided by forests and woodlands (CD01, pg. 88-92). The inclusion of this policy therefore negates the requirement to include a statement that trees and woodland should be protected and maintained in any development proposal.

No modification is proposed.

Knockando (Lower)

Scottish Forestry (1136/6/4)

Policy EP7, in support of the Scottish Government's Control of Woodland Removal Policy, recognises the important renewable and beneficial resource that is provided by forests and woodlands (CD01, pg. 88-92). The inclusion of this policy therefore negates the requirement to include a statement that trees and woodland should be protected and maintained in any development proposals.

No modification is proposed.

Lintmill Site A

Joseph Maguire (2023/1/1), Samantha Bennion (2212/1/1)

Wildlife

Scottish Natural Heritage did not object to the inclusion of the site in the Proposed Plan. Policy EP1 Natural Heritage Designations provides protection for protected species and environments.

No modification is proposed.

Joseph Maguire (2023/1/1), Samantha Bennion (2212/1/1)

Flooding

Any planning application coming forward on this site will be considered against Policy EP12 which states that new development will not be supported if it would be at significant risk from flooding from any source or would materially increase the possibility of flooding elsewhere.

It is acknowledged that there could be a flood risk due to known flooding issues in Lintmill. The designation text therefore states that a Flood Risk Assessment may be required in support of any planning application. The result of this assessment may affect the developable area of the site. SEPA and the Council's Flood Risk Management team have been consulted and raised no objection to the principle of development on this site.

The policy states that adequate buffer strips must be provided between any new development and watercourses.

No modification is proposed.

Samantha Bennion (2212/1/1)

Trees

The surrounding area around Site A is classed as Amenity Land which is designated to protect the trees and hedging from development. Policy EP7 Part c) states that development proposals must retain existing healthy trees. Where mature trees border a site a tree survey and tree protection plan must be provided which must include a safeguarding distance to ensure that no roots are damaged.

No modification is proposed.

Samantha Bennion (2212/1/1)

Site Boundary

The site has been carried forward from the Moray Local Development Plan 2015. The site boundary has not changed.

No modification is proposed.

Samantha Bennion (2212/1/1)

Access

The Moray Councils Transportation Section has not objected to this site being included and will be consulted on any detailed planning application. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed once a planning application has been submitted. This policy ensures that proposals provide a safe entry and exit from the site. Any impacts on road safety and the local road network will be required to be taken into account.

No modification is proposed.

Logie Site A

Scottish Forestry (1136/6/3)

The Council recognises the concerns raised by the Forestry Commission Scotland regarding the inclusion of Site A which is entirely within woodland which is shown on the Ancient Woodland Inventory (AWI).

If the Reporter is minded to remove Site A, it is noted that a replacement site would not require to be found as there is sufficient housing land identified to meet requirements and it is suggested the land is removed from the rural grouping boundary as set out in Site Map 14-18.

If the Reporter is so minded, the Council would not object to Site A being removed and the settlement boundary amended as set out in Site Map 14-18.

Mains of Inverugie Sites A & B

Tulloch of Cummingston (1426/2/3), (1426/2/4)

Site A

Capacities set out within all the identified rural groupings are indicative. The Council however acknowledges that in creating a steading arrangement required in the designation text houses will be closer together and the site will be able to accommodate an increased density.

If the Reporter is so minded the Council would support increasing the capacity of Site A from 12 units to 15 units.

Site B

The expansion of the rural grouping boundary to include additional land within site B is not supported. This is an entirely new rural grouping and there is an opportunity identified for 12 houses and support for increasing the capacity to 15 houses as set out above. In addition to this there is also reference to conversion of an existing steading. This is considered sufficient development to meet local demand within the plan period. Proposals for a further modest extension may be considered as part of future local development plan reviews.

No modification is proposed.

Maverston

Through various historic planning consents, dating back to 1996, planning permission has been granted at Maverston for 2 golf courses, clubhouse/hotel and 40 houses. A Reserved Matters Application (06/01554/REM) in respect of the 40 houses was approved in 2007 and there is currently a planning application under consideration to remix the 2nd phase of this. In addition to the 40 houses approved under the historic consents above, in 2012 planning permission was also granted for the demolition of a steading and construction of 15 houses. Maverston was first included as a grouping in the Rural Groupings Supplementary Guidance in 2016. This was in recognition of the development taking place under the existing historic planning consents. To date the golf course, club house and 12 houses within phase 1 have been completed.

Maverston LLP(2220/1/1)

Tree Removal

At Miltonhill the Council worked collaboratively with the landowner in the preparation of a Masterplan and this was subject to consultation with the public and consultees (including Key Agencies). Development of a Masterplan was a positive planning intervention to manage piecemeal development of the site. The Miltonhill Masterplan seeks to promote a sensitively sited, high quality development that provides a framework for the long term maintenance of the existing woodland and assists in the delivery of the economic diversification of the golf course. It is noted that the woodland at Miltonhill is not Ancient Woodland. This is not reflective of the situation at Maverston where the rural grouping is solely a result of historic consents.

Further loss of woodland is not supported. The Scottish Government's Policy on Control of Woodland Removal has a strong presumption in favour of protecting Scotland's woodland resources and woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. This has not been established in this case. Part of the proposed development site appears in the Ancient Woodland Inventory as being ancient woodland of Long Establish Plantation Origin (LEPO). Woodland and tree removal is not supported by policy EP7 Forestry, Woodland and Trees.

No modification is proposed.

Retention of Steading

The requirement to retain and convert the existing buildings is reflective of DP4 Rural Housing where re-use of buildings is promoted. Retention and conversion of the buildings will also help to create a distinct identity and character to the development in line with policy PP1 Placemaking. Whilst it is accepted that there is consent to replace the steading it is considered that any revised proposals should reflect the change in direction of policy that seeks to more positively address placemaking. The developer has the opportunity to implement the existing consent.

No modification is proposed.

Additional Development

Further increases beyond that consented are considered to be excessive. The Maverston rural grouping already promotes more new housing than in Urquhart and would be out of line with the Spatial Strategy which seeks to promote a sustainable pattern of development. This rural location has restricted access to public services and increases the need to travel. Scottish Planning Policy (CD53 para 76) states it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. Further expansion at Maverston would increase the need to travel and lead to a large number of units in a countryside location which is in excess of growth in some of Morays towns and villages. Maverston was only included in the Rural Groupings Supplementary Guidance in 2016 to reflect the existing consents and the intention was that no further development would be supported. Therefore, the wording stating that no further development will be supported at Maverston should be retained.

No modification is proposed.

Flood Risk Assessment, Drainage Impact Assessment and Habitat Survey

Requirements for Flood Risk Assessment, Drainage Impact Assessment, and Phase 1 Habitat Survey are included following consultation with SEPA and the wording within the rural grouping text does not require to be amended.

No modification is proposed.

Scottish Environment Protection Agency (569/12/13)

Sewer Connection

If the Reporter is so minded the Council would support additional wording requiring connection to the public sewer at Maverston and it is noted this is a condition within the existing planning consent. The following wording is suggested "Connection to the public sewer is required."

Miltonduff North Site A

Kenneth Milne (2175/1/1)

Landscaping

The designation text states that trees along the north east boundary must be retained and planting along and within the northern boundary must be provided.

The Council would not object to additional wording being added into the designation text to clarify that landscaping must be provided between the site and Hall. If the Reporter is so minded additional wording to the second paragraph is suggested. "The trees on Site A along its north east boundary must be retained and planting along and within the northern boundary must be provided, as part of a landscaping plan for the site which addresses its exposed and elevated position. This must also include screening between the Community Hall and the site."

Noise

The issue relating to the Hall being a potential bad neighbour is noted and the Council would not object to additional wording being added into the designation text to provide further screening which would help address noise impact as set out above. Any other measures to address any potential noise impacts will be addressed and mitigated at the detailed planning application stage.

No modification is proposed.

Site Not Taken Forward – Miltonduff MD01A

Elain Matthews (1828/2/1)

The area around Miltonduff has been identified as an area that is under significant development pressure and through the Main Issues Report a number of potential officer identified sites were explored. Although draft rural housing policy seeks to guide development towards established rural groupings, identifying new sites must not be to the detriment of the character of existing groupings or the surrounding countryside.

During the Main Issues Report the Moray Council's Transportation section did not support the site due to the inability to achieve the required visibility splays to achieve a safe access. The respondent states that this can now be overcome and refers to a recent application within the site for a single house (18/00185/APP) where access arrangements were deemed to be acceptable.

Despite the access arrangements being deemed acceptable the application was refused on the grounds that it would be a form of ribbon development that would not integrate into the landscape and would contribute to a build-up of housing that would have a detrimental impact on the open rural setting.

The respondent's submission during the Main Issues Report was for four houses where the required visibility splay and access arrangements would be more onerous than for a single house. While this could potentially be achievable, these requirements would require the setting back of boundary fences and removal of trees, gorse and hedges which would be detrimental to the character of the area.

The area is characterised by sporadic housing situated along the road with gaps that provide views of the open countryside which adds to the character. The site consists of a large field on a prominent roadside location that lacks any visual containment or backdrop. The rural character of this area would be lost if the development on the site were to occur. Furthermore, the site is within close proximity to Milnorduff which is an established rural grouping with an available site for development. For these reasons the site is not supported.

No modification is proposed.

Site not taken forward – Milnorduff Site B

James Yool (1829/2/1)

The Woodland Trust objected to the inclusion of the site at the Mains Issues Report due to most of the site being categorised as Ancient Woodland. Allocating development sites in Woodland is contrary to the Scottish Government's Control of Woodland Removal Policy due to the unacceptable effects this can have on the amenity, biodiversity and recreational value of the woodland. The Council supports the Scottish Government's woodland removal policy which has been reflected in Policy EP7 Forestry, Woodlands and Trees, and Policy EP1 Natural Heritage Designations in the Proposed Plan.

While it is acknowledged that the area of Milnorduff is in an area of high demand for housing in the open countryside, allocating development sites must not be to the detriment of the environment or the character of the surrounding area. The respondent does not provide appropriate justification for doing so.

No modification is proposed

Nether Dallachy Site A

Jonathan Meighan (333/5/2)

Site Capacity

The site is a long standing designation that has been in successive local plans with little developer interest. Following the Main Issues Report consultation the site capacity was reduced from 15 to 5. Reducing the numbers therefore represents a small expansion that would have no adverse impact on the character of the grouping.

Allowing a small expansion of this existing rural grouping is in line with the proposed Policy DP4 Rural Housing. This Policy identifies a rural development hierarchy whereby new rural housing is directed to rural groupings, followed by re-use and replacement of existing buildings in the countryside, and lastly to the open countryside. This approach creates a sustainable network of groupings across Moray. Identifying sites in existing rural groupings gives people the opportunity to live in rural areas and at the same time

reduce the pressure on the landscape as a result of the cumulative effects of housing in the open countryside.

No modification is proposed

Character and Identity

The site is located on the edge of the existing settlement. Any future planning application must comply with Primary Policy DP1 Development Principles which ensures scale, density and character of proposals must be appropriate to the surrounding area. Policy DP4 states that all proposals for houses in rural groupings must be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry. These policies will ensure that any proposal will not have a detrimental impact on the character of Nether Dallachy and the surrounding area.

No modification is proposed.

Infrastructure

Issues regarding infrastructure are acknowledged and are reflected in the designation text which states that a Flood Risk Assessment and Drainage Impact Assessment will be required. Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications and adequate mitigation measures put in place where necessary. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage. SEPA and the Council's Flood Risk Management team have been consulted and raised no objection to the principle of development in this location.

No modification is proposed.

Rafford Station Site A

Dr John Pullen (1990/1/1), Howard Stollar (1612/2/1), Susan Stollar (2131/1/1), Scottish Environment Protection Agency (569/12/14), Finderne Community Council (1398/3/2)

Supporting Mapping

The mapping provided does not show all properties, detail is dependent on how up to date the ordnance survey mapping the Council holds is. Planning Officers visited all potential new groupings and are aware of the level of development and planning history of sites.

No modification is proposed.

Transportation

The Council's Transportation section has been consulted and raised no objection to the principle of development in this location. In order to provide a safe and suitable access, in line with current standards, third party land will be required in particular for the provision of required visibility splays. It is for the applicant at the time of any subsequent planning application to demonstrate agreement with relevant third party land owners to the formation

and ongoing maintenance of the splay. This is recognised by the designation text.

The condition of the private tracks that could serve Site A is a private matter between residents, however further development may require additional surfacing and widening for the first 10 metres from the public road; a matter which would be assessed fully by Transportation at the time of any planning application.

Services

The designation text states that options for waste drainage require to be thoroughly investigated as options to discharge into the water environment are limited and will depend upon the suitability of ground conditions for soakaways. Developers will have to undertake appropriate site surveys to identify any potential issues such as soakaways within and in close proximity to the site.

In terms of broadband connectivity there is a policy requirement within the Proposed Plan requiring fibre broadband in new developments unless technically unfeasible.

When considering new development owners/developers will have to liaise with utilities companies including Scottish Water to ensure adequate capacity to accommodate development.

Landscaping

Supportive comments are noted. The designation text is explicit in setting out the landscaping requirements for the site, identifying a 5m band of native planting, planting density and requirements for native hedge planting.

Carbon Rich Soils

The reference to requirements for peat survey has been omitted in error.

If the Reporter is so minded the Council would support the inclusion of reference to peat soils within the designation text. The following wording is suggested “Peat soils are present on site and proposals may need to be supported by a peat survey to establish peat depths.”

Rathven Site A

Elizabeth Reid (1996/1/1)

Flooding

The designation text states that a public water supply and drainage are available and all development must be connected to a public sewer. Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications and adequate mitigation measures put in place where necessary. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage.

Transportation

The designation text identifies the visibility splay required to provide a safe access into the site as well as the requirement for a safe footway to be provided from No 11 Bede Road to the site to provide a safe access for pedestrians. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which will need to be addressed once a planning application has been submitted. This policy ensures that proposals provide a safe entry and exit from the site. Any impacts on road safety and the local road network will be required to be taken into account.

Site Capacity

The site offers a small extension to Rathven. No site capacity has been allocated to the site. The site capacity will be determined by Policies DP1 Development Principles and PP1 Placemaking which ensure that proposals are appropriate to the surrounding area in terms of scale, density, and character.

No modification is proposed.

Site Not Taken Forward – Roseisle RS1

Strathdee Properties (1798/3/4)

The area around Roseisle has been identified as an area that is under significant development pressure in the Council's Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside (CD21). Although Policy DP4 seeks to guide development towards established rural groupings, identifying new sites must not be to the detriment of the character of existing groupings or the surrounding countryside (CD01, pg. 44-54). The Council considers that Site RS1 would be an inappropriate excessive extension that would be visually prominent and detrimental to the character of Roseisle. The current sites within Roseisle can accommodate 7 houses as well as the identification of a new rural grouping at Buthill provide opportunities for housing in the area within the plan period.

No modification is proposed.

Templestones

Angela Mitchell (163/3/1), Finnerne Community Council (1398/3/3), Alan Hughes (1988/1/1), Christine Lane (2177/1/1)

Cumulative Build Up Guidance

The Cumulative Build Up Guidance Note was prepared as an interim position until a new approach to housing in the countryside for the LDP 2020 was formulated. The new policy approach seeks to reinforce the settlement hierarchy by directing the majority of rural housing to identified appropriate sites within rural groupings. Templestones is a newly identified rural grouping within an identified area of high demand for housing in the countryside.

Drainage

Issues regarding infrastructure are acknowledged and reflected in the designation text

which states that a Flood Risk Assessment and Drainage Impact Assessment will be required. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage.

Loss of agricultural land

By reinforcing a hierarchy in rural areas whereby the majority of development is directed to rural groupings, previously developed sites with stone and slate buildings and lastly to housing in the open countryside, the Council is seeking to reduce pressure on agricultural land.

Transportation

The Council's Transportation section has been consulted in respect of designation of this rural grouping and does not consider that an additional 4 plots at this location would result in a significant increase in traffic that cannot be accommodated by the localised improvements identified in the designation text

Landscaping

The landowner/developer will be responsible for the long term maintenance of landscaping which would be covered by conditions on any planning consents granted.

Suburbanisation of the countryside

A sustainable network of rural groupings has been identified across Moray in an effort to create cohesive clusters of development. This approach seeks to address identified landscape and visual impacts associated with the cumulative build-up of individual houses in the countryside. The identification of Templestones as a rural grouping with capacity for a further 4 houses is not considered to create or contribute to the suburbanisation of the countryside. There are specific requirements within the designation text for extensive landscaping and design criteria that mean any development is required to reflect the character and appearance of the area and this will ensure development integrates sensitively into the landscape.

No modification is proposed.

Upper Dallachy Site A

Patricia Cowie (1583/2/1), Scottish Environment Protection Agency (569/12/15), Janet Wilkinson (2184/2/1)

Flooding

If the Reporter is so minded, the Council would not object to the requirement for a Flood Risk Assessment being added into the site designation text. The following wording is considered suitable "Flood Risk Assessment (FRA) required."

Drainage

Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications

and adequate mitigation measures put in place where necessary. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP13 Foul Drainage.

No modification is proposed.

Access

It is unclear how the site would affect the access to the property Seaview as they are separated. The Moray Councils Transportation Section has not objected to the designation and will be consulted on any detailed planning application. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which any planning application will have to adhere to. This policy requires proposals to provide safe entry and exit into a site and identify any impacts on the road network.

No modification is proposed.

Trees

Policy EP7 Part c) states that development proposals must retain existing healthy trees. Where mature trees border a site a tree survey and tree protection plan must be provided which must include a safeguarding distance to ensure that no roots are damaged.

No modification is proposed.

Crown Estate Scotland (861/6/12)

Supportive comments noted.

Upper Dallachy Site B

Graeme Jones (2133/1/1), Dr R and Mrs P Pakenham (2225/1/1), Tessa Green (2223/1/1)

Drainage

Policy EP12 Management and Enhancement of the Water Environment, ensures that the potential risk from flooding will be adequately considered through planning applications and adequate mitigation measures put in place where necessary. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage.

No modification is proposed.

Crown Estate Scotland (861/6/13)

Supportive comments noted.

Wildlife

Scottish Natural Heritage was consulted and did not object to the inclusion of the site in

the Proposed Plan.

No modification is proposed.

Access

The Moray Councils Transportation Section has not objected to the designation and will be consulted on any detailed planning application. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which any planning application will have to adhere to. This policy requires proposals to provide safe entry and exit into a site and identify any impacts on the road network.

No modification is proposed.

Woodside of Ballintomb Site A

Patricia North (165/2/1), Keith North (2158/1/1), Dr Malcolm Newbould (632/2/1), Mr and Mrs Critchley (2008/1/1), Godfrey Leech (2011/1/1)

The Council recognises the concerns raised by respondents in respect of Site A and the impact on character and drainage. It is noted that the site is located entirely within woodland which is shown on the Ancient Woodland Inventory (AWI).

If the Reporter is minded the Council would not object to the removal of Site A. It is noted that a replacement site would not require to be found as sufficient land has been identified elsewhere within the local housing market area. It is suggested the land is retained within the rural grouping boundary as amenity land.

If the Reporter is so minded, the Council would not object to Site A being removed.

Reporter's conclusions:

Reporter's recommendations:

Appendix 2

Non – Notifiable Changes

Where	Change required	Wording to be changed
Vol 2, Buckie I3 March Road (SE) page 32	Add “Rathven Industrial Estate” to name of site I3 March Road (SE) as this is the name used by Council in marketing the site.	I3 March Road (SE) to be renamed as Rathven Industrial Estate
Vol 2, Buckie R3, page 32	Add Transport Assessment required.	
Vol 1, EP12 page 98 b)	Delete “(except single house)” as it is inconsistent with later text.	
Vol 2, Kinloss OPP2 page 266	Amend upgrading of Southside Road to read upgrading of North Road.	Upgrading of “North Road”
Vol 2, Keith, LONG 1, page 246	Transport Assessment should have a capital “A”.	Change to read “Transport Assessment.”
Vol 2, Keith, MU Banff Road South, page 247	8 th bullet point missing A96/Drum Road and A96/Union Junctions to reflect TSP’s.	Change to read ‘... impact of the development on the A96/A95, A96/Drum Road and A96/Union Terrace junctions.’
Vol 2, Keith, I11 Westerton Road east Expansion, page 251	Reword bullet point 5.	“Transport Assessment/Statement will be required and subject to the scale of the development a Travel Plan may also be sought.”
Vol 2, Keith LONG 2, Westerton Road, page 251	Reword bullet point 3.	“Transport Assessment/Statement will be required and subject to the scale of the development a Travel Plan may also be sought.”
Vol 2, Aberlour R1 page 4	Amend reference to retaining the existing stand of trees.	Remove “Existing stand of trees must be retained.” Replace with “Measures must be taken to safeguard and protect the existing stand of trees bordering the site along Dowans Road.”
Vol 2, Forres R6, page 203	Include page reference to Dallas Dhu Masterplan layout	“Masterplan layout shown on page 227.”
Vol 2, Aberlour R2 Page 4	Amend from Sellar Place to Taylor Court	“Must provide an active travel connection to Taylor Court”
General	Change of title of organisation	Amend all references to Forestry Commission Scotland (FCS) to Scottish Forestry and Forest Enterprise Scotland (FES) to Forestry and Land Scotland

		(FLS).
Vol 1 Appendix 1 Glossary of Terms, page 106	Modification sought revising the definition of “Natura 2000” sites in the glossary. The definition should make clear that Natura 2000 sites include Special Areas of Conservation (SAC’s), Special Protection Areas (SPA’s) but also proposed SAC’s and SPA’s.	Amend to add “including Special Areas of Conservation (SAC’s), Special Protection Areas (SPA’s) and proposed SAC’s and SPA’s.”
Vol 1, EP5 Open Space page 80	Space between first and second paragraphs to be removed to form one paragraph. At present it could be read that “exceptions” will only be considered on ENV4 sports areas.	
Vol 1, EP5 Open Space, page 87	Drawing labels incorrect. Blue bubble should be “Sustainable drainage systems”, delete “orchard and raised beds”. Delete “sustainable drainage systems” between pink and orange bubble. Amend layout to pink bubble to include text which has been cut off mid-sentence.	
Vol 1, EP1 Natural Heritage Designations, page 74	Due to implications of Brexit EP1 should be amended to refer the The Conservation (Natural Habitat & c.) Regulations 1994 rather than Habitats Directive and that reference to Natura Sites is change to European Sites.	Amend Natura 2000 site to read European Site in EP1 Refer to The Conservation (Natural Habitat & c.) Regulations 1994 rather than Habitats Directive
Volume 1 Policy DP2 page 38	Change job title references due to staffing changes.	Criteria d) change Economic Development and Planning Manager to Strategic Planning and Delivery Manager.
Volume 1 DP1 first line.	Clarify proportionately should read reasonable.	Replace proportionately with reasonable.
Volume 1 DP11	Error- Coastal Protection Zone replaced by Special Landscape Area	Delete words “Coastal Protection Zone” for sentence to read “Locations within Countryside Around Towns, Special landscape Areas and immediately outside settlement boundaries.....”
Volume 1 EP3 (i) d)	Reference to where a proposal is covered by both a SLA and a	Amend text to read, “Where a proposal is covered by both a

	CAT or ENV policy/ designation, the SLA policy will take precedence. This is an error and should be written the other way around.	SLA and CAT or ENV policy/ designation, the CAT policy or ENV policy/ designation will take precedence."
Vol 1 Glossary of Terms	A definition for the term "biological interest" should be provided.	Provide definition of biological interest.
Volume 1 Parking Standards	Page 115 onwards First Column of all tables has (Class 1:Shops)	Amend publishing error
Vol 1 Parking Standards Page 109 Table 1	Flats are not mentioned in the table just houses.	Change Class 9 to read Houses and Flats
Vol 1 Parking Standards – Page 115 (pub and restaurant)	Need to define what urban and rural settlements are.	Add note to propose a definition of urban and rural based on population threshold of 3000 which is based on the Scottish Government definition.
Vol 1 Parking Standards Page 121 (Class 9)	Call table Houses and Flats.	Amend title of Class 9 to read Class 9: Houses and Flats
Vol 1 Parking Standards Page 121/2 (Class 9)	Change requirement for cycle minimum in housing/flats.	Change requirement of cycle minimum in table to read "Where houses and flats have communal external grounds 1 secure covered cycle parking space must be provided for each house/flat."
Vol 1 Parking Standards	Table states Class 8 Residential Institutions Cont. which is a publishing error.	Amend publishing error to change title on page 131 to "sui generis."
Vol 1 Glossary	Add something about the flexibility of suitable uses in OPP sites	

Urquhart		
R1 & LONG1 Meft Road		
Milnes Area Forum	<p>Development will increase the number of young families and children who will be zoned for Lhanbryde Primary School. A foot/cycle path should be provided from Urquhart to Lhanbryde as this would provide a safe route and reduce the number of vehicles making the journey at peak times.</p> <p>As well as affordable housing any development should provide housing which is suitable for older people such as bungalows and one bedroom flats as this housing is much need in Moray.</p> <p>Access to the site needs to be carefully considered. Main street can be difficult to negotiate due to cars parked in the street and Meft Road has poor sight lines at junctions.</p>	

Council Response	
<p>The issues relating to the access, affordable housing, and a footpath between Lhanbryde and Urquhart have been addressed in detail in Schedule 8 Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart – Elgin Housing Market Area.</p> <p>With regards to the comment regarding housing for older people Policy DP2 Housing Part e) requires proposals for 4 or more housing units must provide a mix of house types and tenures to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy. Part f) of the policy requires housing proposals of 10 or more units to provide 10% of the private sector units to wheelchair accessible standard with all of the accessible units to be in single storey form.</p> <p>No modification is proposed.</p>	

Appendix 3

Moray Local Development Plan 2020

PROPOSED PLAN

Report of Conformity



moray
council

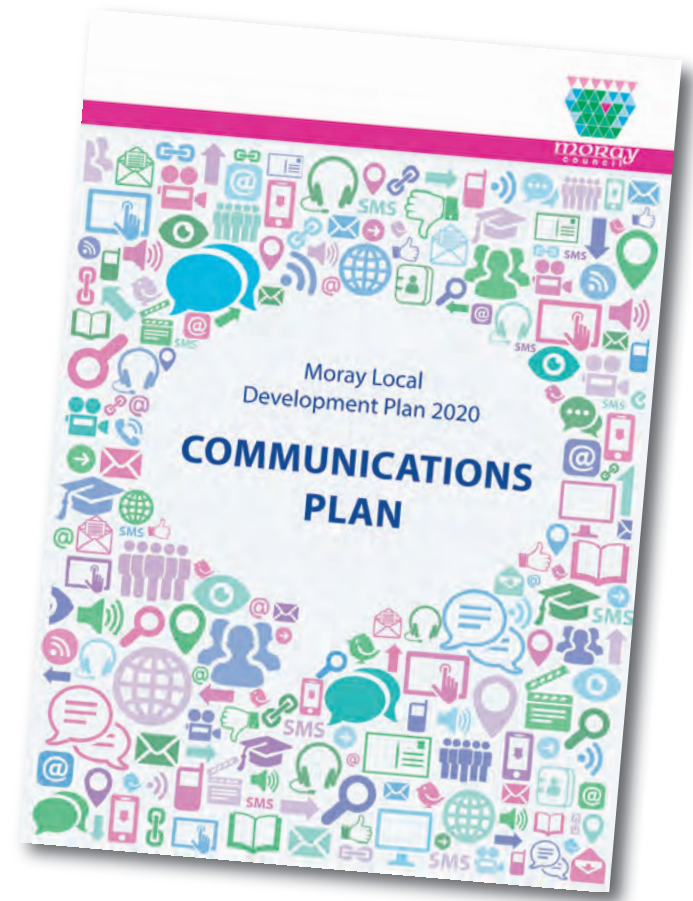
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Introduction

The Planning etc. (Scotland) Act 2006 requires Planning Authority's to submit a report on the extent to which they have consulted and involved the wider public. This report demonstrates how the authority has conformed to their current Participation Statement.

Moray Council prepared a Communications Plan to support effective and inclusive engagement on the Moray Local Development Plan 2020. The Plan was agreed by the Planning and Regulatory Services Committee and set out in detail how the Council intended to engage across the various stages of the plan. An excerpt from the Communications Plan identifying key objectives and milestones is set out in Appendix 1.

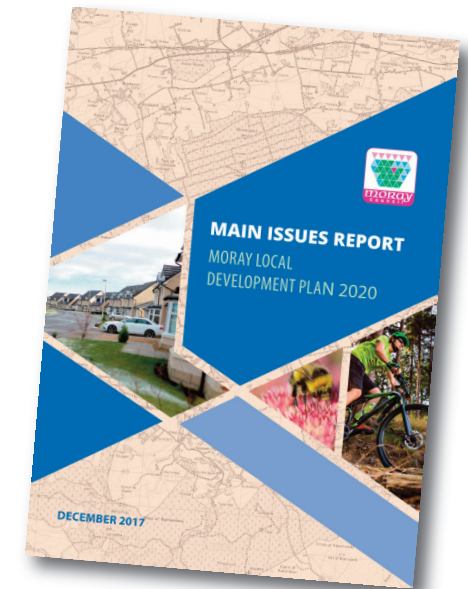


Main Issues Report Stage

The publication of the Main Issues Report was the principal opportunity for consulting stakeholders, including the public, on the content of the plan. Engagement on the Main Issues Report was undertaken in 2017 and 2018.

Extract from Development Plan Scheme 2017

MAIN ISSUES REPORT June 2017 – March 2018	Main Issues Report workshop for community representatives	Sept 2017
	12 week public consultation	Jan - Mar 2018
	Neighbour notification	Jan 2018
	Series of drop in exhibitions throughout Moray	Jan - Mar 2018
	Electronic newsletter	Dec 2017



The minimum requirements set out in Planning Circular 6/2013: Development Planning were met and exceeded as adverts were placed in the local press. Social media and press releases were used to promote events and direct people to the Council's website. Paper copies of all relevant documentation relating to the Main Issues Report were made available to view at all Council access points and libraries.

Drop in exhibitions were hosted across 11 towns and villages with a total of 951 people attending. The exhibitions were framed around highlighting the positive benefits the planning system delivers and to better explain the need to identify land for development. To make exhibitions more interesting, interactive online mapping tools and touch screen technologies were utilised alongside short films to provide an overview of the main issues affecting Moray. An Elgin Academy S3 pupil edited and produced these films. A session on the main issues affecting Moray was hosted in partnership with the Joint Community Councils with community council representation from across Moray.

In addition to this Planning officers worked with local primary and secondary schools as part of a programme of youth engagement during the Year of Young People 2018, this has created a platform for further engagement, which will be developed into a Youth Engagement Strategy for Development Planning and embedded in a wide range of spatial planning activities. Youth engagement included a short film competition which was won by Buckie High School which also won an award at the Scottish Awards for Quality in Planning 2018.



The film illustrated issues such as affordability of housing, job opportunities and attractiveness of places to live and work and it was screened at the drop in exhibitions. This helped encourage a wider audience than would normally attend consultation events.

Neighbour notification was undertaken at Main Issues Report stage, several thousand notifications were sent out to ensure neighbours were informed early in the process. This approach was based on previous experience where people were engaging at Proposed Plan stage when the content of the plan is the Council's settled view.

The following graphics set out some of the key information in relation to engagement at MIR stage.

ENGAGEMENT ON THE MAIN ISSUES REPORT

91 FEEDBACK FORMS RECEIVED,
NEARLY 10% OF ALL
ATTENDEES AT THE
COMMUNITY EVENTS

99%

AGREED OR STRONGLY
AGREED THAT STAFF
WERE HELPFUL AND ABLE
TO ANSWER THEIR
QUESTIONS.

70
ATTENDED
STAFF DROP IN
EXHIBITION

11 **COMMUNITY EVENTS
ACROSS MORAY**
(ELGIN X 2, FORRES, BUCKIE,
KEITH, DUFFTOWN, LOSSIEMOUTH, ABERLOUR,
CULLEN, LHANBRYDE & FOCHABERS)

951 **ATTENDED**

401 **RESPONDENTS**
MAKING
1,755 **COMMENTS**

93%
STATED THEY WERE
ABLE TO ACCESS
THE INFORMATION
THEY NEEDED.

97% AGREED OR STRONGLY
AGREED THAT THE USE OF
INTERACTIVE MAPPING
AND SHORT FILMS
ENHANCED THE
EXHIBITIONS.


JOINT COMMUNITY
COUNCILS OF MORAY EVENT
35 **ATTENDEES**
REPRESENTING VARIOUS
COMMUNITIES



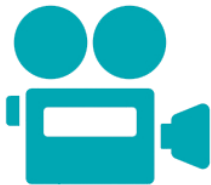
WE ENGAGED WITH

175 PUPILS & STUDENTS

USING THE PLACE STANDARD,
MASTERPLANNING AND
INTERACTIVE MAPPING

800 VIEWS

OF THE ONLINE
INTERACTIVE MAPPING



5 SHORT FILMS

ON THE MAIN ISSUES PRODUCED
BY AN ELGIN ACADEMY PUPIL.
RURAL HOUSING HAD

3,000 VIEWS



JANUARY 2018 TO
MARCH 2018

5,337 VIEWS
OF THE LDP WEBPAGE



FACEBOOK LIKES
INCREASED BY **50%**



YOUTH ENGAGEMENT WITH:

- BUCKIE HIGH SCHOOL,
- MORAY COLLEGE UHI,
- SPEYSIDE HIGH SCHOOL,
- FORRES ACADEMY AND
- EAST END PRIMARY SCHOOL



REACHED
4,890 PEOPLE
AND ENGAGED
596 PEOPLE

IN A SINGLE WEEK OF THE
CONSULTATION



5,500

LETTERS AND POSTCARDS
SENT OUT



OVER

300 VIEWS

BUCKIE HIGH SCHOOL
SECONDARY SCHOOL
FILM COMPETITION

Proposed Plan Stage

On publication of the Proposed Plan the character of engagement changed to providing specific information on the process for submitting representations and listening to people's concerns.

Extract from Development Plan Scheme 2019

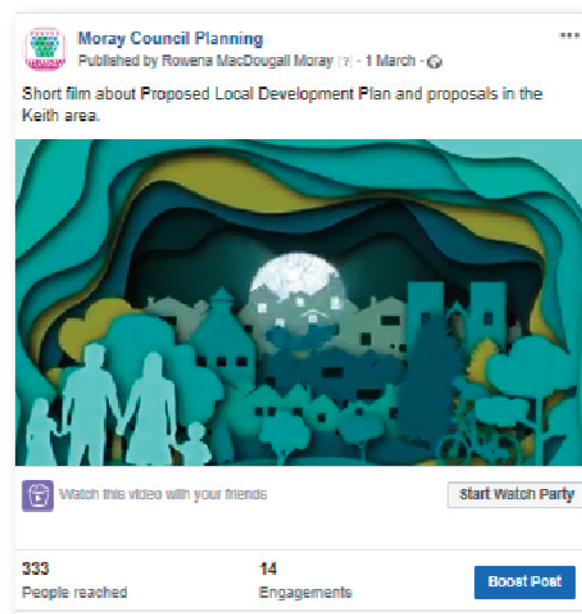
PROPOSED PLAN April 2018 – July 2019 Having had regard to representations received on the Main Issues Report, section 18 of the Act requires the planning authority to prepare and publish a Proposed Plan, which addresses the spatial implications of economic, social and environmental change, identifies opportunities for development and sets out the authority's policies for the development and use of land. The Proposed Plan also includes an Action/ Delivery Programme.	Report representations to Main Issues Report.	Sept 2018
	Stakeholder and elected member workshops.	Oct/Nov 2018
	Proposed Plan presented to Committee for approval.	December 2018
	10 week public consultation.	Jan-Mar 2019
	Neighbour notification.	Jan 2019
	Series of drop in exhibitions.	Jan - Mar 2019
	Prepare Schedule 4's and report objections to Committee.	Apr - Aug 2019

The focus was on making stakeholders aware of the content of the Proposed Plan, changes arising from the main issues consultation, how it may affect them, how to object, the process for objecting and what happens to their objection. Again the minimum requirements set out in Planning Circular 6/2013: Development Planning were met as adverts were placed in the local press. Social media and press releases were used to promote events and direct people to the Council's website. Paper copies of all relevant documentation relating to the Proposed Plan were made available to view at all Council access points and libraries.

Ultimately, the aim was to make the consultation interesting, easy to understand and participate in. The consultation again made use of interactive mapping, aerial imagery and visuals to help illustrate key messages. Short films available were also produced focusing more on local issues. The films were available to view online and at the drop in exhibitions.

The following engagement was undertaken with key stakeholders:

- Pre Proposed Plan workshop with statutory consultees/key agencies.
- Liaison meetings with SNH, SEPA and Scottish Water and presentation to Homes for Scotland.



The following graphics set out some of the key information in relation to engagement at Proposed Plan stage.

Facebook adverts reached:



26,387
PEOPLE

14,425



**VIEWS OF LDP
WEBPAGE**



5 DROP IN
EXHIBITIONS WITH
490 ATTENDING



1,000 VIEWS
OF THE ELGIN SHORT FILM



366 RESPONDENTS
MAKING
630 COMMENTS



3,600

**NEIGHBOUR NOTIFICATION
LETTERS SENT OUT**

Representations on consultation process

One representation was received from Emma Ritchie (2140) in relation to the consultation process. The following issue was raised.

The consultation is not accessible to some users of Greenfingers who do not have access to computers or can read. They have been unable to express their opinions.

Moray Council's Response

A number of representatives from Greenfingers attended the drop in exhibition in Elgin to raise their concerns regarding the OPP 11 Walled Garden designation. Officers spent a significant amount of time explaining the rationale behind the sites inclusion to help those parties who wished to submit an objection to fully understand the LDP process. Subsequent follow up meetings were held to continue this dialogue. Greenfingers also wrote to all their clients explaining the situation and how to object and acted as a conduit for objecting to the Council. Following consideration of all representations, further meetings were held with representatives of Greenfingers, Moray College and Highlands and Islands Student Association to agree to work together to release easy to understand information to explain the Examination process to staff, students and clients. The Council considers it has sought to facilitate Greenfingers users to express their opinions.

Conclusion

Moray Council has reviewed its participation activities over the plan preparation period and considers that it has met the requirements as set out in the participation statement and supporting Communications Plan.

APPENDIX 1 - COMMUNICATIONS PLAN PROJECT PLAN FOR ENGAGEMENT OF MLDP 2020

Objective	Key Activities	Stakeholders	Responsible Officers	AUG 2016	SEPT 2016	OCT 2016	NOV 2016	DEC 2016	JAN 2017	FEB 2017
Prepare youth engagement strategy	<p>Work with education to explore opportunities to link with curriculum for excellence (CfE)</p> <p>Engage with secondary level pupils from 2/3 schools across Moray</p> <p>Develop a concept of engagement around the place standard</p> <p>Work jointly with Education, Community Support Unit.</p>	Young people	EG/EW							
Raise awareness of LDP and communication strategy	Presentations to Community Engagement Group (CEG) and Community Planning Board	CEG CPP	CEG – GT/EG CPP – JG/GT							
Issue informal “Call for Bids”	<p>Prepare bid checklist</p> <p>Compile database of stakeholders</p> <p>Promote call for bids through all communications channels</p>	Developers, Landowners and Agents	EG EG/MM EG							

Objective	Key Activities	Stakeholders	Responsible Officers	AUG 2016	SEPT 2016	OCT 2016	NOV 2016	DEC 2016	JAN 2017	FEB 2017
Community Council LDP event	Presentation on LDP process and opportunities to engage.	Community representatives organised through Joint Community Councils	All							
Elected members focus group	Seminars on Housing in the Countryside (Dec 16)	Elected Members	EG/KH							
Relaunch social media	Build likes on Moray Council Planning Facebook page	All	EG/RM							
Engage with key agencies	Set up infrastructure group	Infrastructure Group	EW							
	Key agency meetings	All key agencies	GT							
Engage with internal stakeholder	Internal stakeholders meeting with follow up 1-2-1 meetings	All internal stakeholders	GT							
Engage with main developers and Homes for Scotland (HfS)	1-2-1 meetings and session with HfS	All developers	ALL							
Prepare LDP e-bulletin	Prepare email updates setting out timeline for LDP process/events	Circulate to database of landowners, agents and developers.	EG							

Objective	Key Activities	Stakeholders	Responsible Officers	JUNE 2017	JULY 2017	AUG 2017	SEPT 2017	OCT 2017	NOV 2017	DEC 2017
Elected members seminar on LDP	Seminar for new elected members on LDP	New elected members	GT							
	Session on Main Issues for LDP 2020									
Issue formal "Call for Bids"	Promote formal bids process	Developers, agents and landowners	GT							
Stakeholder engagement event on pilot Gatecheck	Explain pilot Gatecheck process	Key Agencies, Homes for Scotland and Community Representatives	GT/EW							

Objective	Key Activities	Stakeholders	Responsible Officers	JAN 2018	FEB 2018	MAR 2018	APR 2018	MAY 2018	JUNE 2018	JULY 2018
Consult on Main Issues Report MIR	Neighbour notification	Neighbouring property owners	All							
	Adverts	All								
	Drop in exhibitions and Moray Council staff exhibitions									
Engage with Community Councils	Main Issues Workshop	Community Councils	GT/EG							
Elected members briefing session	Ward briefings on responses to MIR	Elected members	All							
Stakeholder event on pilot gatecheck	Review process and evidence report	Key Agencies, Homes for Scotland and Community Representatives								

Objective	Key Activities	Stakeholders	Responsible Officers	JAN 2019	FEB 2019	MAR 2019	APR 2019	MAY 2019	JUN 2019	JUL 2019
Engage with community councils	Proposed Plan workshop	Community Councils	All							
Consultation on Proposed Plan	Neighbour notification Adverts Drop in exhibitions	All	All							
Elected members briefing on Proposed Plan	Provide summary of response and highlight key issues raised and implications	Elected members	All							
Issue e-bulletin	Prepare e-bulletin on key dates for consultation, promote events	All	EG/RM							

Objective	Key Activities	Stakeholders	Responsible Officer	JULY 2019	AUG 2019	SEPT 2019	OCT 2019	NOV 2019	DEC 2019	JAN 2020
Issue-bulletin	Prepare e-bulletin providing update on examination process dates of hearing sessions etc.	All	EG/RM							

Objective	Key Activities	Stakeholders	Responsible Officers	JAN 2020	FEB 2020	MAR 2020	APR 2020	MAY 2020	JUNE 2020	JULY 2020
Awareness Raising Sessions for LDP	Customised sessions on the LDP for various stakeholders including seminars, presentations and workshops	Internal stakeholders (development management, housing and transportation) Developers, agents and landowners Community Council's	All							
Prepare e-bulletin	Provide update on timescale for adoption and promote awareness events	All stakeholders	EG/RM							

Appendix 4

Responses to draft Environmental Report at Proposed Plan stage.

Responses to Draft Strategic Environmental Assessment.

Consultation authority	Summary of Comments	Council response	Amendments to SEA
Scottish Natural Heritage	The numbering of policies in ER needs to be amended to reflect the changes since the draft ER at MIR stage. ER and Appendices should be amended so that references to the policy numbers match the titles in the proposed plan.	Numbers and references have been checked and while there are some minor variations or abbreviated policy titles, the policies are considered to be clearly referenced.	No change.
	Helpful to have a key to the scoring. It is unclear whether "0" means no connectivity to the objective interests, no impacts or neutral impacts.	A key to the scoring will be added for clarity. This was an omission from the final version.	Scoring key included.
	Section 19, pages 60-63. It is unclear what will happen to the results or what action is proposed in the event of an unexpected result. Further information should be included.	It is difficult to say what action will be taken in the event of an unexpected result. Additional text relating to the setting up of an annual group of key environmental stakeholders and the role this group will have in monitoring the environmental effects of delivering the Plan.	Additional text added at section 19 Monitoring.
	Appendix 4- Buckie BK10- recommend that text in the Justification column is amended to include reference to being scoped in due to potential impacts on the Moray Firth Special Protection Area (SPA). This would make it consistent with requirements for the allocation set out in the proposed plan and the HRA of the plan.	Agree that the justification column should reflect the potential impacts on the Moray Firth Special Protection Area (SPA).	Amend Justification to read "Scoped in due to potential impacts on the Moray Firth Special Protection Area (SPA)."
	Appendix 5 policy assessments. Most of the objectives have multiple	The questions are not intended to all be answered, they are prompts for the	No change.

	<p>questions, however only one answer is given in the third column. Where answers should be no, they have been answered by a catch all “yes”.</p> <p>Not all the columns have been completed when a positive or negative score is recorded. For example the fourth column “Scale” is blank for PP2, DP7 etc. Where positive or negative impacts are recorded, it would be helpful for the scale to be recorded to clarify the significance and scale of the effect.</p> <p>To ensure consistency all questions should be answered and all columns completed.</p>	<p>assessment panel to consider the effects of the policy on the objectives.</p> <p>This is noted and will be incorporated into future SEA work. However, for the Proposed Plan, the Council considers that the information provided is clear enough to understand and follow the assessment process.</p>	
	<p>Appendix 5- PP1 Placemaking Objective 4- comments column should recognise this as an important contribution to safeguarding and enhancing biodiversity.</p>	<p>The questions are not intended to all be answered, they are prompts for the assessment panel to consider the effects of the policy on the objectives.</p> <p>This is noted and will be incorporated into future SEA work. However, for the Proposed Plan, the Council considers that the information provided is clear enough to understand and follow the assessment process.</p>	No change.
	<p>Appendix 5- PP1 Placemaking objective 6- Scoring for PP1 should be positive as it will contribute to protecting and enhancing the water environment through the requirement for Biodiversity Plans and integration of blue/ green corridors.</p>	Agreed.	Comments column amended to reflect this response.
	PP2 objective 4- although policy mentions	Agreed.	Comments column amended

	safeguarding the natural environment, it does not require actions to enhance it. An overall scoring of neutral 0 would be more appropriate.		to reflect this response.
	DP1, objective 7. The negative scoring appears to contradict the questions being answered positively, unclear why this is. Scoring should be amended to positive/negative as there will be some negative impacts from soil sealing and compaction through development, while the plan policies seek to safeguard soils elsewhere.	Agreed.	Scoring changed from + to 0.
	DP6, objectives 9 and 11. Disagree with the scoring and rationale. Do not consider the policy itself will deliver the positive outcomes in relations to sustainable transport or protecting or enhancing the greenspace. Some positive benefits might occur, by way of location and state of individual allocations rather than as a direct result of the policy itself.	Agreed.	Scoring changed from – to +/- and additional comment added to explain.
	DP10 Minerals, objective 1. Unclear how Council believe this policy will reduce or minimise air pollution. Policy is unlikely to reduce or minimise air pollution, there is potential for it to have locally negative effects through dust release, increased vehicle movements and emissions. Scoring should be negative.	Agreed.	Scoring changed to negative and comments added to reflect scoring.
	EP2 Biodiversity, objective 11, policy will contribute positively by creating or enhancing natural habitats of ecological and amenity value. Scoring should be changed to positive.	Agreed.	Scoring changed to positive and comments added to reflect scoring.
	EP3 Special Landscape Areas and Landscape Character, Objective 6- unclear	Agreed.	Scoring amended to 0.

	how the Council believe EP3 will protect or enhance the water environment, more likely that other policies would do that. Scoring should be neutral.		
	EP5 Open Space, Objective 6. Scoring should be positive as it will contribute to protecting and enhancing the water environment through the requirement for the integration of blue/ green corridors or features such as SUDS within open space.	Agreed.	Scoring amended to positive and comments added to reflect scoring.
	EP5 Open Space, Objective 7. Unclear how Council believe that EP5 will improve soil quality or use soil sustainably. Other policies are more likely to achieve this, scoring should be neutral.	Agreed.	Scoring changed to 0.
	EP14 Pollution, Contamination and Hazards, Objective 11- agree that addressing contamination issues may free up land for regeneration/ reuse, the policy itself does not require provision of greenspace. Recommend scoring is changed to neutral.	Agreed.	Scoring changed from + to 0.
	Appendix 6- Buckie R8 and LONG- presume that LONG refers to LONG1. Amend title.	A typographical error occurred. The title should read Buckie R8 and LONG1.	Amend title to read "Buckie R8 and LONG1".
	Cullen Objective 6, unclear why scored negative, when comments indicate neutral. Need to clarify in ER.	The Council agrees that there is an inconsistency. There are no known fluvial flood risks or significant surface water issues. The Environmental Impact should reflect this and be changed to neutral.	Amend Environmental Impact to "0".
	Elgin, land north of I8 and west of A941, no allocation reference in ER and text description does not match Elgin allocations.	The sites have been renamed in the proposed plan to R12 Lossiemouth Road North East and MU2 Lossiemouth Road (NE).	Change title to "to R12 Lossiemouth Road North East and MU2 Lossiemouth Road (NE)."
	Elgin I6 and LONG 3 Burnside of Birnie- unclear why these have been grouped together when 3km apart..	A typographical error has occurred and Elgin I6 should read Elgin I16. These two sites are immediately adjacent to each other. A	Amend title to I16 and LONG 3 Burnside of Birnie.

		development framework for both I16 and LONG 3 will be required which is why they have been grouped together.	
	Elgin I8 and Barmuckity- unclear if the two allocations I7 and I8 have been combined or there is an error in the title.	The title should read I7 Barmuckity.	Amend title to read I7 Barmuckity.
	Forres, Easter Newforres LONG2- no LONG 2 is identified in the proposed plan. Assume LONG 2 should be I5. Need to clarify.	The site previously identified has Easter Newforres LONG 2. It was renamed as I5 Easter Newforres in the Proposed Plan.	Amend table to read I7 Easter Newforres.
	Hopeman T1, west beach caravan park, assume should be called West Beach Caravan Park, objective 4 should add potential impacts on the proposed Moray Firth Special Protection Area.	It is agreed that objective 4 should add potential impacts on the proposed Moray Firth Special Protection Area (SPA).	Add "Potential impacts on the proposed Moray Firth Special Protection Area (SPA.)"
	Keith R8 Denwell Road, objective 4- unclear why this was scored positive, when the comments indicate it should be neutral to negative.	The site is currently designated as white land in the MLDP 2015. It is located on the edge of the settlement and is surrounded by green areas. The Proposed Plan policies seek new developments to promote biodiversity and connect into existing green networks. For these reasons the site scored positive.	No change.
Historic Environment Scotland	Elgin OPP Town Hall, the designation states that "The Town Hall is Category B Listed and potential heritage impacts will require to be assessed. However, the building's exterior would benefit from improvement as part of a package of measures to make it a place of civic pride." With no detail it is unclear how it scored as a positive impact against the assessment question relating to the protection and enhancement of a listed building. Expected this to be uncertain at this stage.	There are currently no detailed proposals for potential improvements to the town hall. The Council agrees that until that detail has been provided it is uncertain whether the improvements will have a positive or negative effect on the building. The Environmental Impact will be amended to reflect this.	Change Environmental Impact to "?".
Forres OPP3 Former Castlehill	Table 11: Site assessment summary states that no significant adverse effects are	There are currently no detailed proposals for the site and therefore it is uncertain whether	Change Environmental Impact to "?".

Hall	identified for the site. The assessment scored it as +/- however the potential demolition would likely constitute a significant effect.	any future proposal will have a positive or negative effect on the building. The Environmental Impact will be amended to reflect this.	
SEPA			
	<p>Appendix 7, unclear how the checklists considered the 12 environmental objectives and from the ER how to access the checklists which inform the summary assessments in the ER. It would have been useful to have this clarified and the ER contain a link to the completed checklists for clarity.</p> <p>Recommend if using this approach again it is considered developing the checklists so that they can be used as the only assessment of the site and included in the ER.</p>	<p>Noted. The checklists have acted as a screening method to identify whether there is likely to be a significant environmental effect.</p> <p>Future SEA's will address this further and include links back to site checklists, which were available on the Council website which could have been provided to SEPA.</p>	No change.
	Section 3 a) of the SNH response, of 7 March 2019 raises the issue of response to the question in Appendix 5 and support their recommendation.	Noted. See responses to SNH's comments on Appendix 5 above.	See above changes to Appendix 5.
	Previously recommended that that tables be checked for consistency. Consider without the supporting checklists this is difficult to assess to the ER alone.	Checklists could have been provided on request. Checklists will linked better to SEA in future.	No change.
	<p>Welcome Table 4 detailing further changes arising from SEA and evaluation of site/policies between MIR and Proposed Plan stages. Query if it reflects all changes made as a result of the assessments. Note changes arising from the SEA process are limited as most changes have come from the site checklist.</p> <p>Assessments have informed appropriate</p>	<p>Very few changes arose from the SEA process itself. Other changes have arisen from further discussion, assessment and consultation on a range of policy and site matters.</p> <p>The tables reflect the limited outputs from SEA, reflecting the Council's view that many of the environmental checks introduced in SEA already exist in the local development plan process.</p>	No change.

	mitigation measures which are referenced in the ER with intention of bringing forward into the Plan and could have been referenced here.		
	Appendix 6: Site Assessments, previously recommended that an additional column be added for scoring post mitigation and note in a response from Appendix 7 that an extra column would be added. This does not appear to have been done.		
	Scoping Supplementary Guidance, Table 7 details the Scoping Supplementary Guidance however it does not include Kinloss Golf Course Masterplan which is included on the bulleted list of page 4 of the proposed plan.	The Kinloss Golf Course Masterplan has previously been screened out from SEA.	No change.

Appendix 5 Issue Delivery Programme	Delivery Programme Action Plan	
Development plan reference:	<p>Volume 4 Delivery Programme Action Plan</p> <p>Introduction, page 1</p> <p>Action 8 Site Delivery Strategies and Monitoring of Site Effectiveness, page 14</p> <p>Action 10 Develop Programme to support Delivery of Stalled Sites, page 15</p> <p>Action 11 Review of Vacant/Derelict Land and Empty Properties, page 15</p> <p>Action 20 Delivery of Infrastructure, page 29</p> <p>Action 24 Prepare Development Frameworks for Moray Harbours, page 32</p> <p>Action 27 Central Elgin Masterplan, page 33</p> <p>Action 33 – Compensatory Planting Areas, page 37</p> <p>Aberlour TSP 5, Road Infrastructure Improvements (TSP's), page 41</p> <p>Road Infrastructure Improvements (TSP's), page 56 and page 58</p>	
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Introduction</p> <p>Scottish Environment Protection Agency (569)</p> <p>Action 8 Site Delivery Strategies and Monitoring of Site Effectiveness</p> <p>Pitgaveny Estate (214)</p> <p>Action 10 Develop Programme to support Delivery of Stalled Sites</p> <p>Scottish Environment Protection Agency (569)</p> <p>Action 11 Review of Vacant/Derelict Land and Empty Properties</p> <p>Scottish Environment Protection Agency (569)</p> <p>Action 20 Delivery of Infrastructure</p>		

<p>Scottish Environment Protection Agency (569)</p> <p>Action 24 Prepare Development Frameworks for Moray Harbours</p> <p>Scottish Natural Heritage (1027)</p> <p>Action 27 Central Elgin Masterplan</p> <p>Scottish Environment Protection Agency (569)</p> <p>Scottish Natural Heritage (1027)</p> <p>Action 33 – Compensatory Planting Areas</p> <p>Royal Society for Protection of Birds (RSPB) (285)</p> <p>Aberlour TSP 5, Road Infrastructure Improvements (TSP's), page 41</p> <p>Springfield Properties Plc (10)</p> <p>Road Infrastructure Improvements (TSP's)</p> <p>Dr Janet Trythall (404)</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>The Delivery Programme Action Plan</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Introduction</p> <p><u>Scottish Environment Protection Agency (SEPA) (569)</u></p> <p>An indication of the potential timescales for refresh of the delivery plan would be welcomed as paragraph 134 of Development Planning Circular 6/2013 references at least every 2 years.</p> <p>Action 8 Site Delivery Strategies and Monitoring of Site Effectiveness</p> <p><u>Pitgaveny Estate (214)</u></p> <p>The Guidance and template must be subject to public consultation. The guidance should consider how to positively engage with landowners to ensure their needs are also met and not just developers.</p> <p>Action 10 Develop Programme to support Delivery of Stalled Sites</p> <p><u>Scottish Environment Protection Agency (SEPA) (569)</u></p> <p>SEPA should be included as a stakeholder as the plan should give greater emphasis to</p>	

development of brownfield sites and redevelopment of existing buildings.

Action 11 Review of Vacant/Derelict Land and Empty Properties

Scottish Environment Protection Agency (SEPA) (569)

SEPA should be included as a stakeholder as the plan should give greater emphasis to development of brownfield sites and redevelopment of existing buildings.

Action 20 Delivery of Infrastructure

Scottish Environment Protection Agency (SEPA) (569)

Under the Transportation and Active Travel section of the table SEPA welcome the National Infrastructure section and inclusion of the A96 Dualling between Inverness and Aberdeen and Rail improvements between Inverness and Aberdeen. There is an important role for key agencies to assist in transport and active travel, however this is not identified. SEPA recommend that under the “who section” in addition to the lead(s) already identified a sub section of other key agencies, such as SEPA, who can help deliver these are identified.

Action 24 Prepare Development Frameworks for Moray Harbours

Scottish Natural Heritage (SNH) (1027)

SNH would be happy to be included as stakeholder due to the number of areas protected for nature conservation along the coast that will need to be considered.

Action 27 Central Elgin Masterplan

Scottish Environment Protection Agency (SEPA) (569)

SEPA would welcome being added as a stakeholder.

Scottish Natural Heritage (SNH) (1027)

Due to their role in placemaking and green networks SNH would be happy to advise on the Central Elgin Masterplan.

Action 33 – Compensatory Planting Areas

Royal Society for Protection of Birds (RSPB) (285)

Moray Council should ensure that any compensatory planting adheres to the principle of ‘The right tree in the right place’ and avoid sensitive open ground areas. In certain areas the planting of trees can have a detrimental impact on some open ground species such as lapwing and curlew. Both species are declining across the UK and are on the red list of birds of conservation concern.

Aberlour TSP 5, Road Infrastructure Improvements (TSP’s), page 41

Springfield Properties Plc (10)

Object to the level of prescriptive requirements as onerous and simply unviable.

Road Infrastructure Improvements (TSP's)

Dr Janet Trythall (404)

Add an entry into the TSP tables for the Lossiemouth to Hopeman cyclepath alongside the B9040 to complete a Moray Council supported project from 2007 to provide sustainable transport for the Lossiemouth High School catchment area.

Modifications sought by those submitting representations:

Introduction

Scottish Environment Protection Agency (SEPA) (569)

Within the introduction include timescales for review of Delivery Programme Action Plan.

Action 8 Site Delivery Strategies and Monitoring of Site Effectiveness

Pitgaveny Estate (214)

Public consultation on guidance and template required.

Action 10 Develop Programme to support Delivery of Stalled Sites

Scottish Environment Protection Agency (SEPA) (569)

Include SEPA as a stakeholder.

Action 11 Review of Vacant/Derelict Land and Empty Properties

Scottish Environment Protection Agency (SEPA) (569)

Include SEPA as a stakeholder.

Action 20 Delivery of Infrastructure

Scottish Environment Protection Agency (SEPA) (569)

Add other Key Agencies as stakeholder in the "Who" column for National Infrastructure projects.

Action 24 Prepare Development Frameworks for Moray Harbours

Scottish Natural Heritage (SNH) (1027)

Add SNH as a stakeholder.

Action 27 Central Elgin Masterplan

Scottish Environment Protection Agency (SEPA) (569)

Add SEPA as a stakeholder

Scottish Natural Heritage (SNH) (1027)

Add SNH as a stakeholder

Action 33 – Compensatory Planting Areas

Royal Society for Protection of Birds (RSPB) (285)

Require compensatory planting to ensure the principle of the “The right tree in the right place” is adhered to.

Road Infrastructure Improvements (TSP’s)

Dr Janet Trythall (404)

Add new TSP for Lossiemouth to Hopeman cycleway.

Summary of responses (including reasons) by planning authority:

Introduction

Scottish Environment Protection Agency (SEPA) (569)

To provide clarity on the timescales of review the third paragraph of the introduction will be updated to read “The plan/programme will be refreshed every two years to reflect progress.”

Action 8 Site Delivery Strategies and Monitoring of Site Effectiveness

Pitgaveny Estate (214)

The intention is to consult on the Guidance and Template therefore the text will be amended. The third sentence will be revised to “Guidance and a template will be produced and consulted on by the Council to assist with this.” The text on the timescale will be amended under Q3 July to September to “Develop and consult on Guidance and Template”.

Action 10 Develop Programme to support Delivery of Stalled Sites

Scottish Environment Protection Agency (SEPA) (569)

SEPA will be added as a stakeholder for Action 10.

Action 11 Review of Vacant/Derelict Land and Empty Properties

Scottish Environment Protection Agency (SEPA) (569)

SEPA will be added as a stakeholder for Action 11.

Action 20 Delivery of Infrastructure

Scottish Environment Protection Agency (SEPA) (569)

It is recognised that the Council and Key Agencies have a consultative role in National Infrastructure projects therefore the text will be amended in the “Who” to “**Lead** Transport Scotland/Scottish Government with input and consultation with Moray Council and Key Agencies including SEPA and SNH.”

Action 24 Prepare Development Frameworks for Moray Harbours

Scottish Natural Heritage (SNH) (1027)

SNH will be added as a stakeholder.

Action 27 Central Elgin Masterplan

Scottish Environment Protection Agency (SEPA) (569), Scottish Natural Heritage (SNH) (1027)

SNH and SEPA will be added as stakeholders.

Action 33 – Compensatory Planting Areas

Royal Society for Protection of Birds (RSPB) (285)

As noted in Schedule 6 Environment Policies an action to develop and agree a procedure with Scottish Forestry to support the implementation of the compensatory planting policy will be included in the Delivery Programme. A procedure agreed with Scottish Forestry is considered to be a better way of dealing with the issues relating to EIA and woodland design.

Aberlour TSP 5, Road Infrastructure Improvements (TSP's), page 41

Springfield Properties Plc (10)

There is a requirement to provide an active travel connection to Taylor Court. Following discussions as part of the live planning application (18/01373/APP), this is not required as part of Phase 1 due to the development of a footpath along or parallel to the extent of the site frontage onto the A95. Schedule 13 Speyside states that if the Reporter is so minded, the Council would not object to the removal of the requirement to provide the active travel connection to Taylor Court as part of Phase 1 and instead include as part of the overall development of the site.

It is recognised there are differing landownerships that may make delivery of the active travel connection difficult. To deliver this important connection it may be necessary to utilise compulsory purchase powers to allow the access to be created. This possibility should be acknowledged within the actions for TSP 5. The following wording will be added to the Actions for TSP 5.

“Council to consider potential for Compulsory Purchase of land to achieve link if developer

is unable to achieve this.”

Road Infrastructure Improvements (TSP's)

Dr Janet Trythall (404)

A separate TSP is not required; this is included in Action 31 Encourage Active Travel. One of the projects listed under Action 31 is Linking Communities with the Lossiemouth and Hopeman.

Recommended Changes:

Introduction, paragraph 3, page 1- amend to “The plan/programme will be refreshed every two years to reflect progress.”

Action 8 Page 14 – amend third sentence to “Guidance and a template will be produced and consulted on by the Council to assist with this.”

Action 8 Page 14- Amend text on timescale under Q3 July to September to “Develop and consult on Guidance and Template”.

Action 10 and Action 11 page 15 – Add SEPA to list of stakeholders.

Action 20, page 29 - Under “Who” amend text to “**Lead** Transport Scotland/Scottish Government with input and consultation with Moray Council and Key Agencies including SEPA and SNH.”

Action 24, page 32 – Add SNH as a stakeholder.

Action 27, page 33 – Add SNH and SEPA as stakeholders.

New Action, page 37 – “**Compensatory Planting Procedure**

Develop and agree a technical procedure with Scottish Forestry for the implementation of compensatory planting.

WHO – Lead Moray Council Planning and Development and Scottish Forestry

TIMESCALE – Q1 2020“

Aberlour TSP 5, page 41 – Add to Actions “Council to consider potential for Compulsory Purchase of land to achieve link if developer is unable to achieve this.”

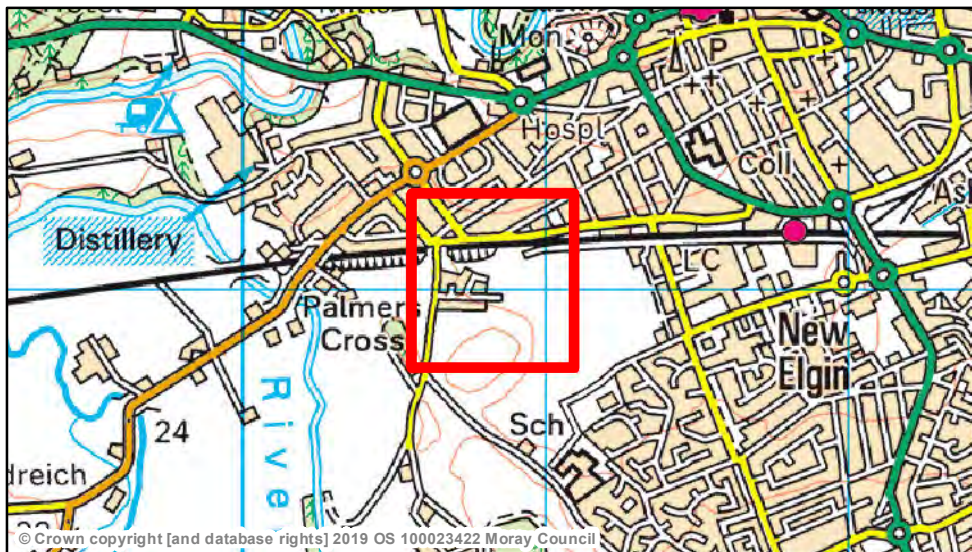
Moray Local Development Plan 2020 **PROPOSED PLAN**

Appendix 6 **SITE PLANS**



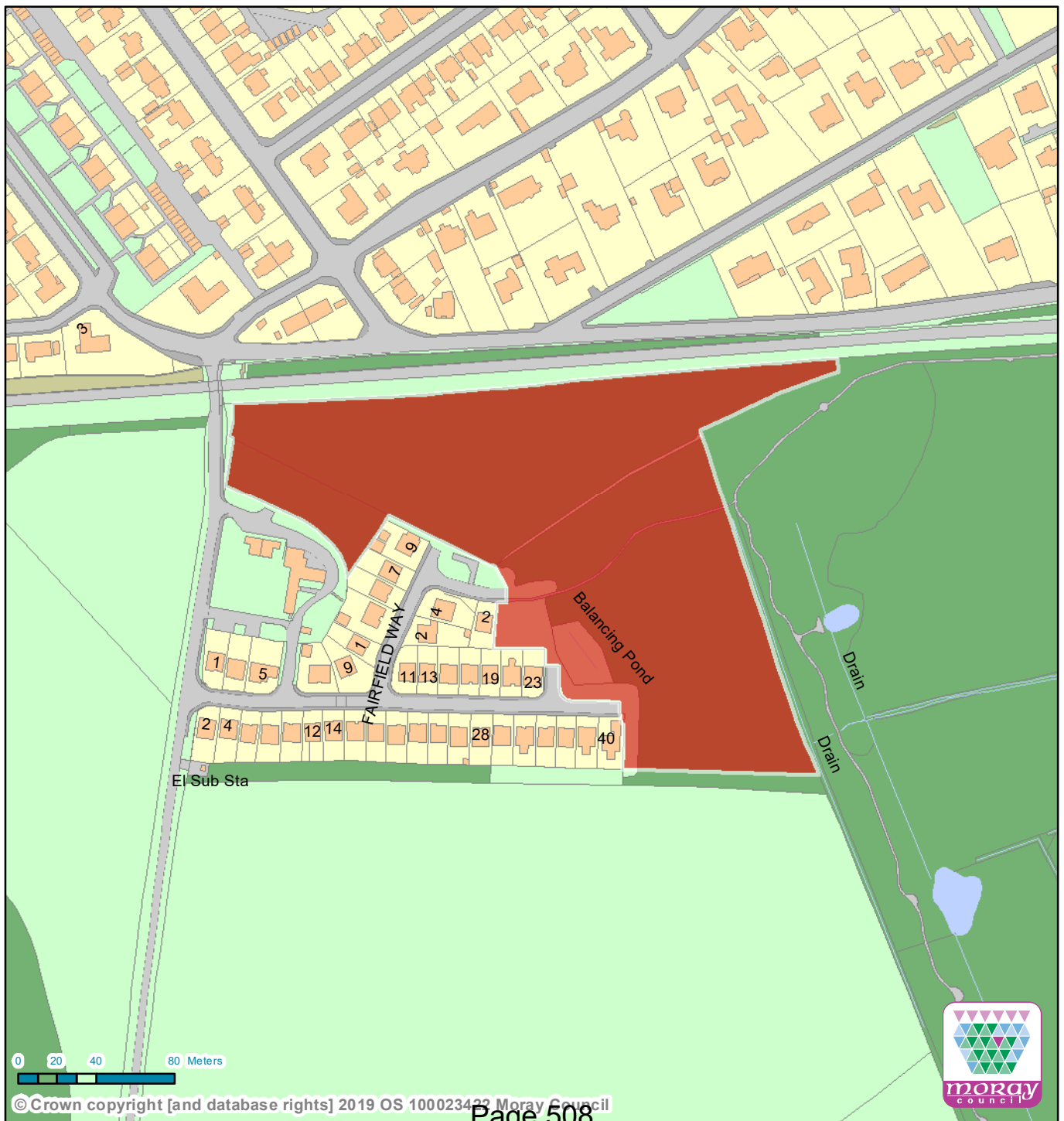
moray
council

R1 Bilbohall North, Elgin

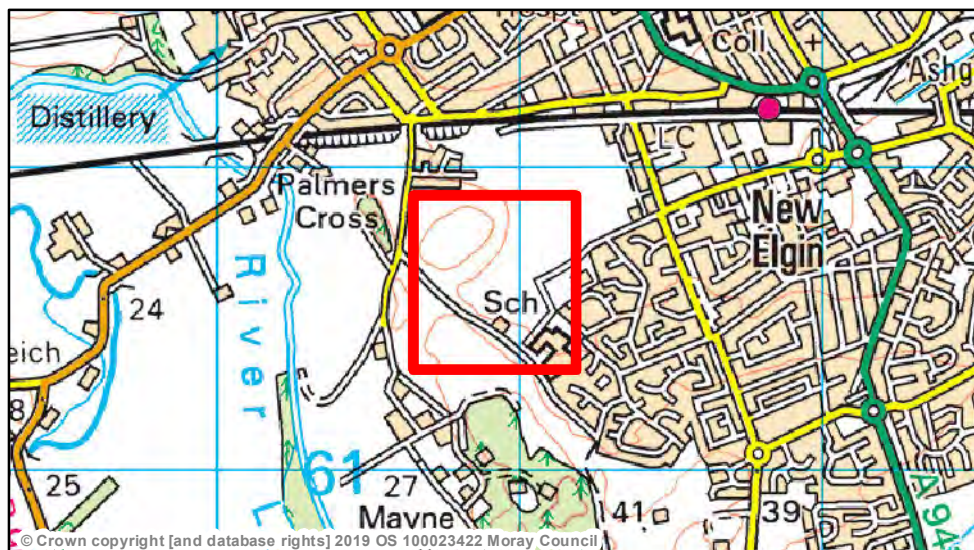


Center X: 320,826
Center Y: 862,029

NOT TO SCALE



R2 Edgar Road, Elgin



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

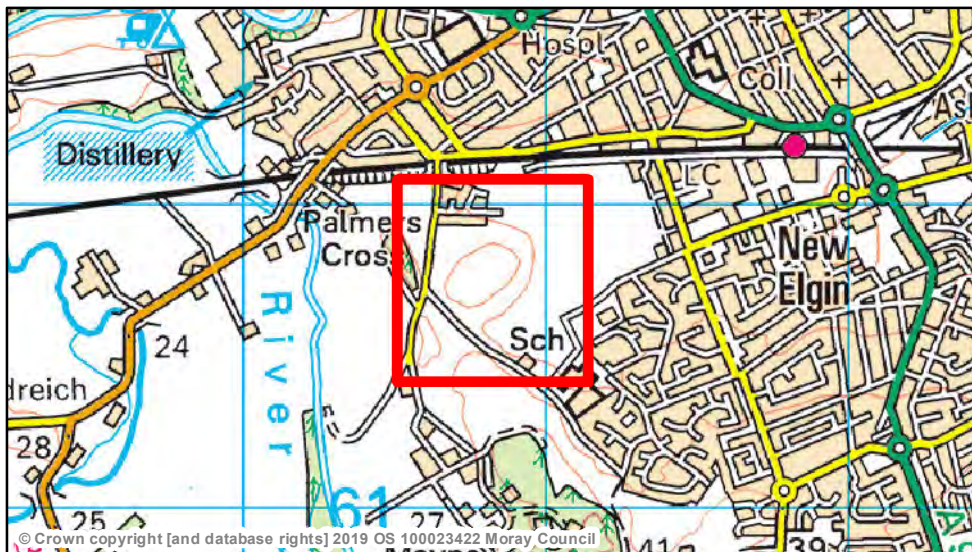


Center X: 320,917
Center Y: 861,619

NOT TO SCALE



R3 Bilbohall South, Elgin



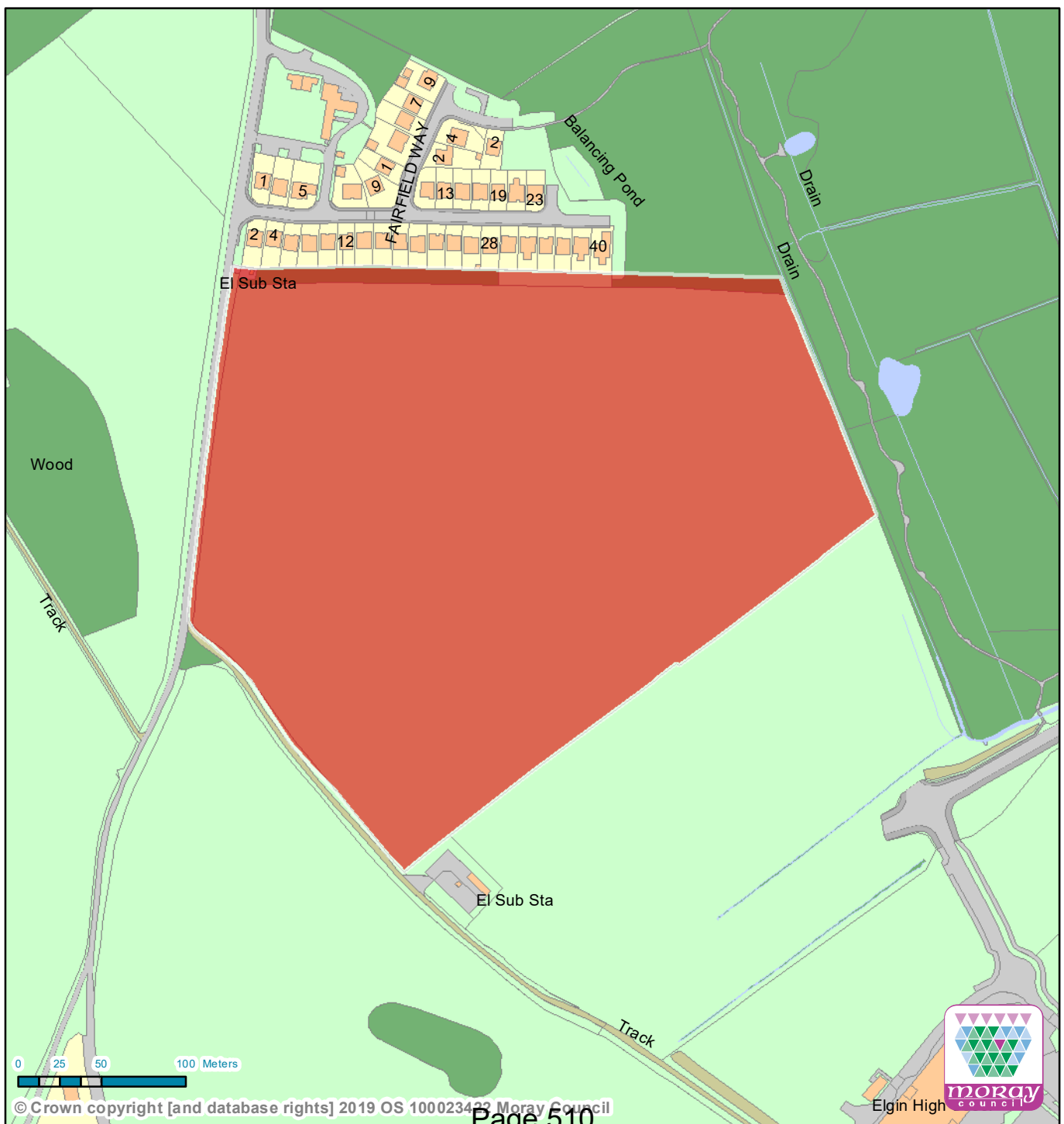
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7



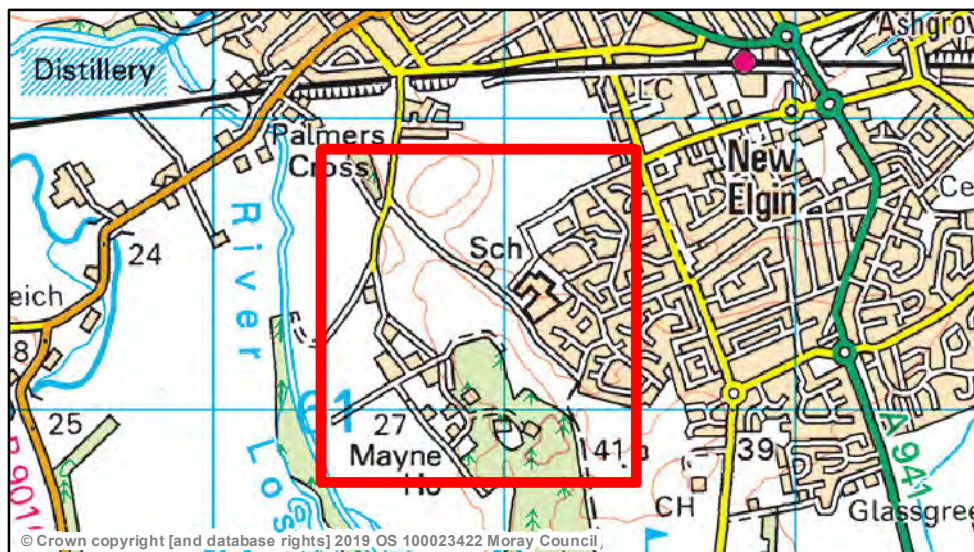
Center X: 320,825
Center Y: 861,749

NOT TO SCALE



Elgin High

R4 South West of Elgin High School, Elgin



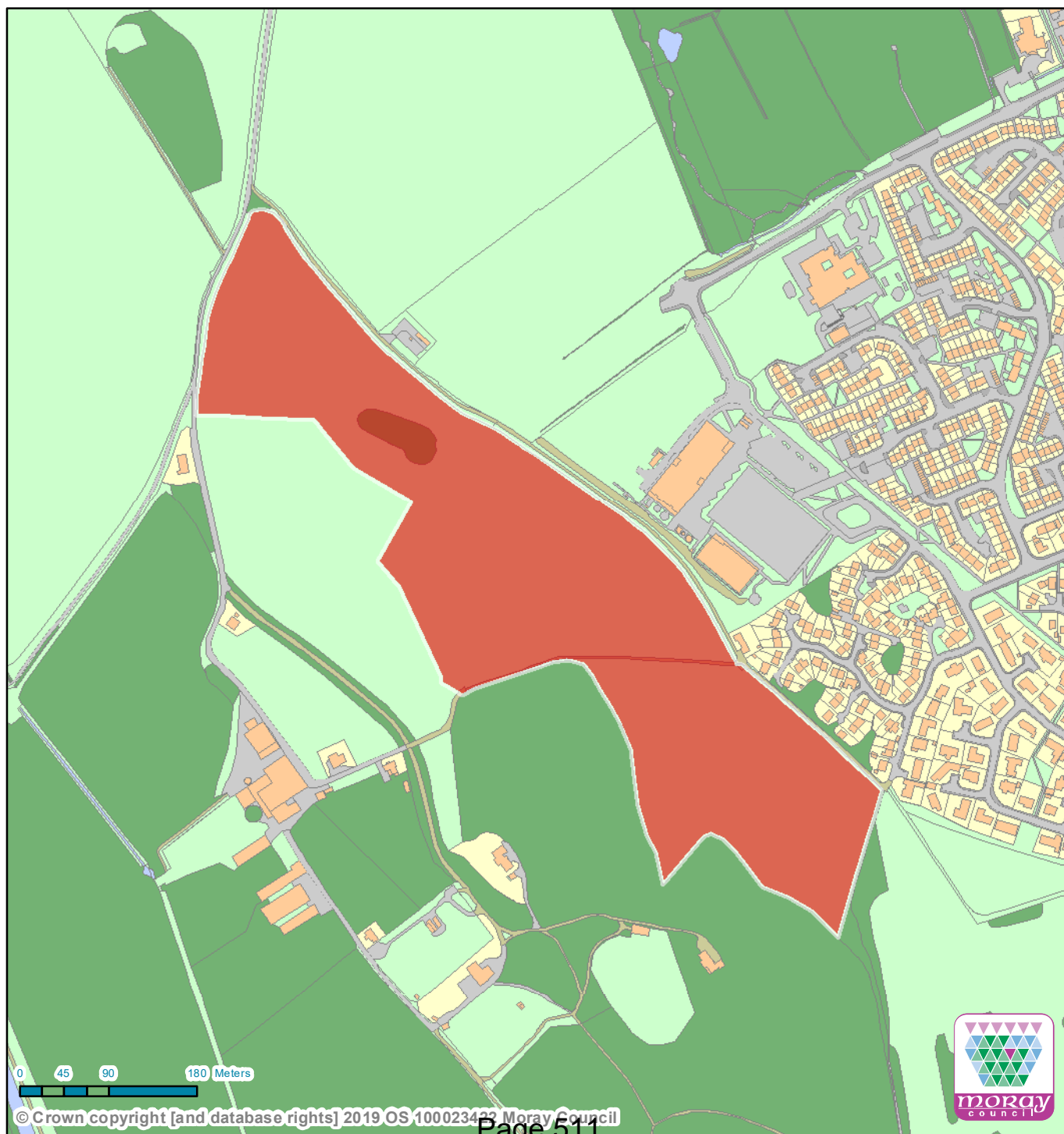
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

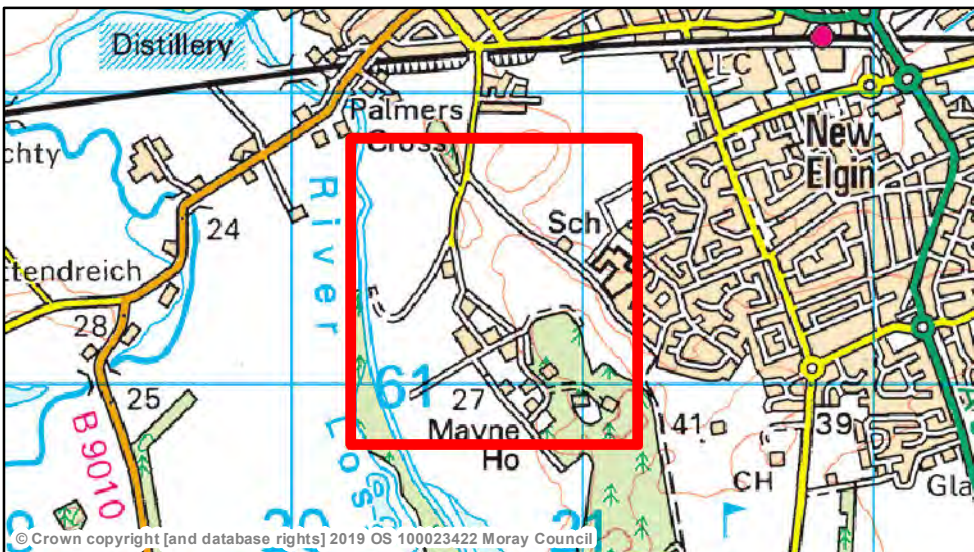


Center X: 320,910
Center Y: 861,321

NOT TO SCALE

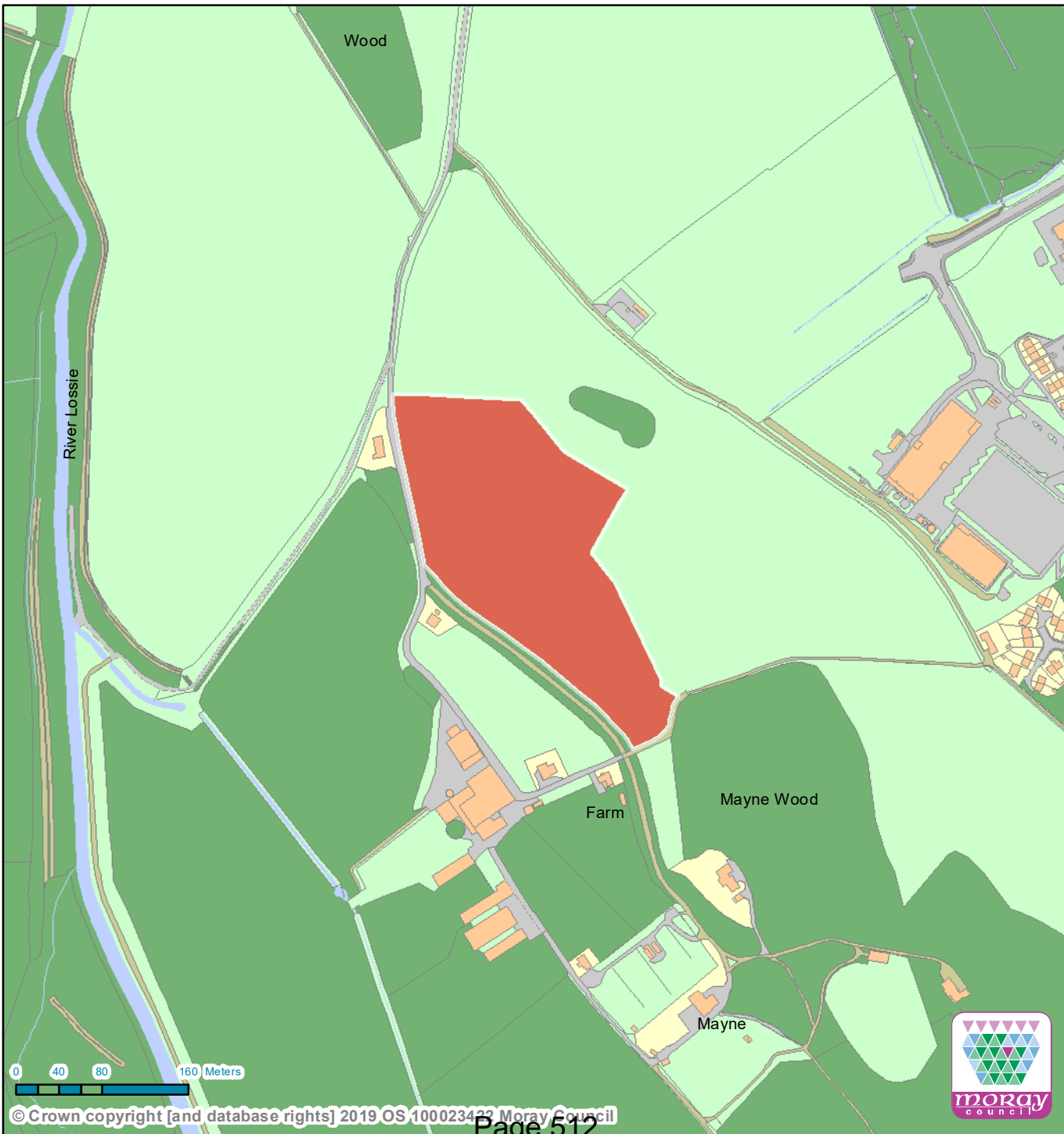


R5 Bilbohall West, Elgin

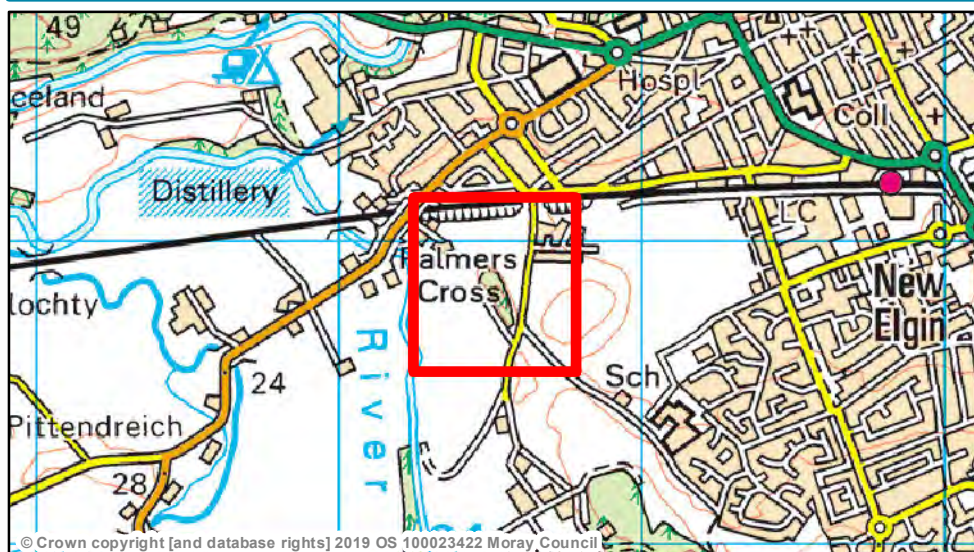


Center Y: 861,317

NOT TO SCALE



R6 Knockmasting Wood, Elgin



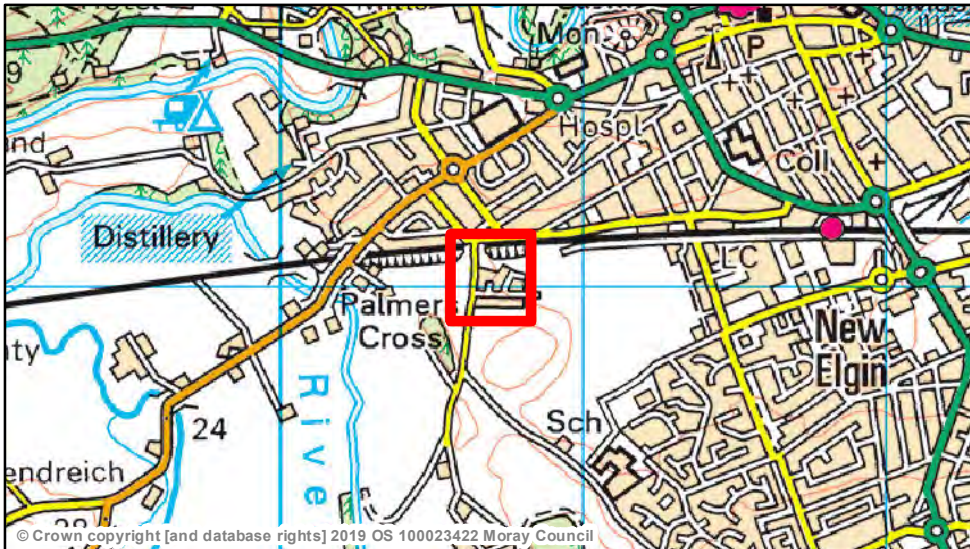
SCHEDULE: 7



Center X: 320,514
Center Y: 861,856



R7 The Firs, Elgin



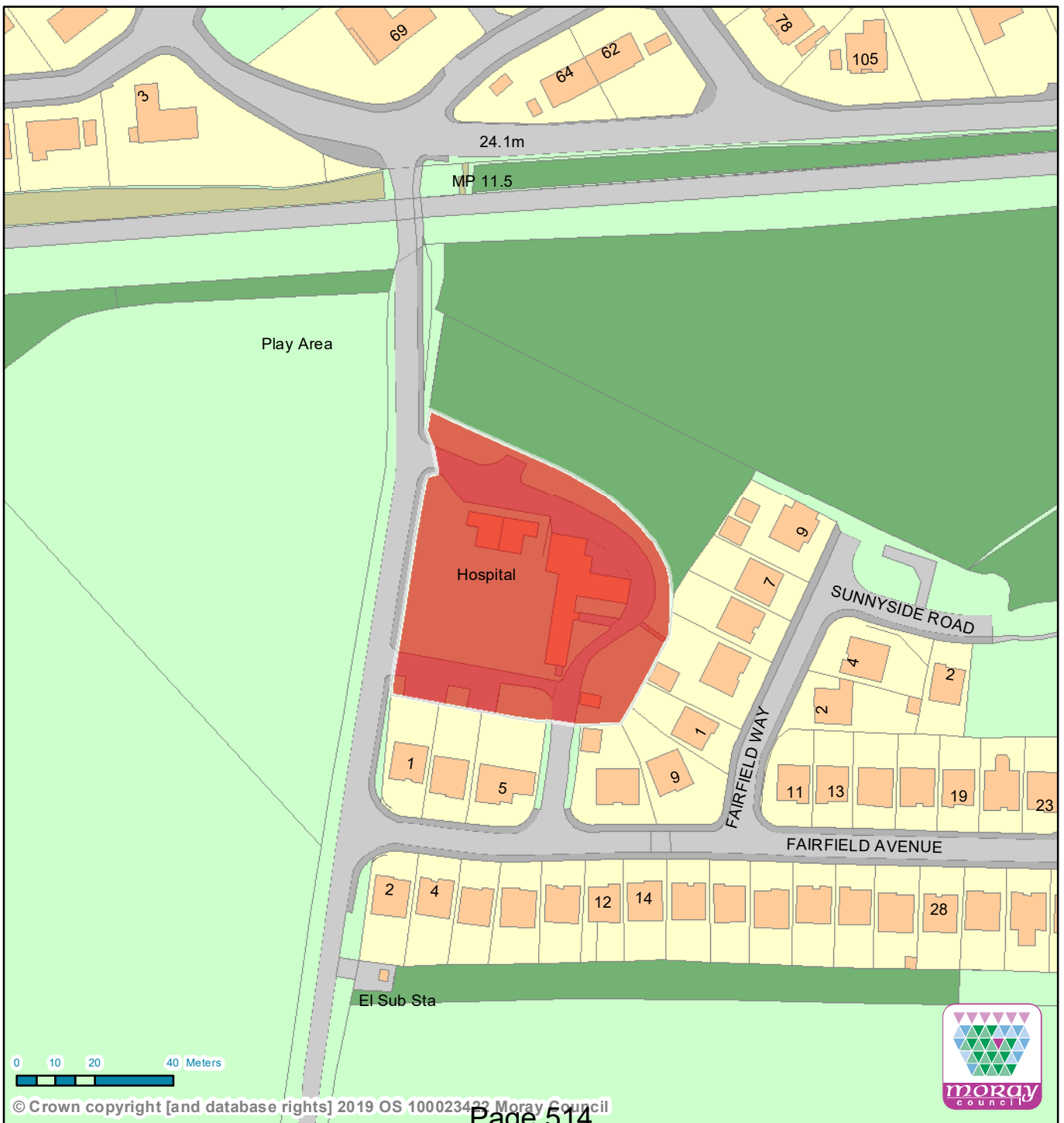
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

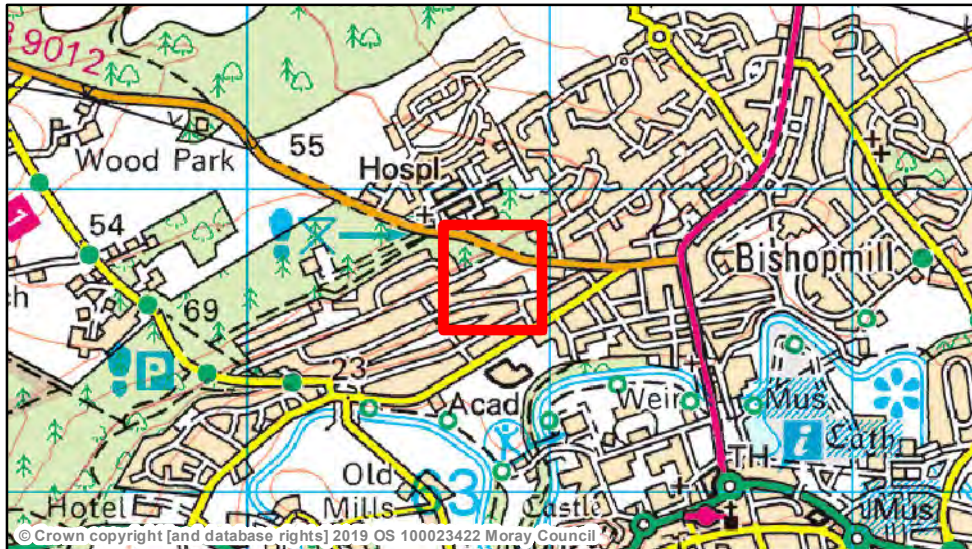


Center X: 320,695
Center Y: 862,030

NOT TO SCALE



R9 Hamilton Drive, Elgin



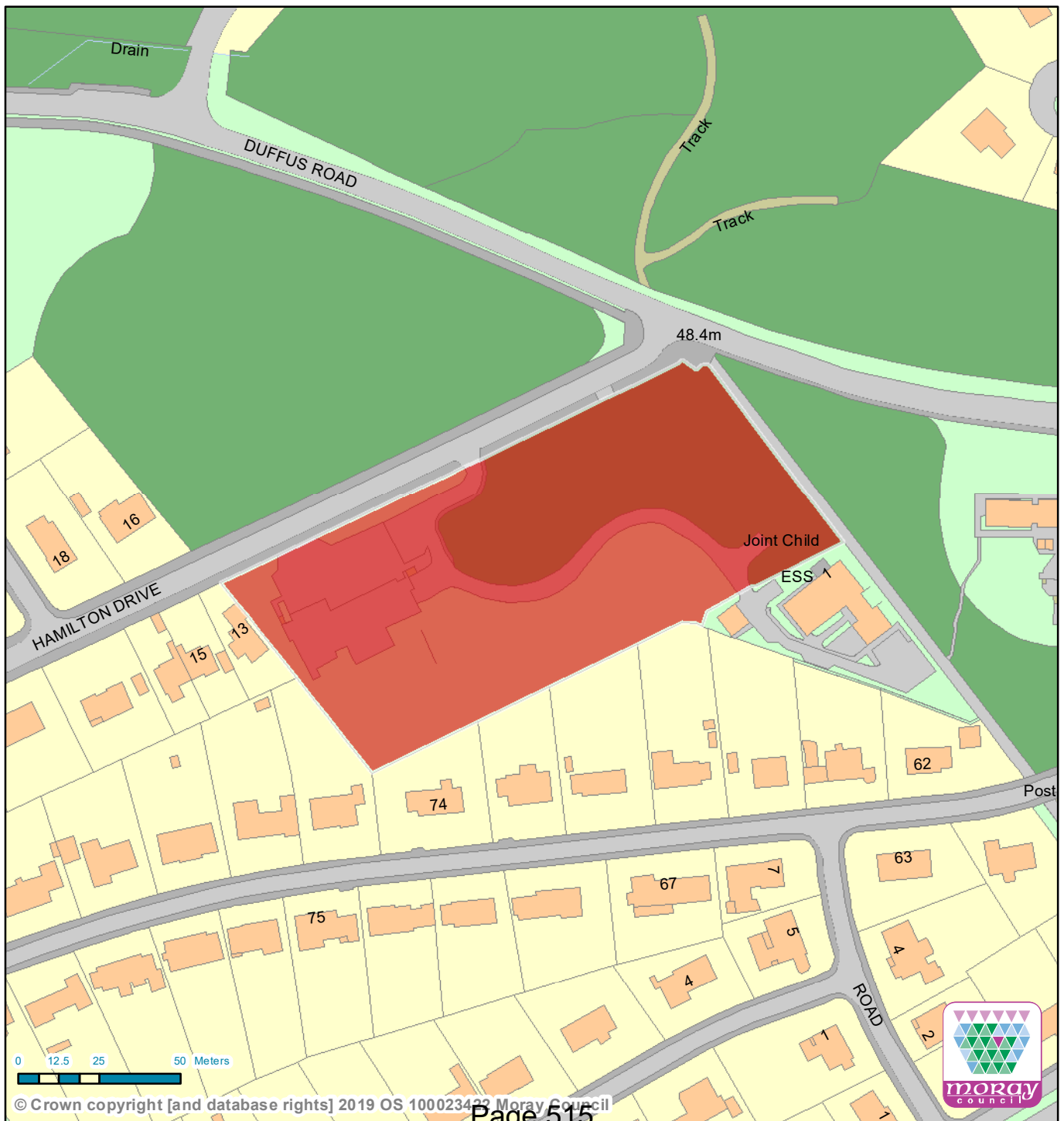
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

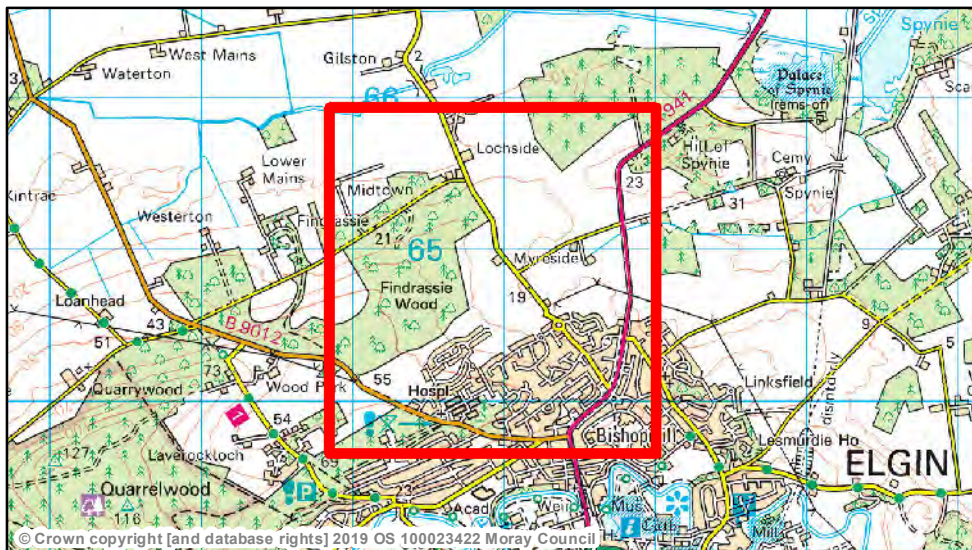


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Center Y: 863,707

NOT TO SCALE



R11 Findrassie, Elgin



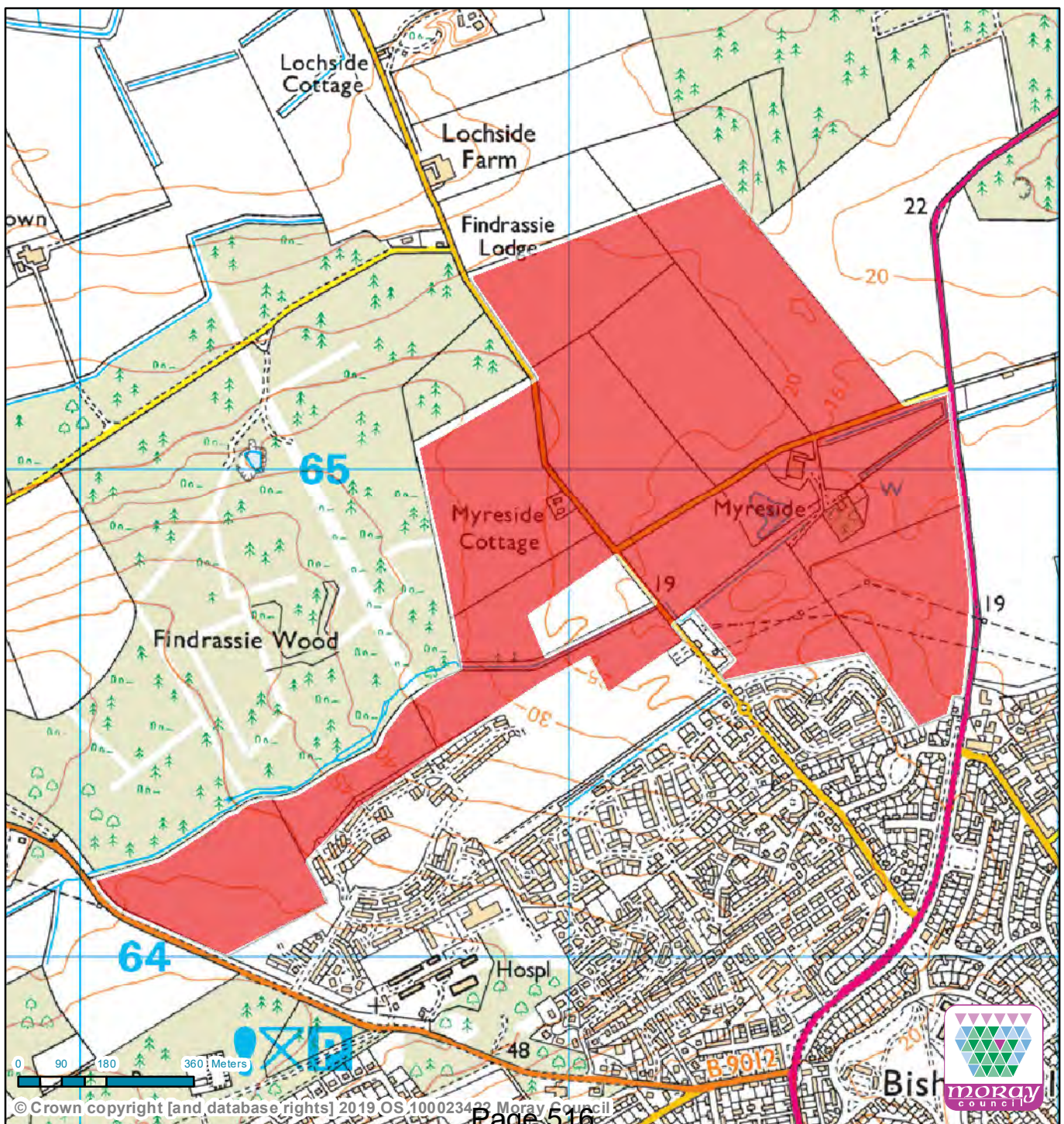
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

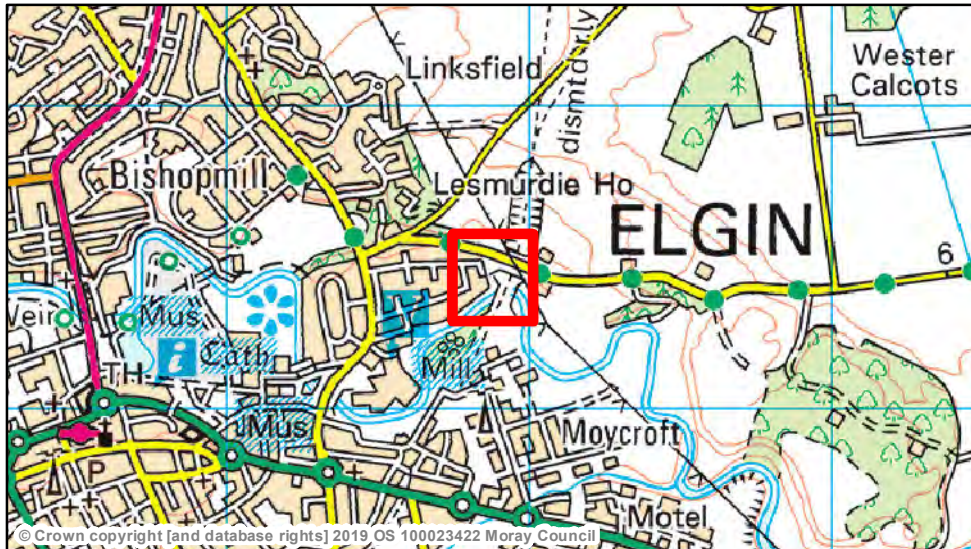


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NOT TO SCALE



R14 South Lesmurdie, Elgin



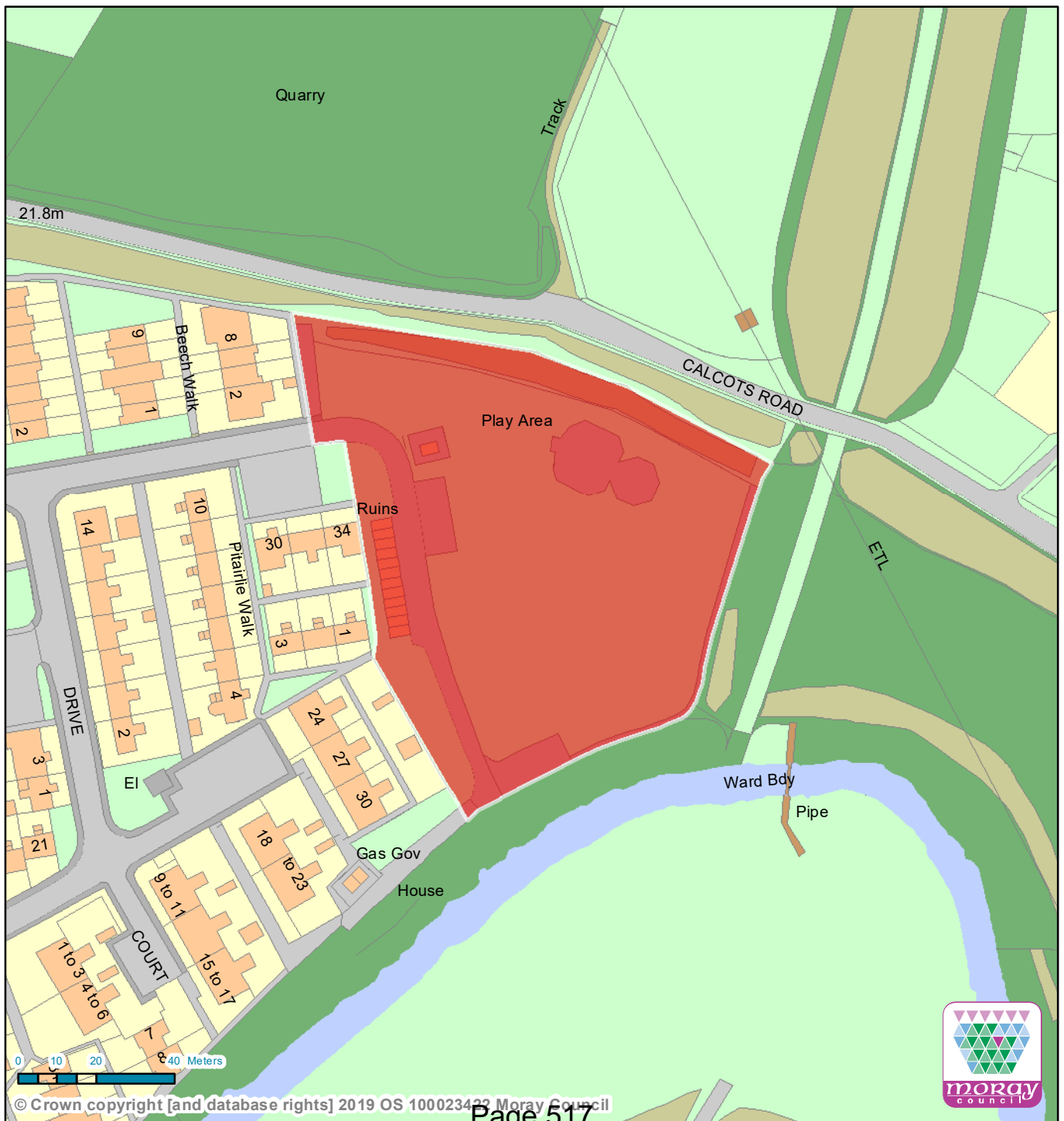
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

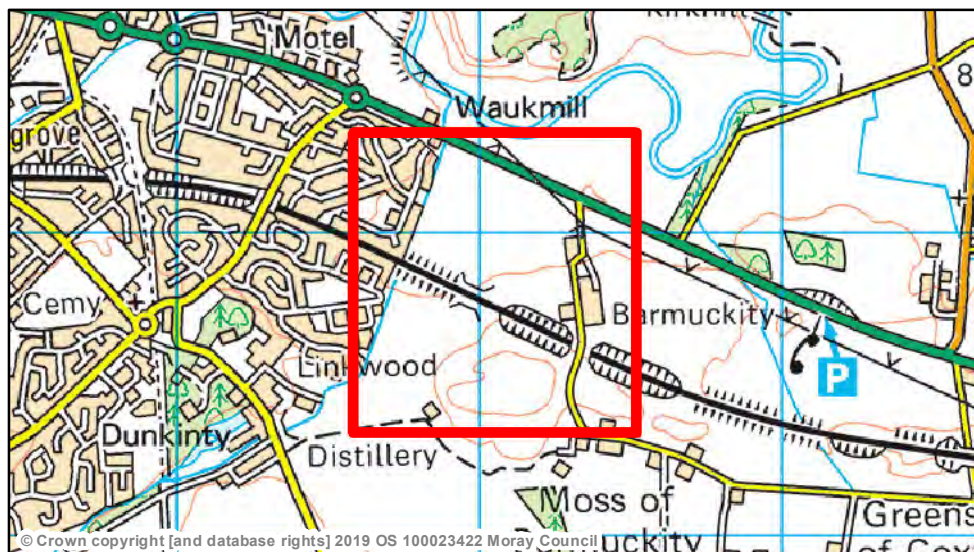


Center X: 322,879
Center Y: 863,433

NOT TO SCALE



R16 Barmuckity, Elgin



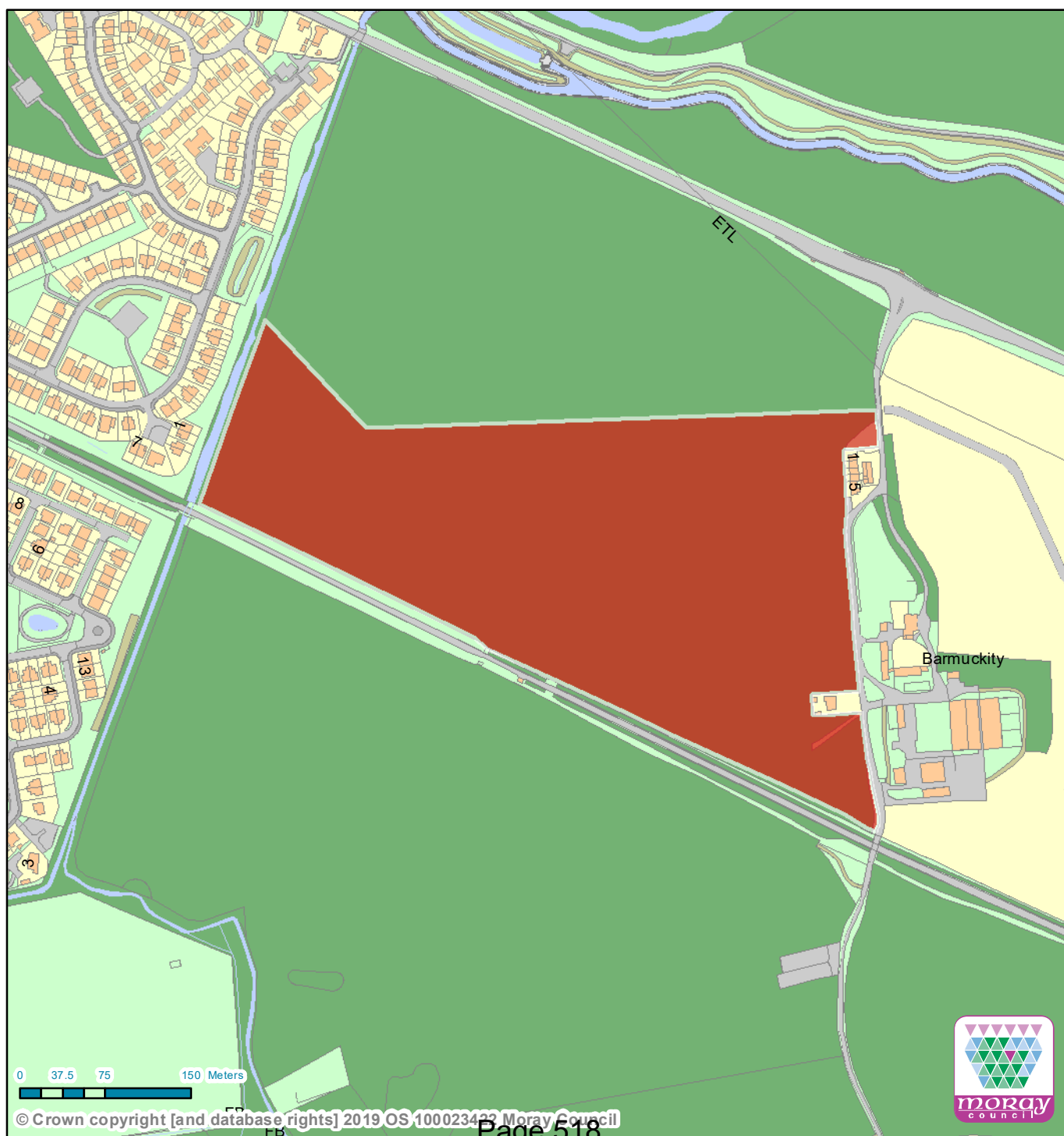
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

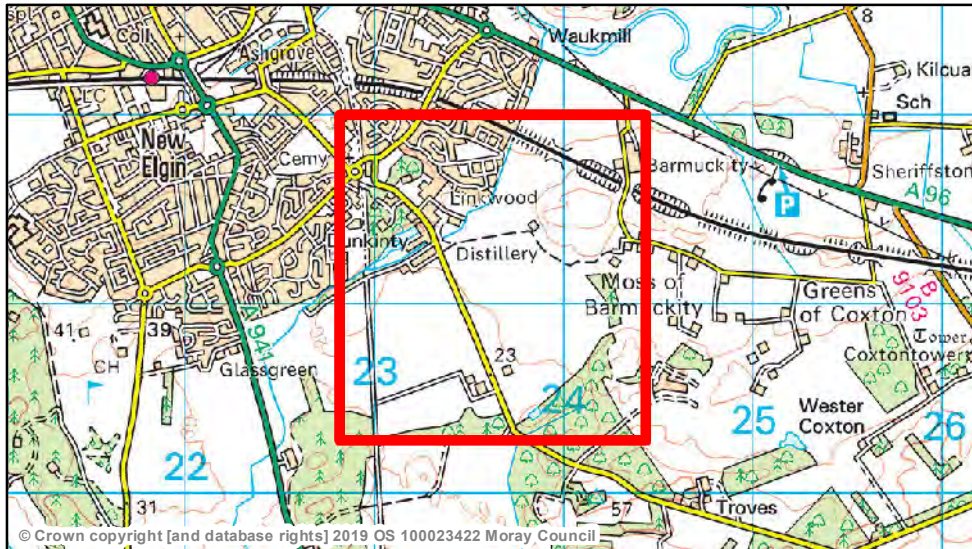


Center X: 324,051
Center Y: 861,835

NOT TO SCALE



R19 Easter Linkwood and Linkwood, Elgin



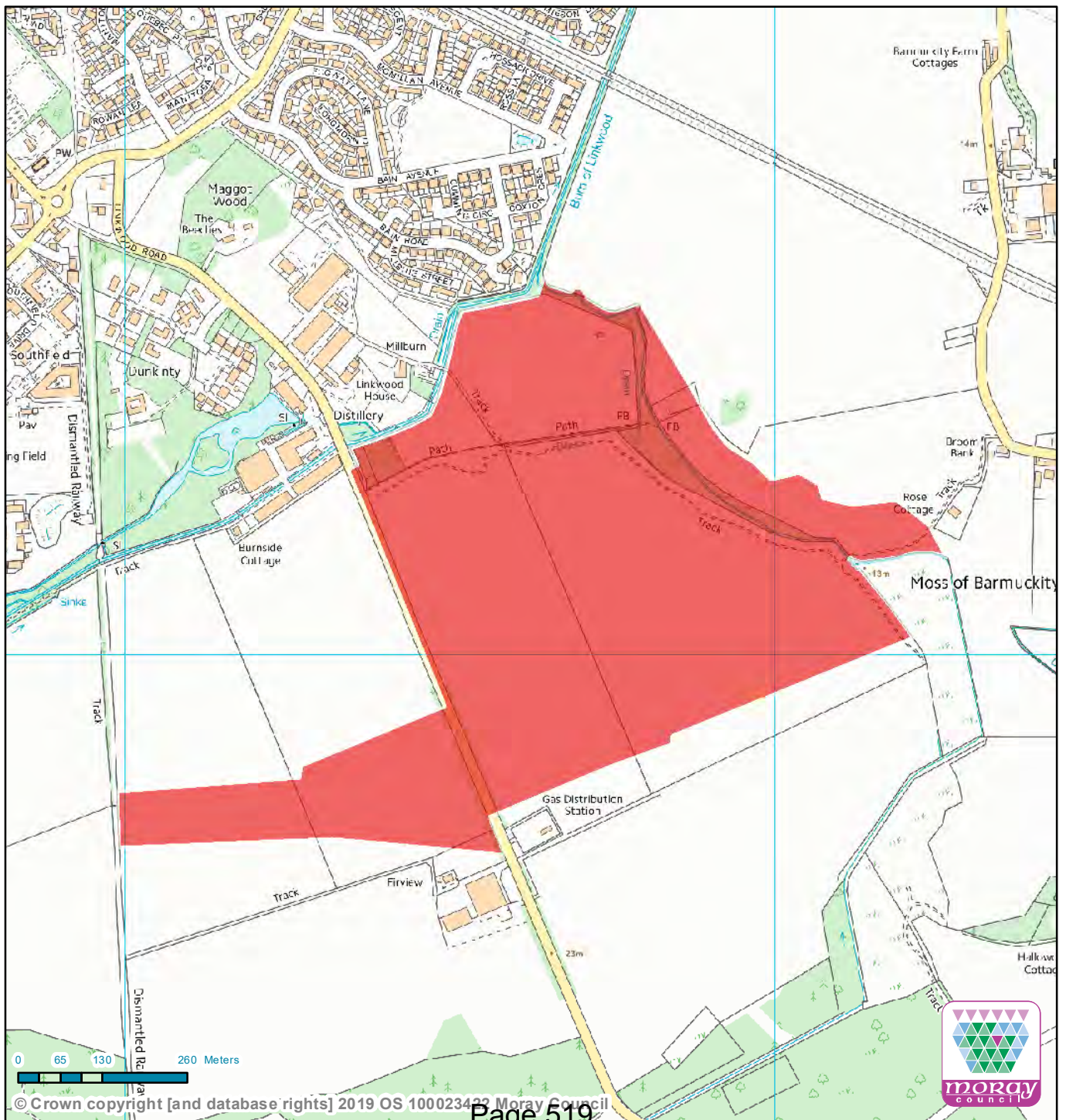
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

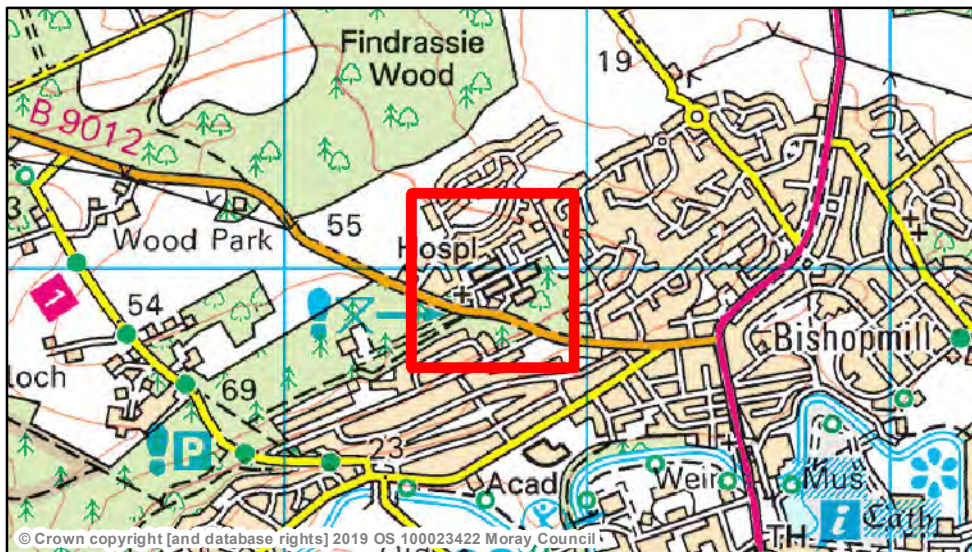


Center X: 323,624
Center Y: 861,138

NOT TO SCALE



R22 Spynie Hospital, Elgin



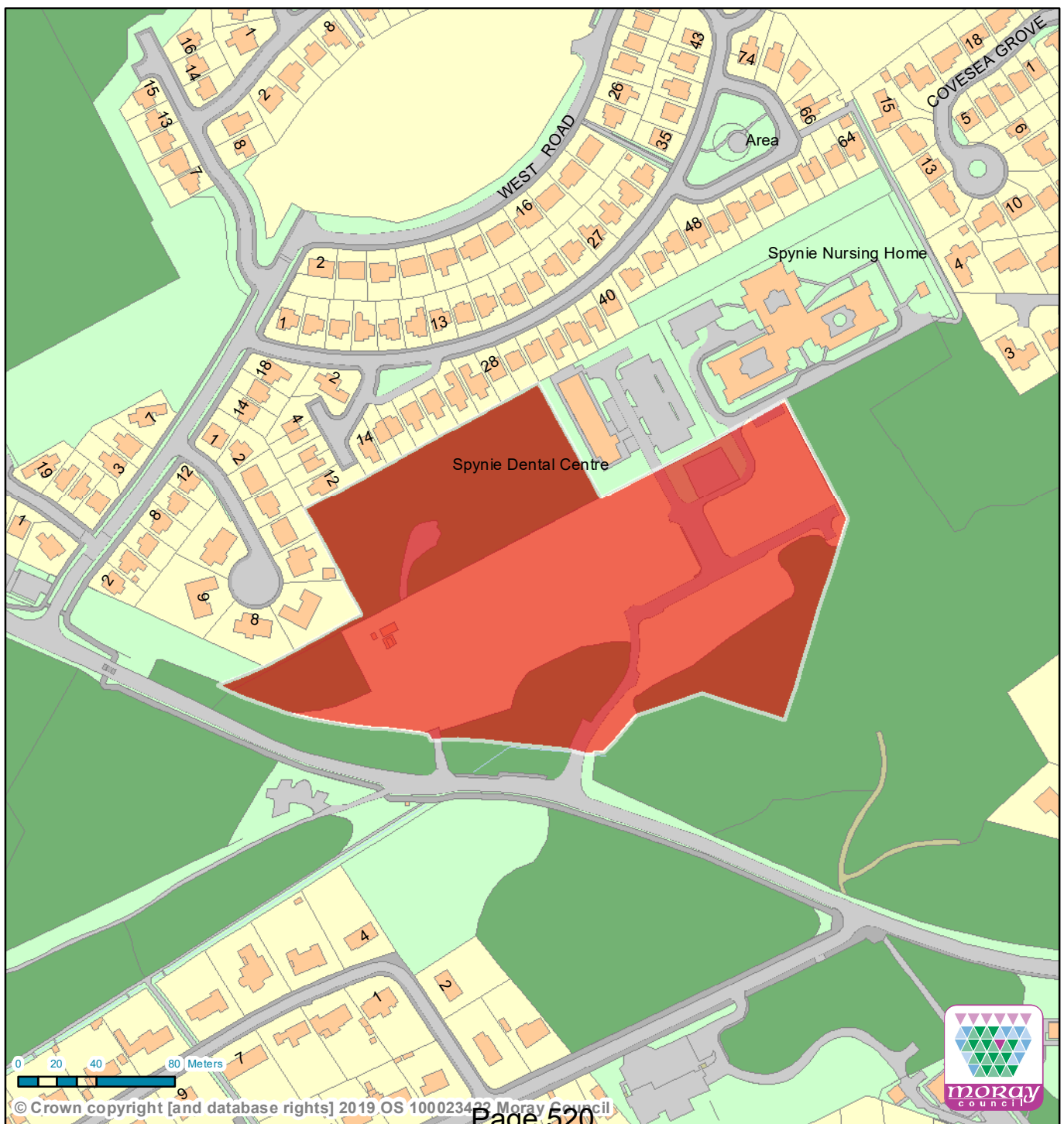
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

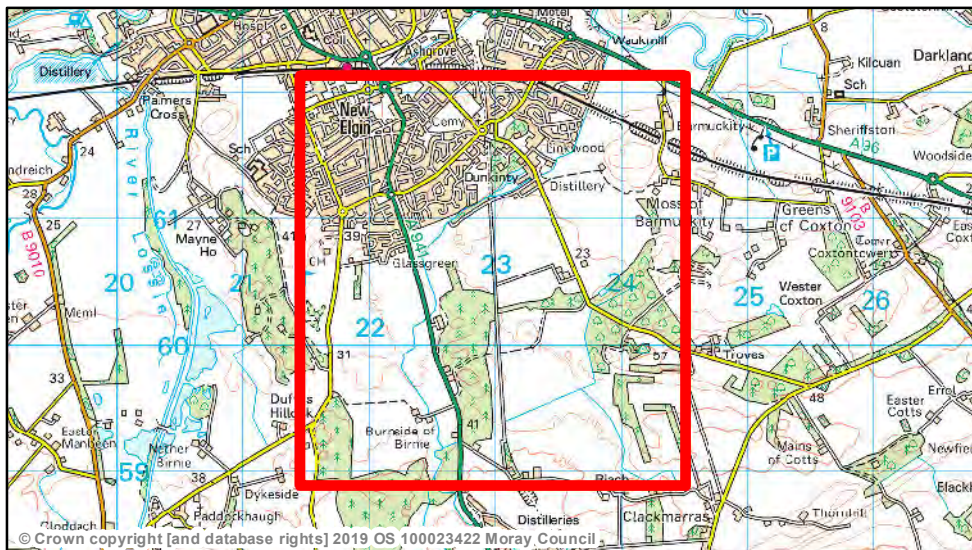


Center X: 320,687
Center Y: 863,960

NOT TO SCALE



LONG2 Elgin South



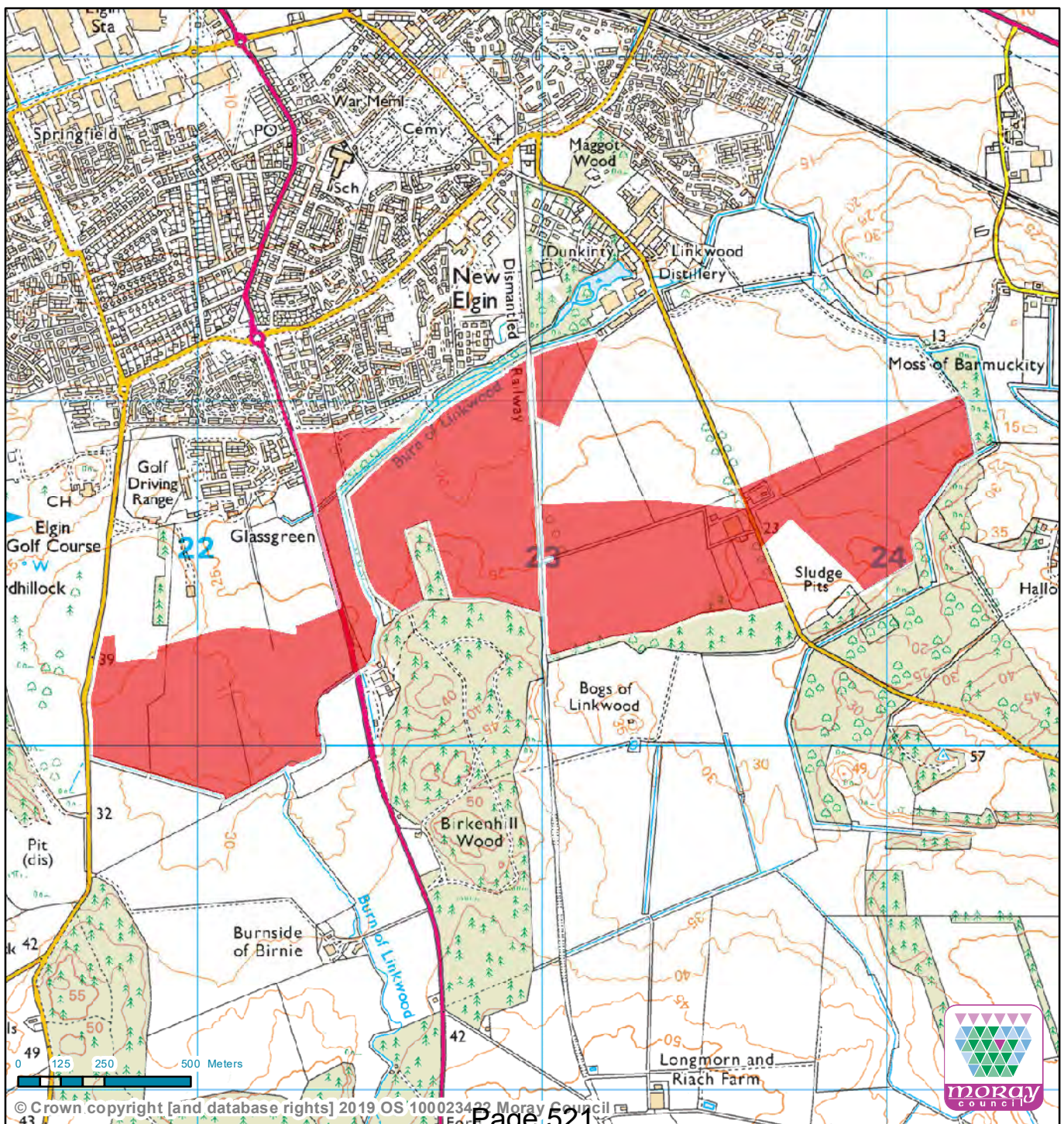
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

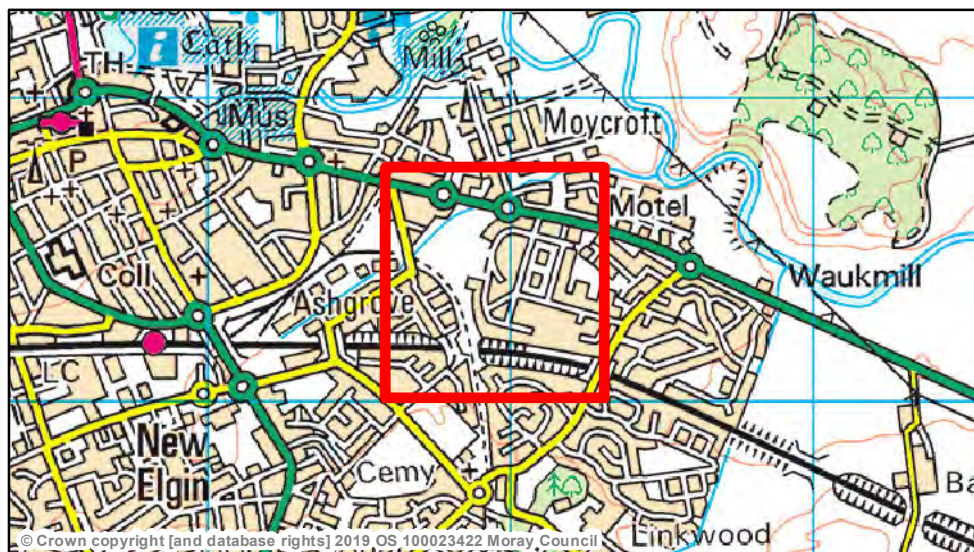


Center X: 322,973
Center Y: 860,514

NOT TO SCALE



15 Pinefield Industrial Estate/ENV4 Pinefield Playing fields, Elgin



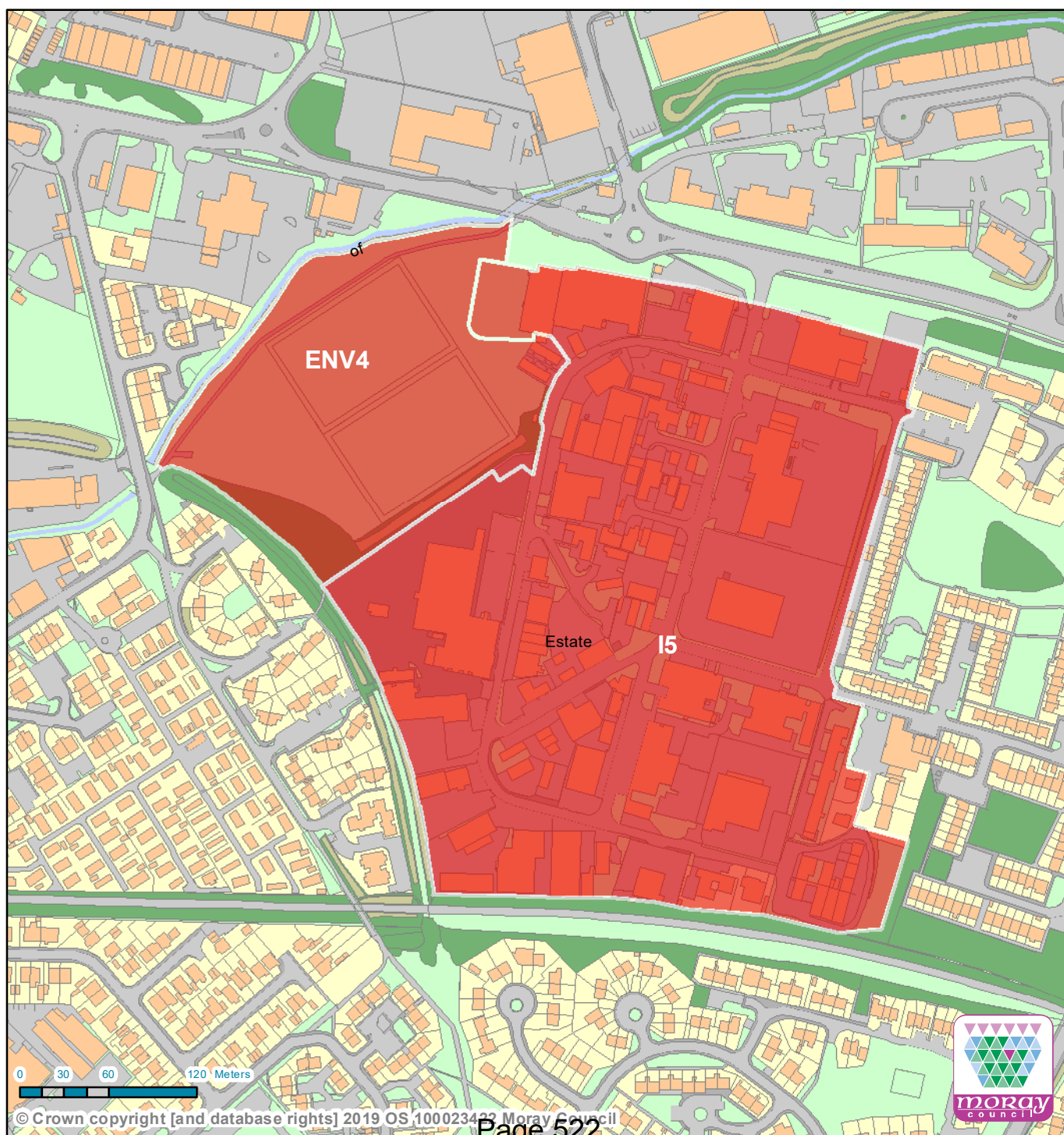
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DEVELOPMENT PLAN 2020

SCHEDULE: 7

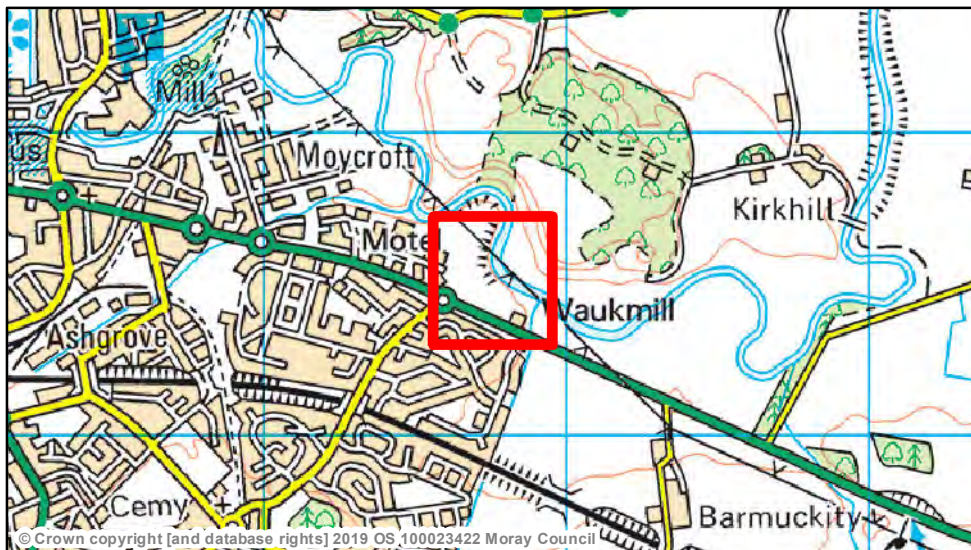


Center X: 322,948
Center Y: 862,391

NOT TO SCALE



I6 Linkwood East, Elgin



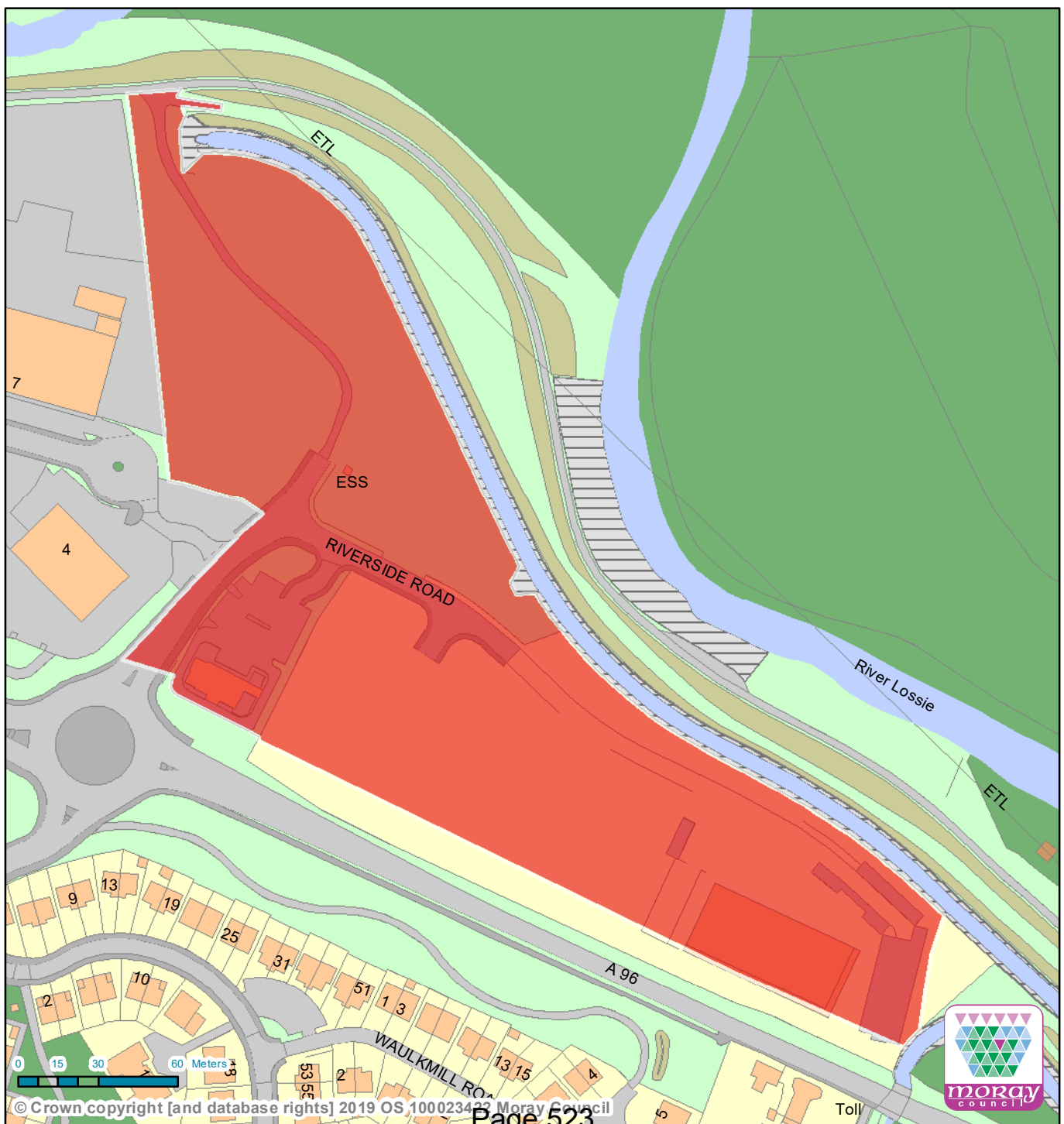
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

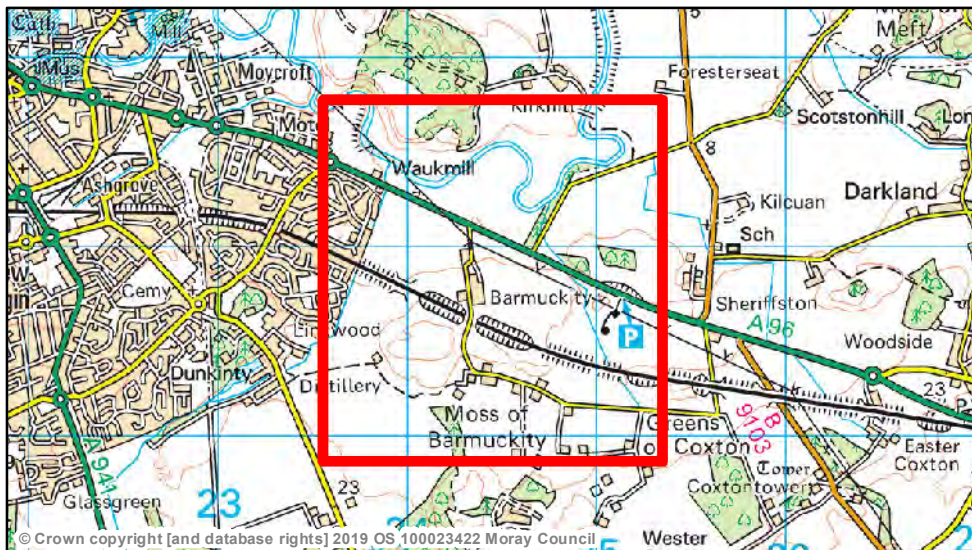


Center X: 323,757
Center Y: 862,510

NOT TO SCALE



17 Barmuckity Business Park, Elgin



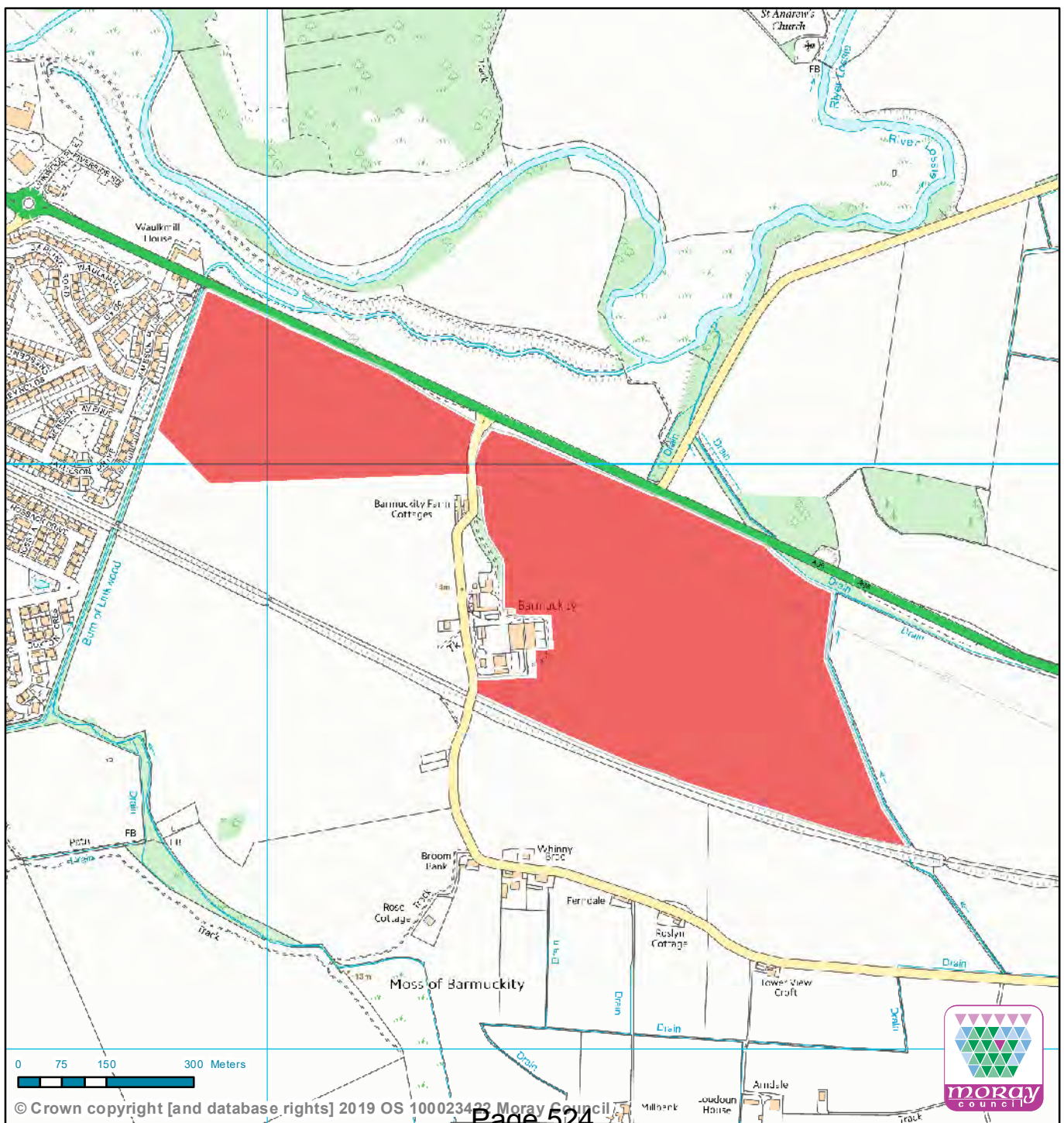
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

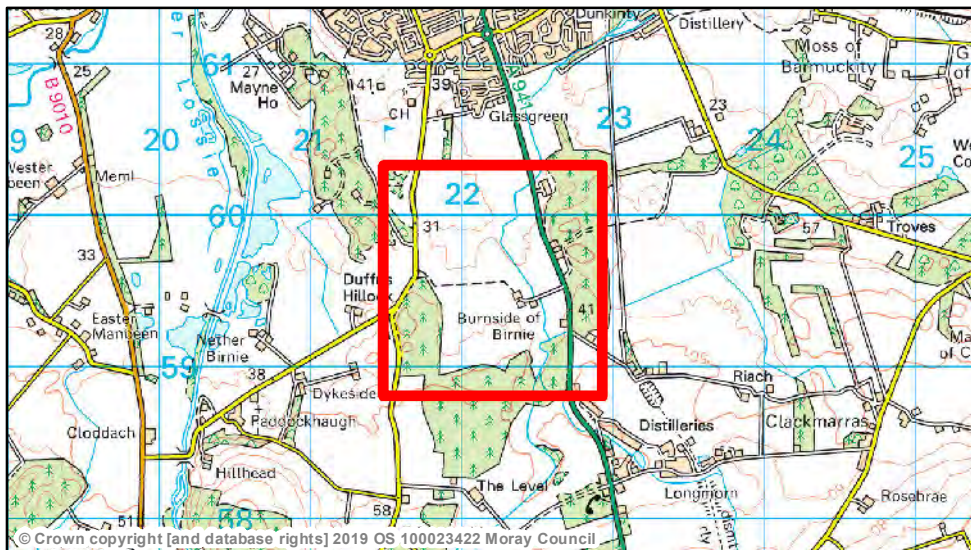


Center X: 324,452
Center Y: 861,821

NOT TO SCALE

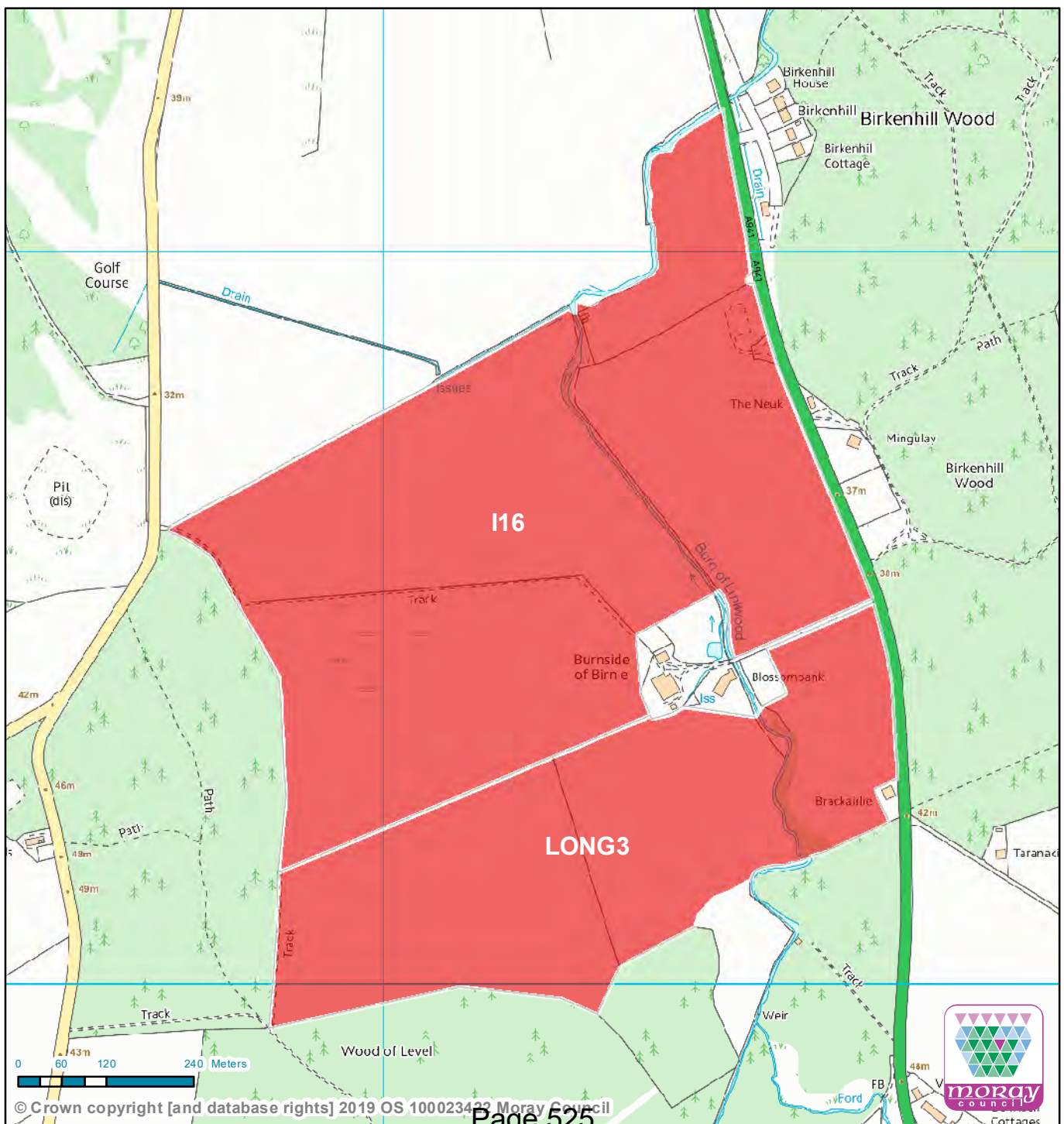


I16 Burnside of Birnie/LONG3 Burnside of Birnie, Elgin



Center X: 322,202
Center Y: 859,568

NOT TO SCALE



MU1 Riverview, Elgin



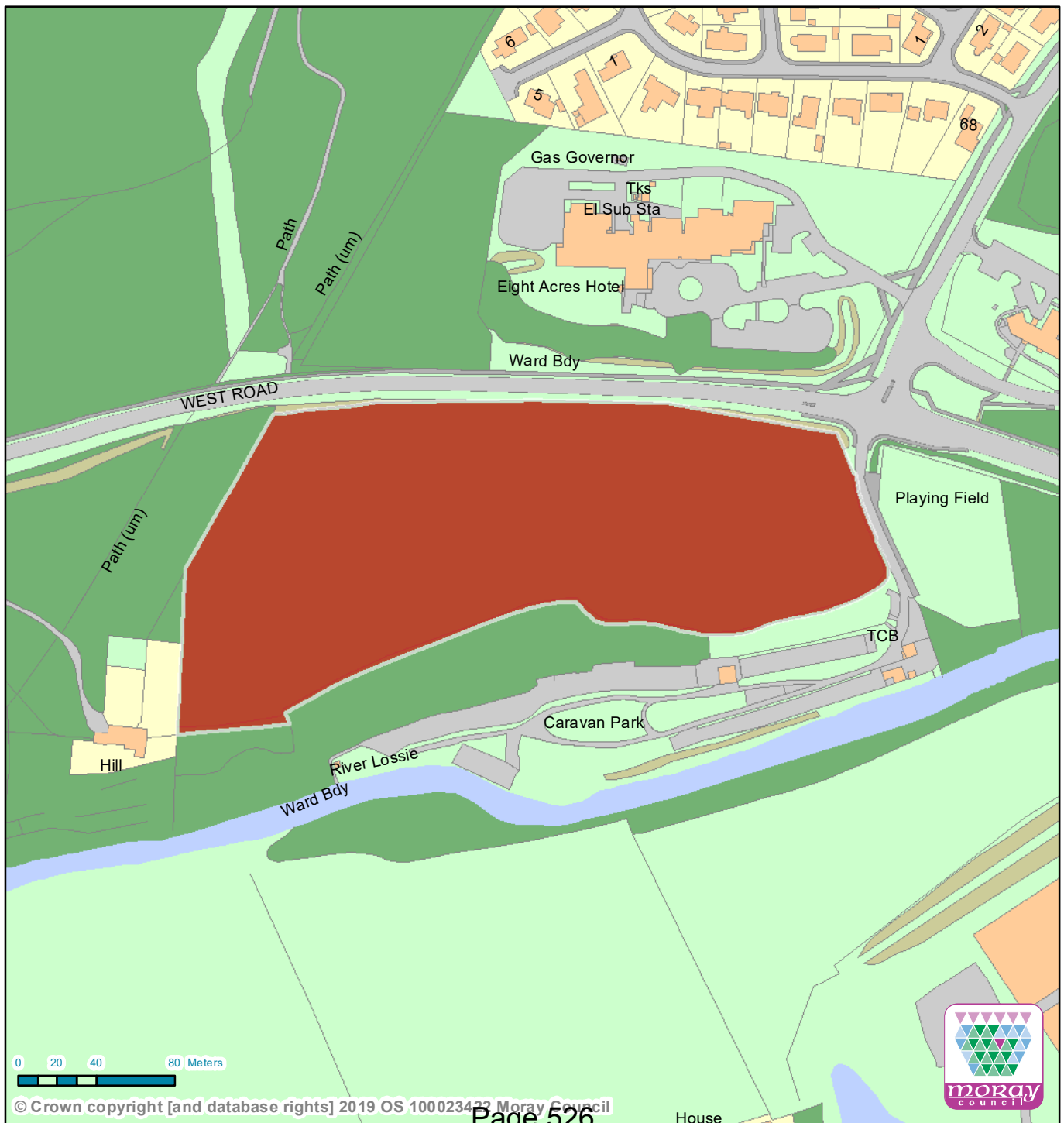
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

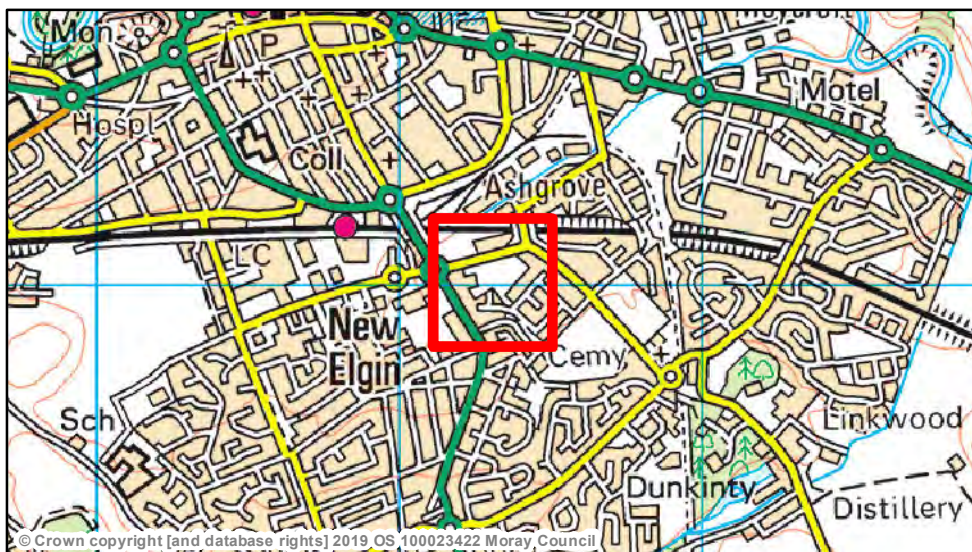


Center X: 319,630
Center Y: 862,765

NOT TO SCALE



OPP5 Auction Mart, Linkwood Road, Elgin



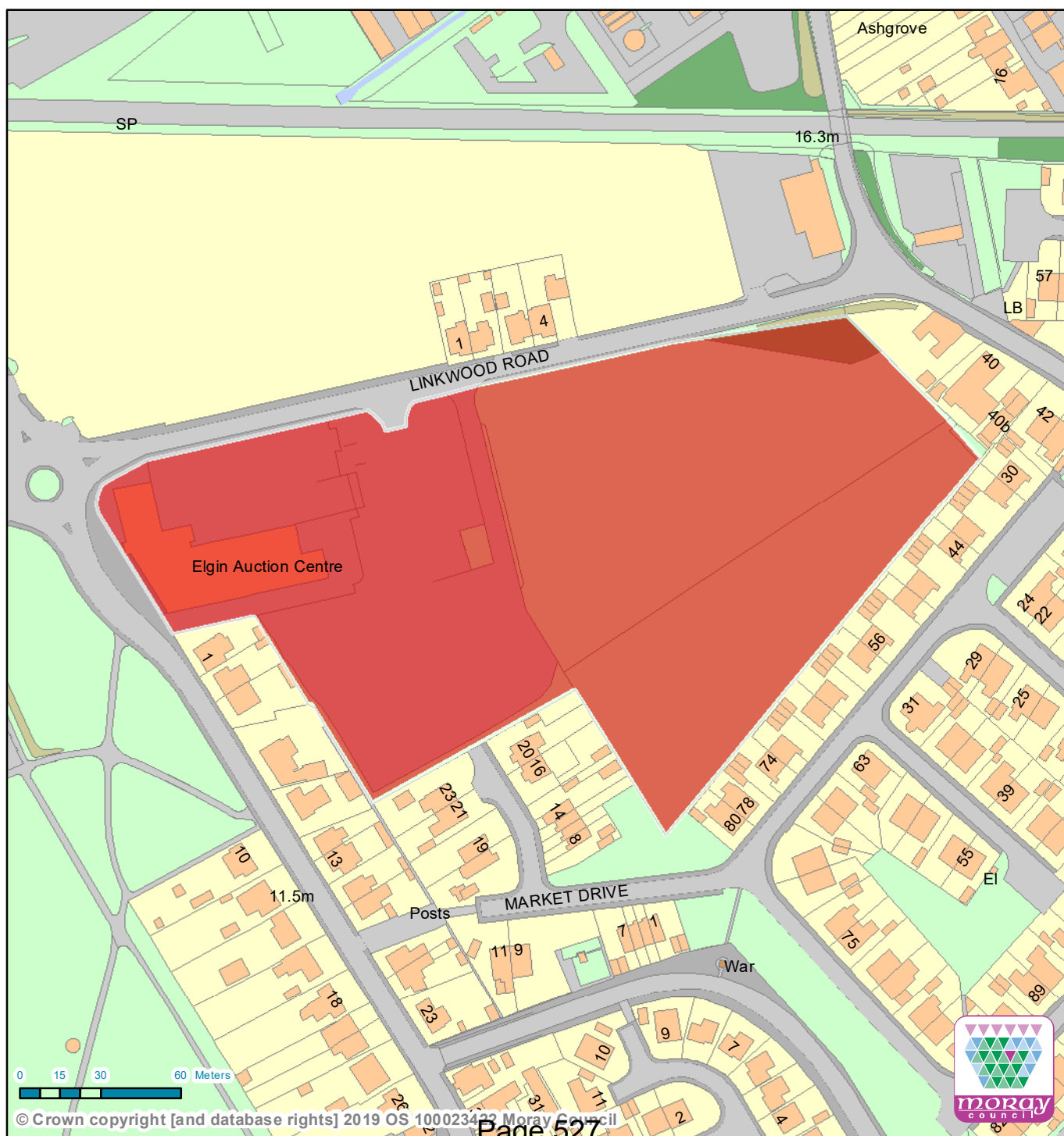
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

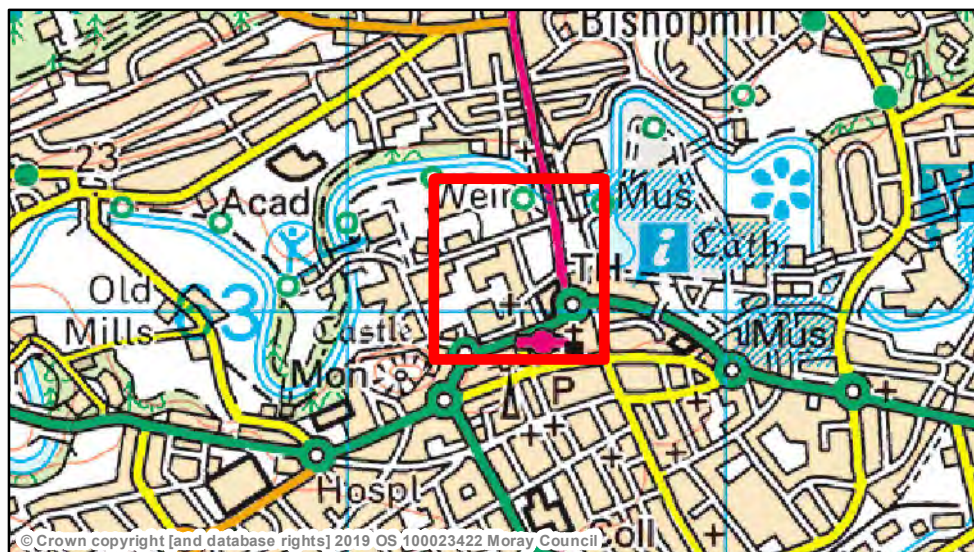


Center X: 322,309
Center Y: 862,008

NOT TO SCALE



OPP8 Lossie Green, Elgin



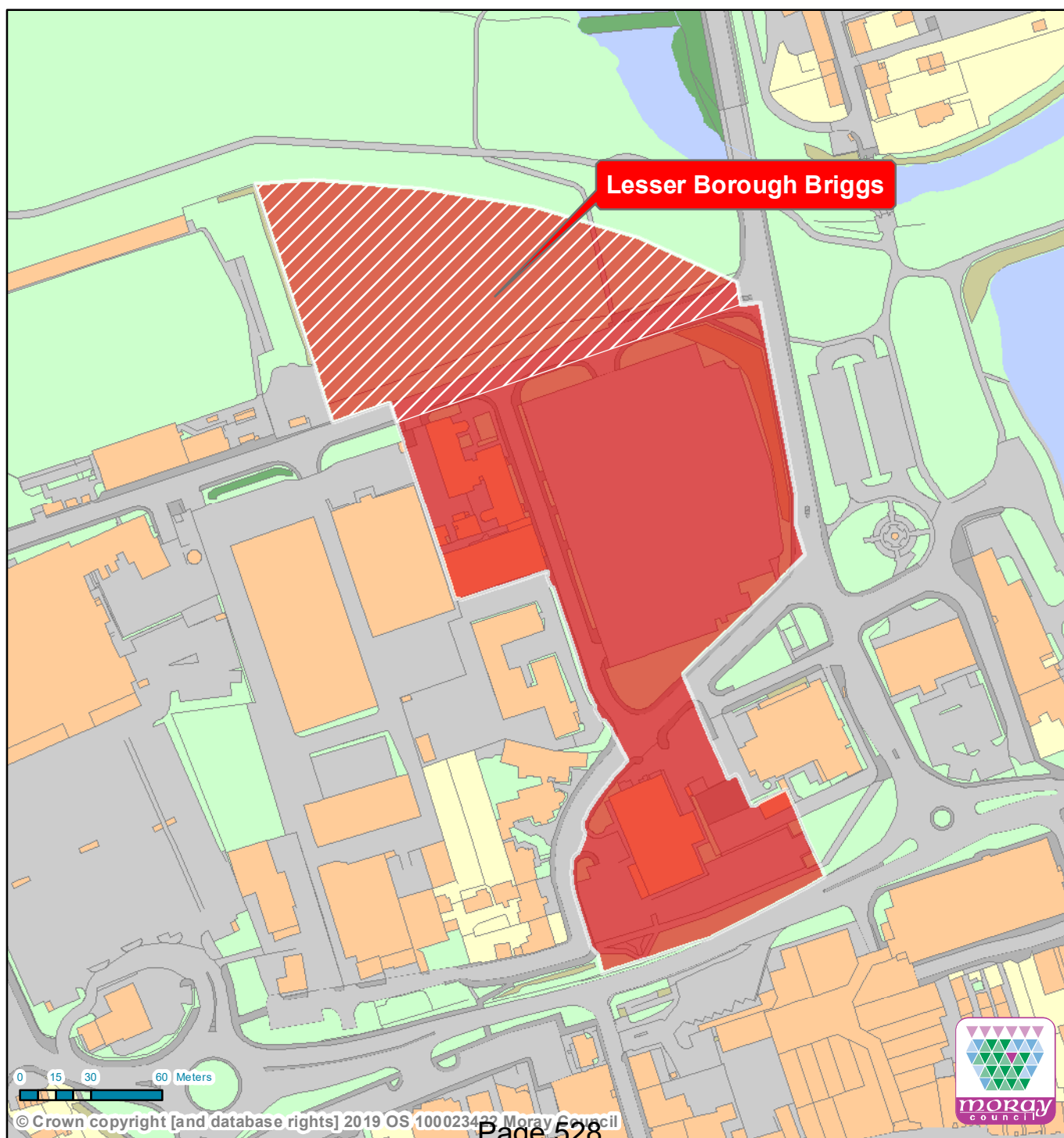
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

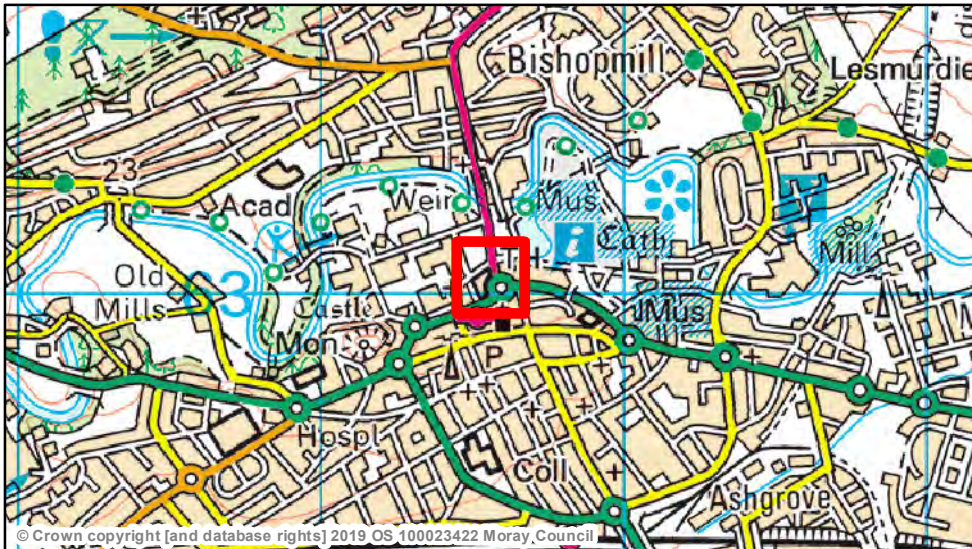


Center X: 321,454
Center Y: 863,111

NOT TO SCALE



OPP9 Town Hall, Elgin



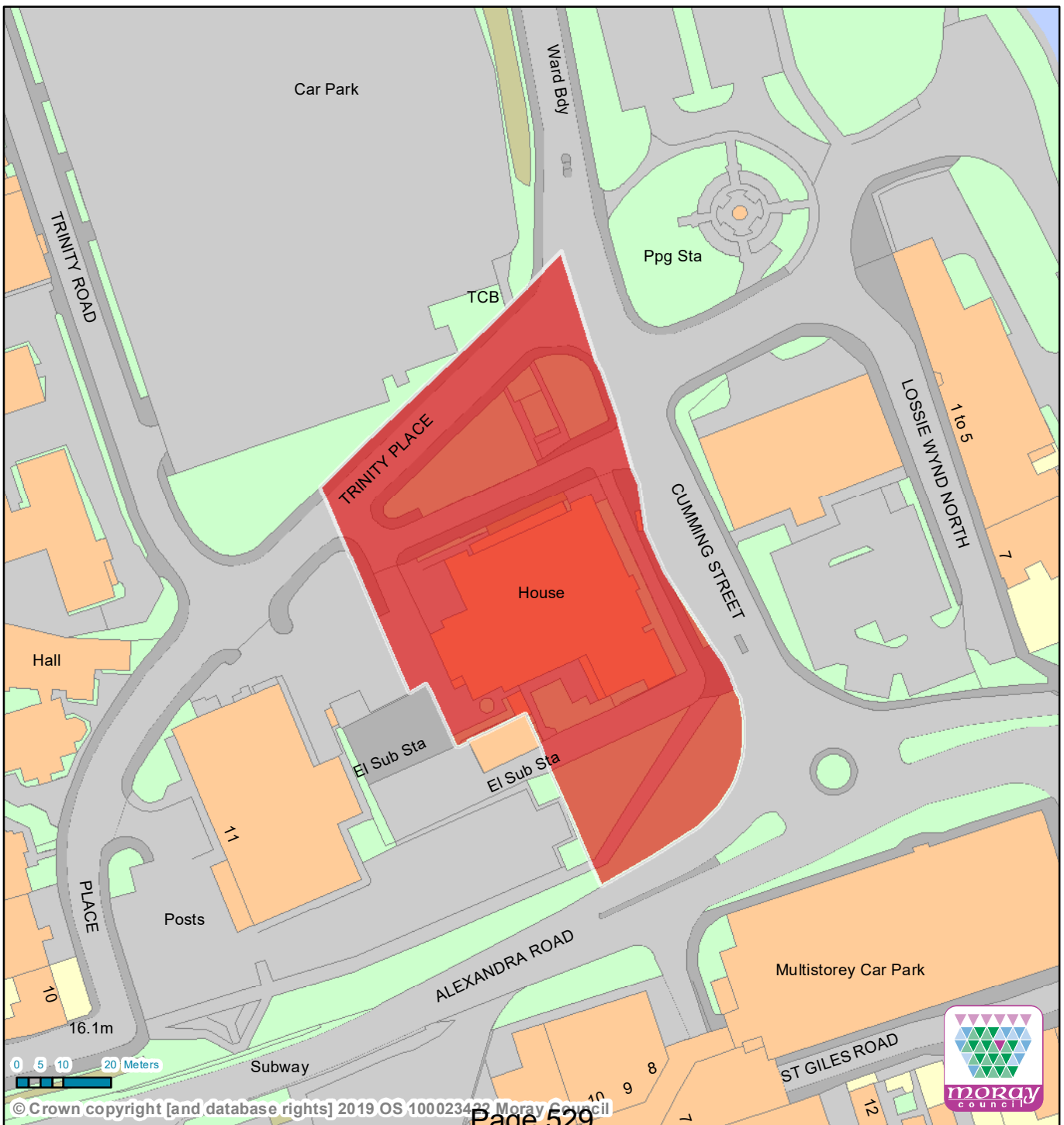
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

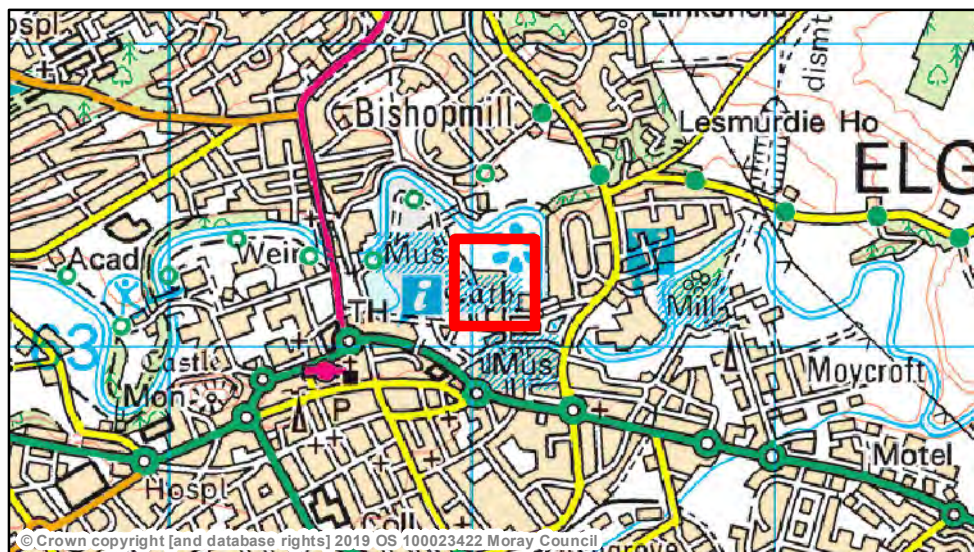


Center X: 321,560
Center Y: 863,052

NOT TO SCALE



OPP11 Walled Garden, Elgin



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

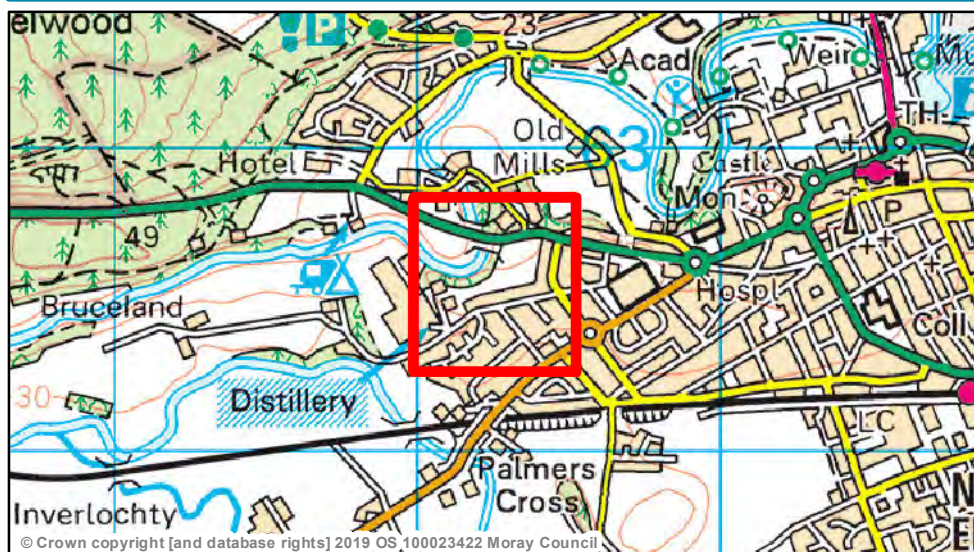


Center X: 322,076
Center Y: 863,212

NOT TO SCALE



Not Taken Forward - EL4 Hattonhill



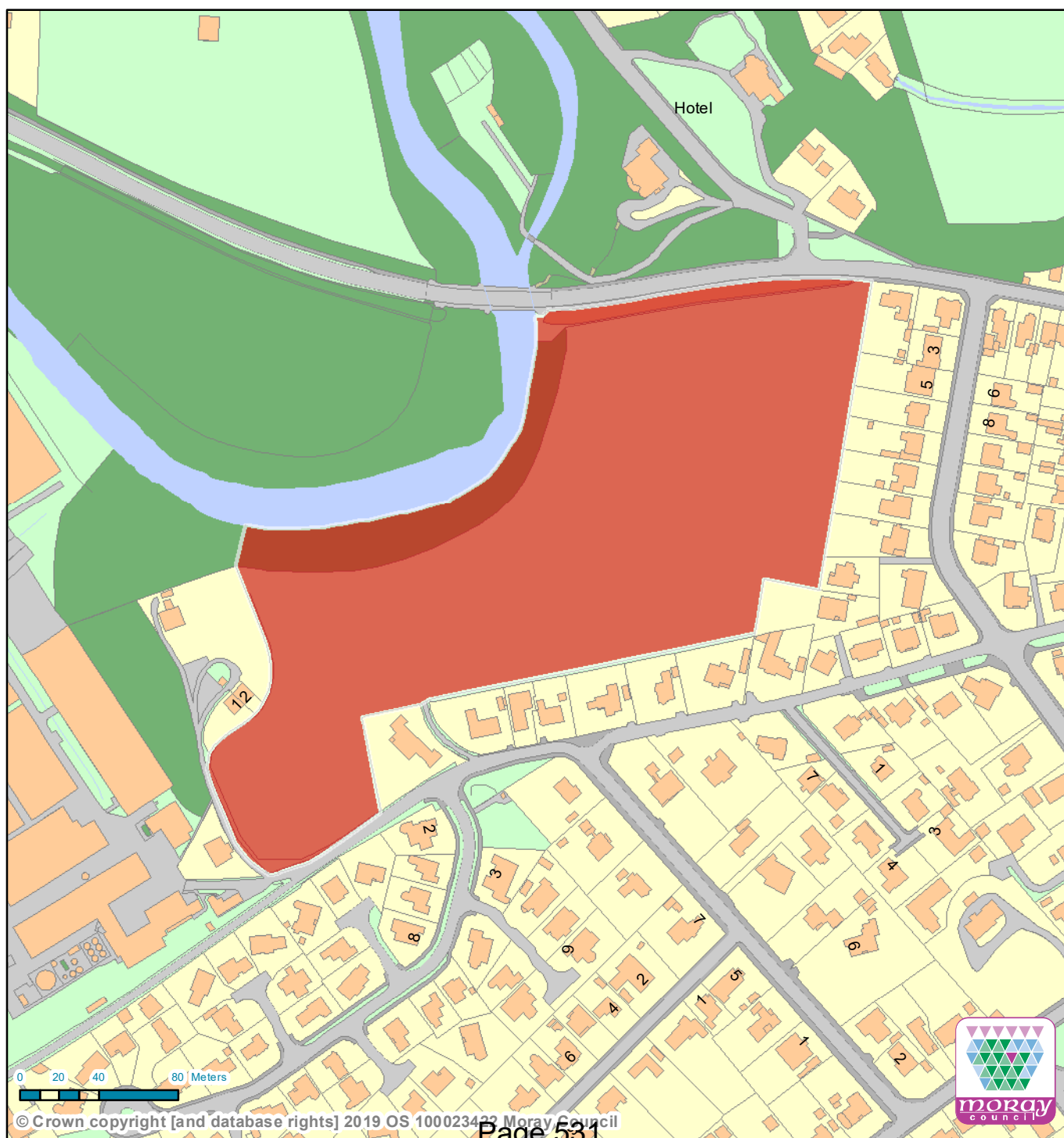
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

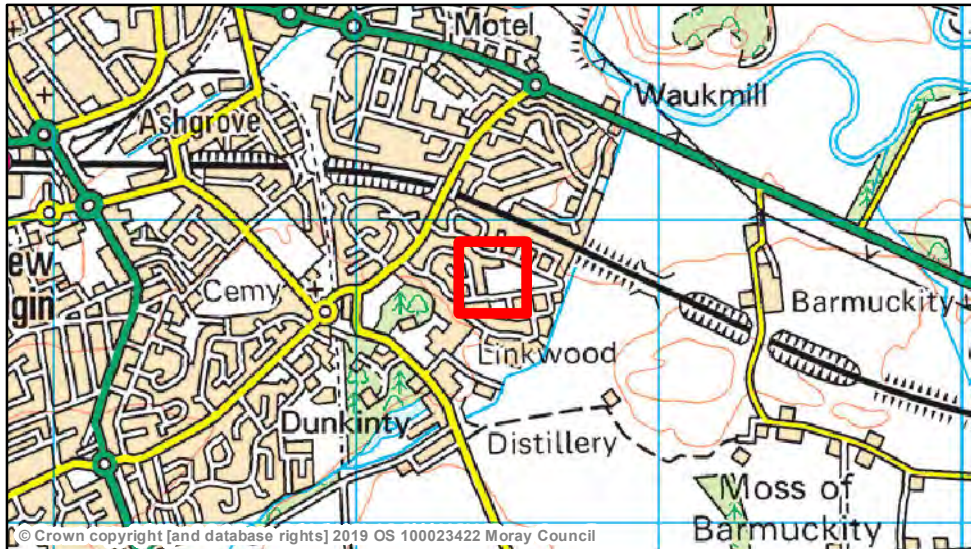


Center X: 320,255
Center Y: 862,549

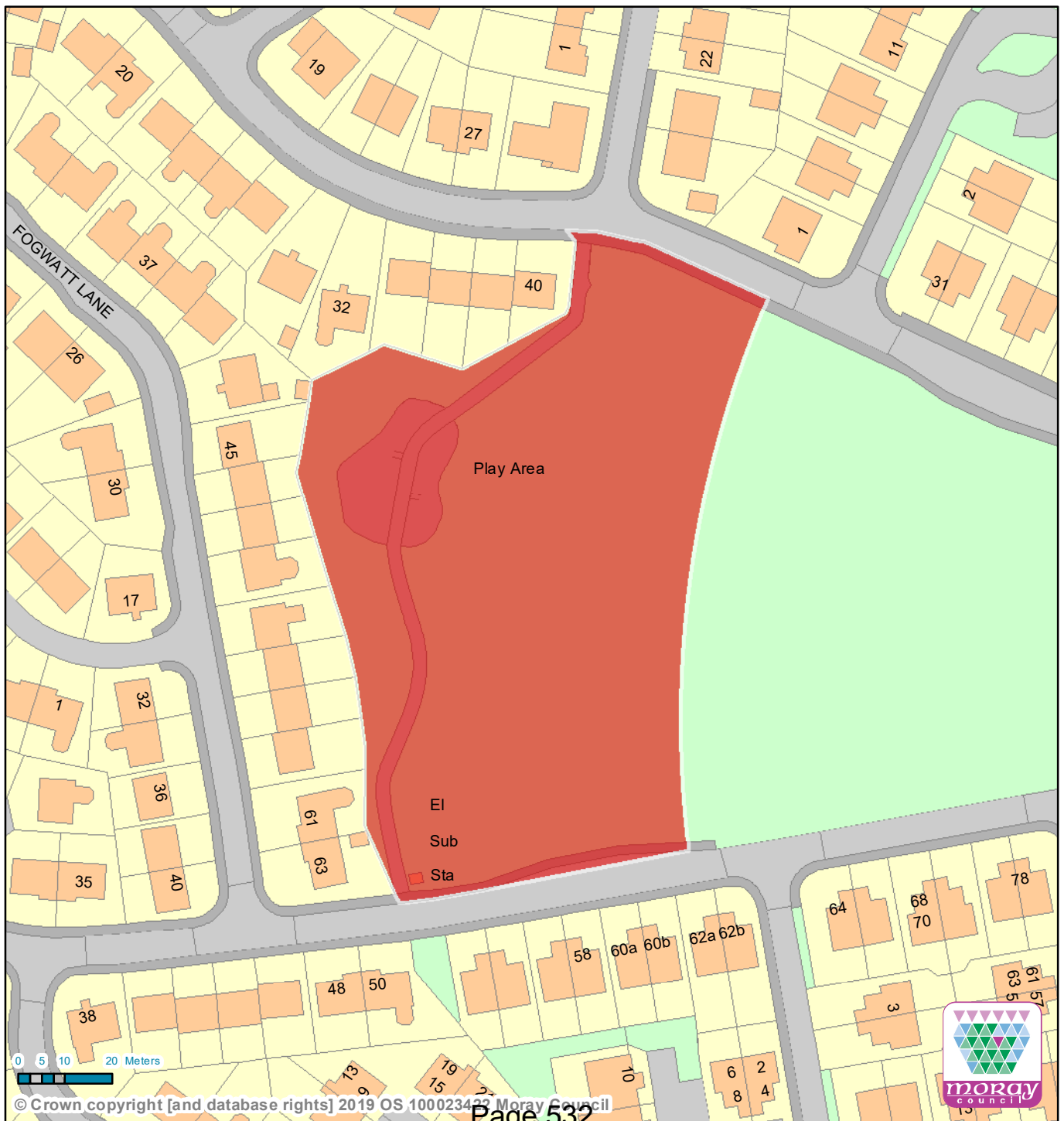
NOT TO SCALE



Not Taken Forward -EL16 Bain Avenue



Center X: 323,450
Center Y: 861,810



Not Taken Forward - EL5 Oldmills Road



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 7

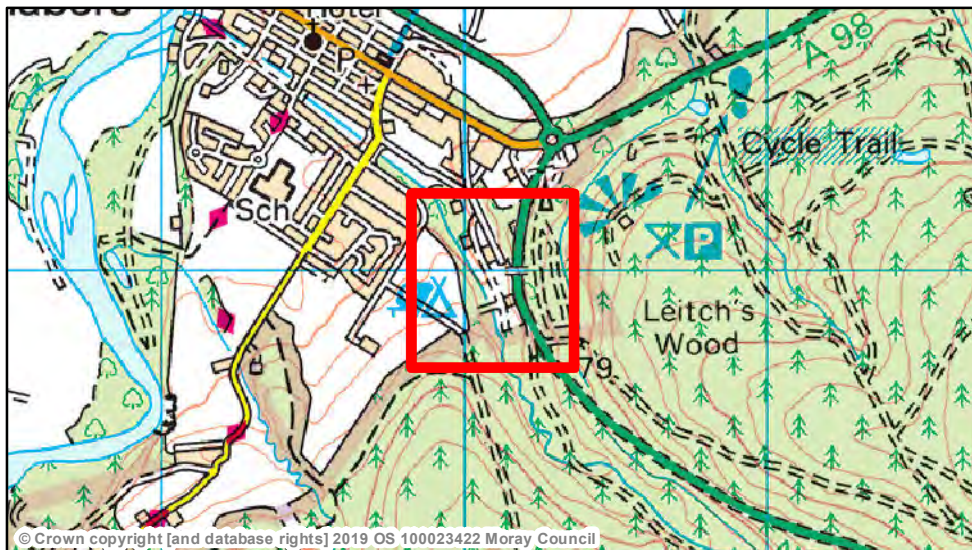


Center X: 320,357
Center Y: 862,933

NOT TO SCALE



T1 Caravan Site, Fochabers



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

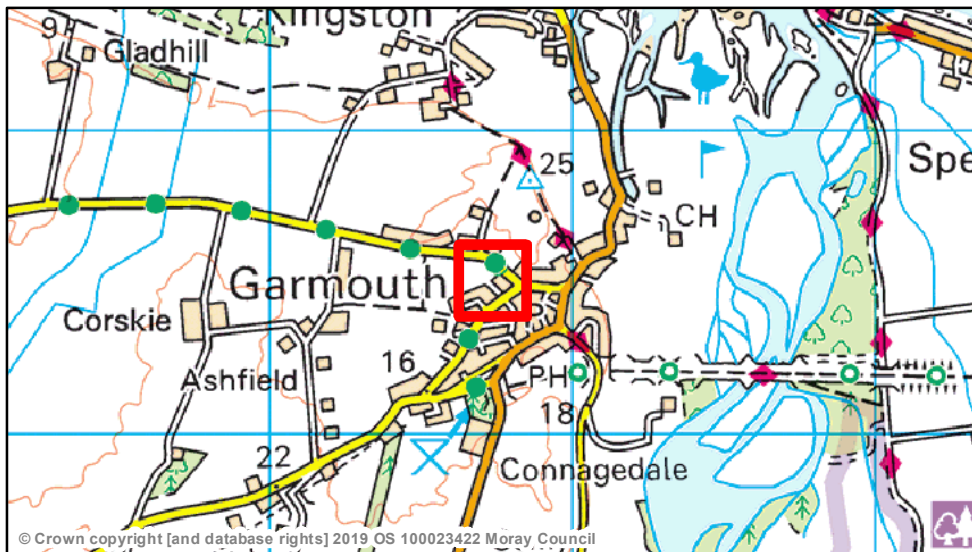


Center X: 335,093
Center Y: 857,967

NOT TO SCALE



R1 South of Innes Road, Garmouth



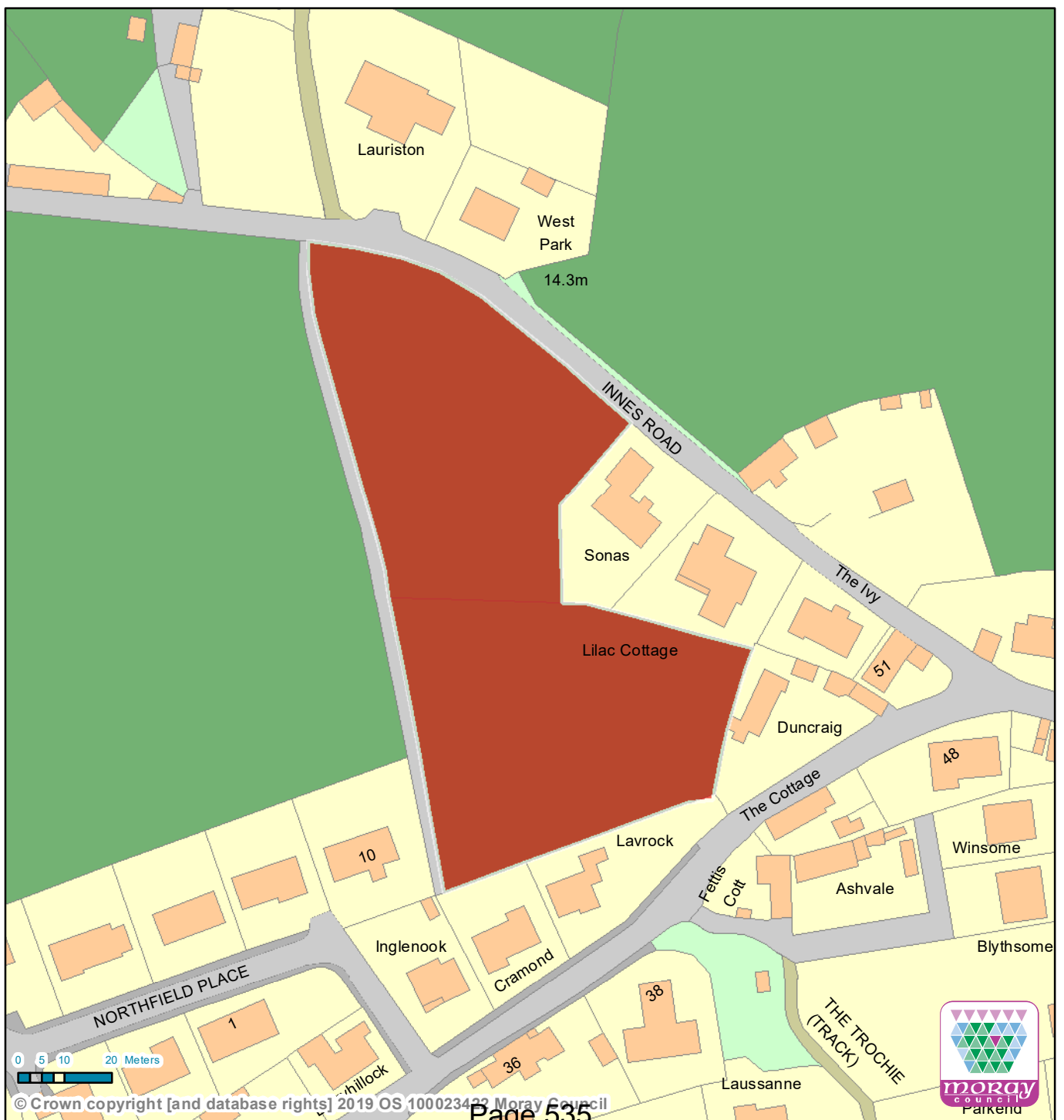
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

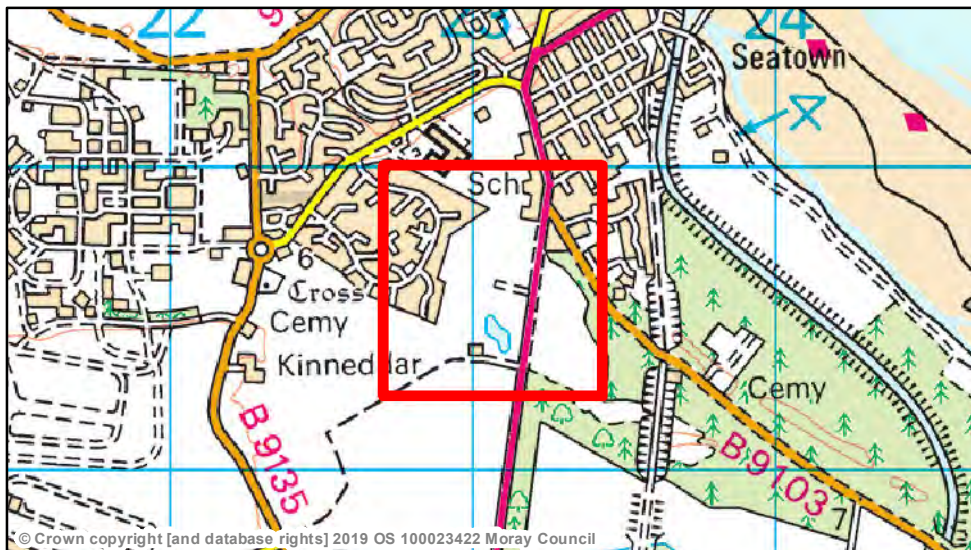


Center X: 333,737
Center Y: 864,505

NOT TO SCALE



OPP1 Sunbank, Lossiemouth



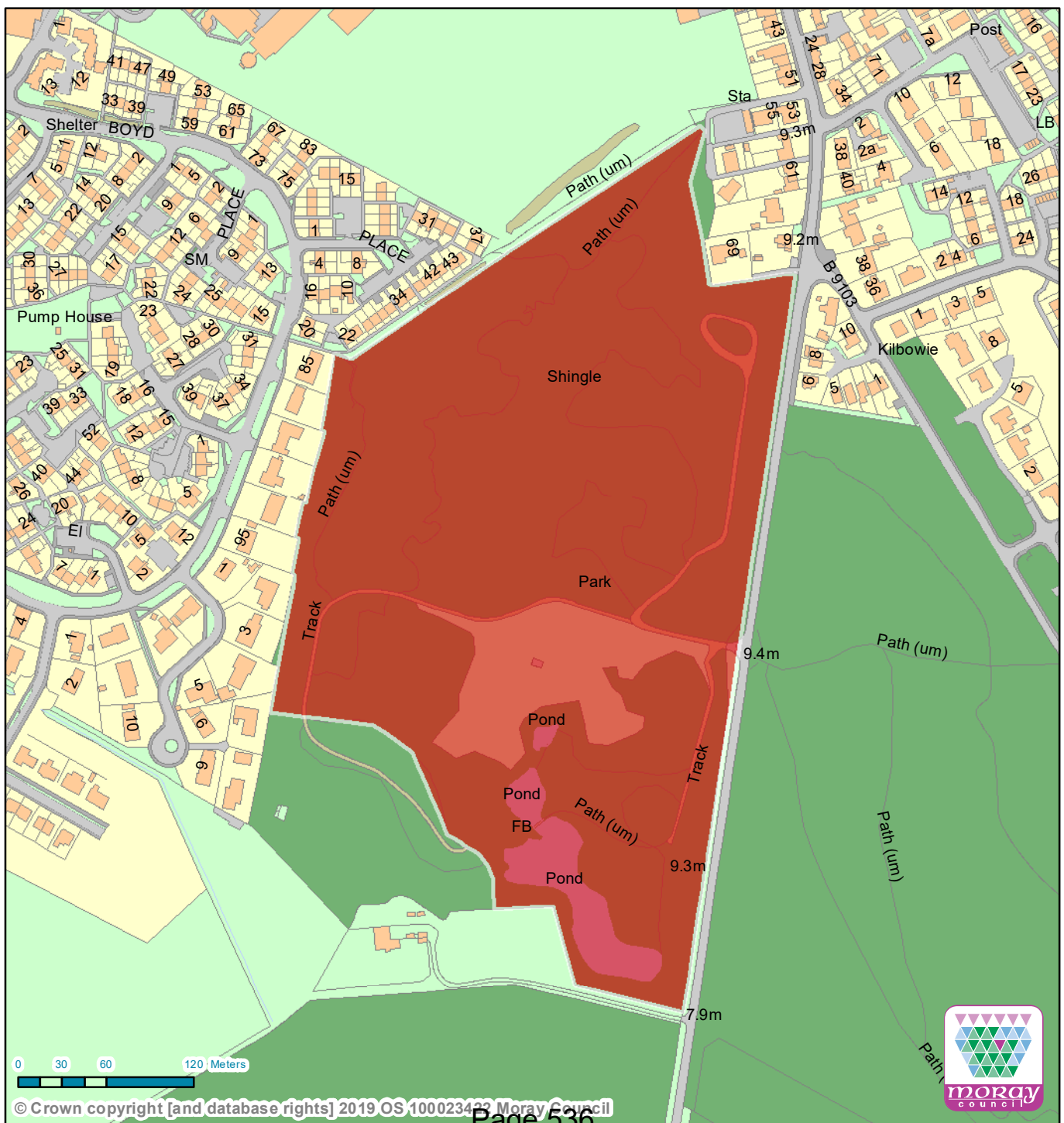
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

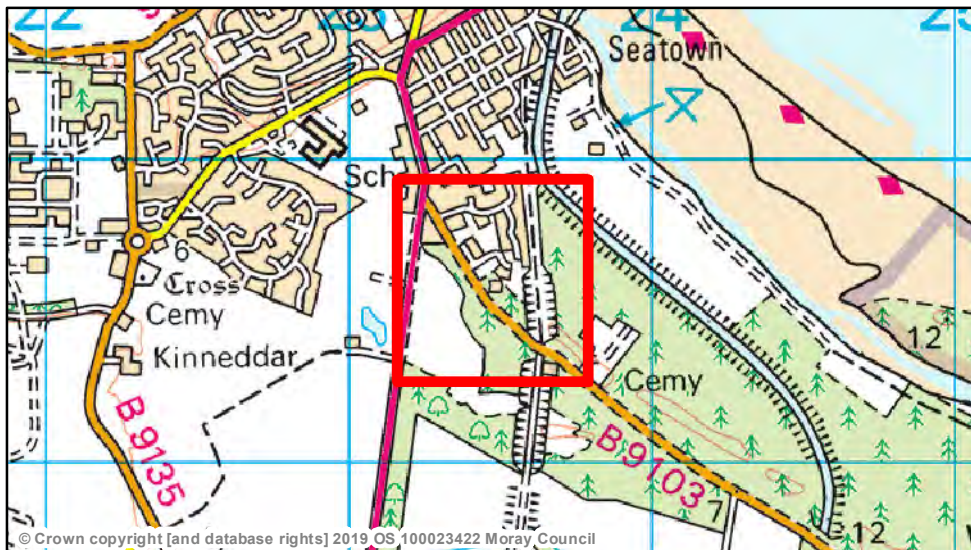


Center X: 323,066
Center Y: 869,625

NOT TO SCALE



R3 Inchbroom, Lossiemouth



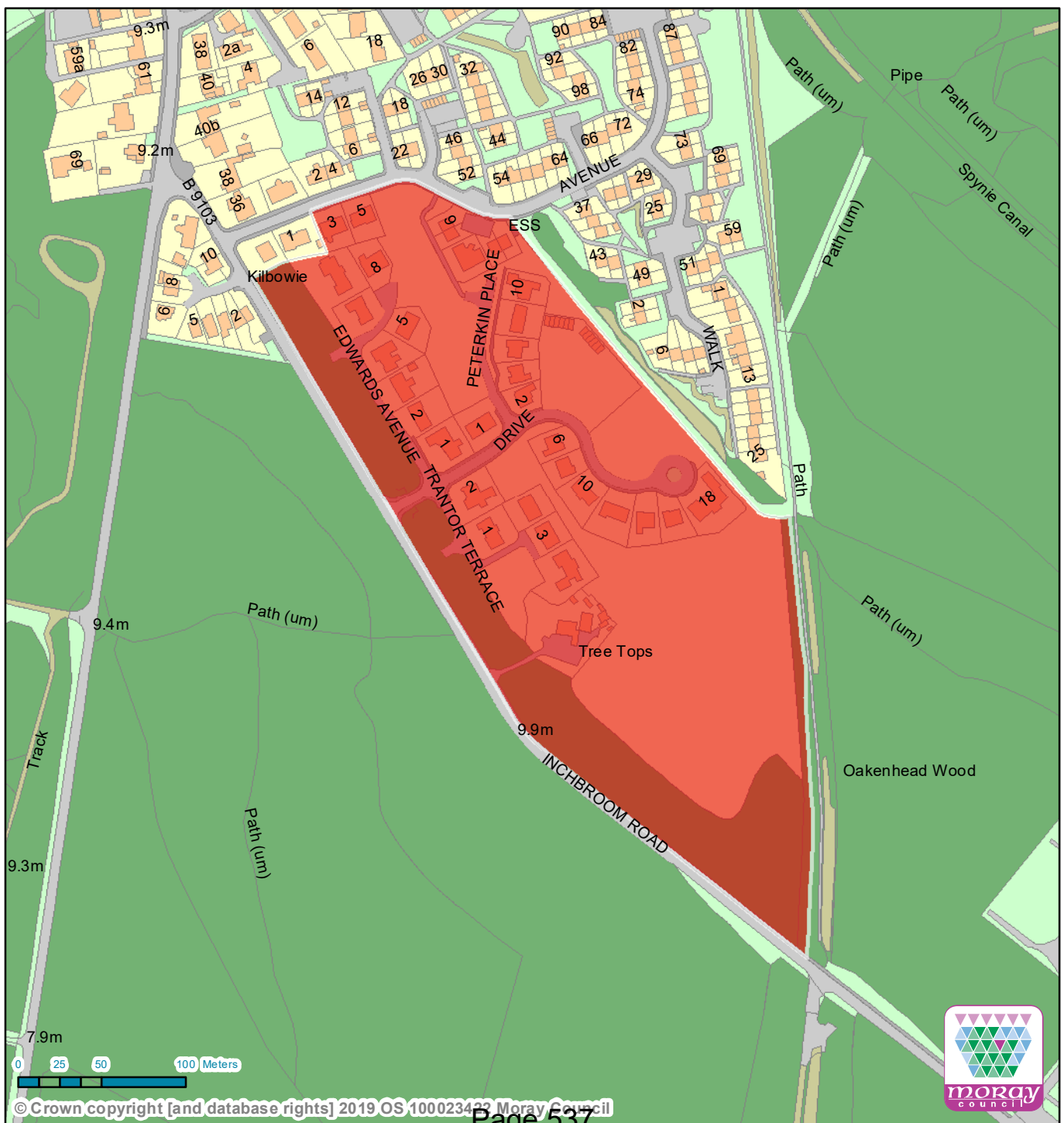
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

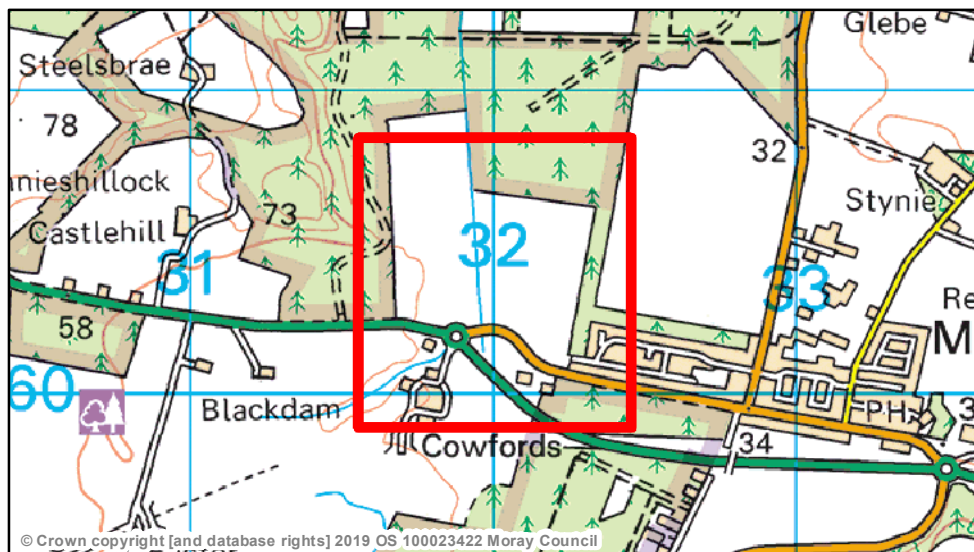


Center X: 323,474
Center Y: 869,599

NOT TO SCALE



I3/LONG2 West of Mosstodloch



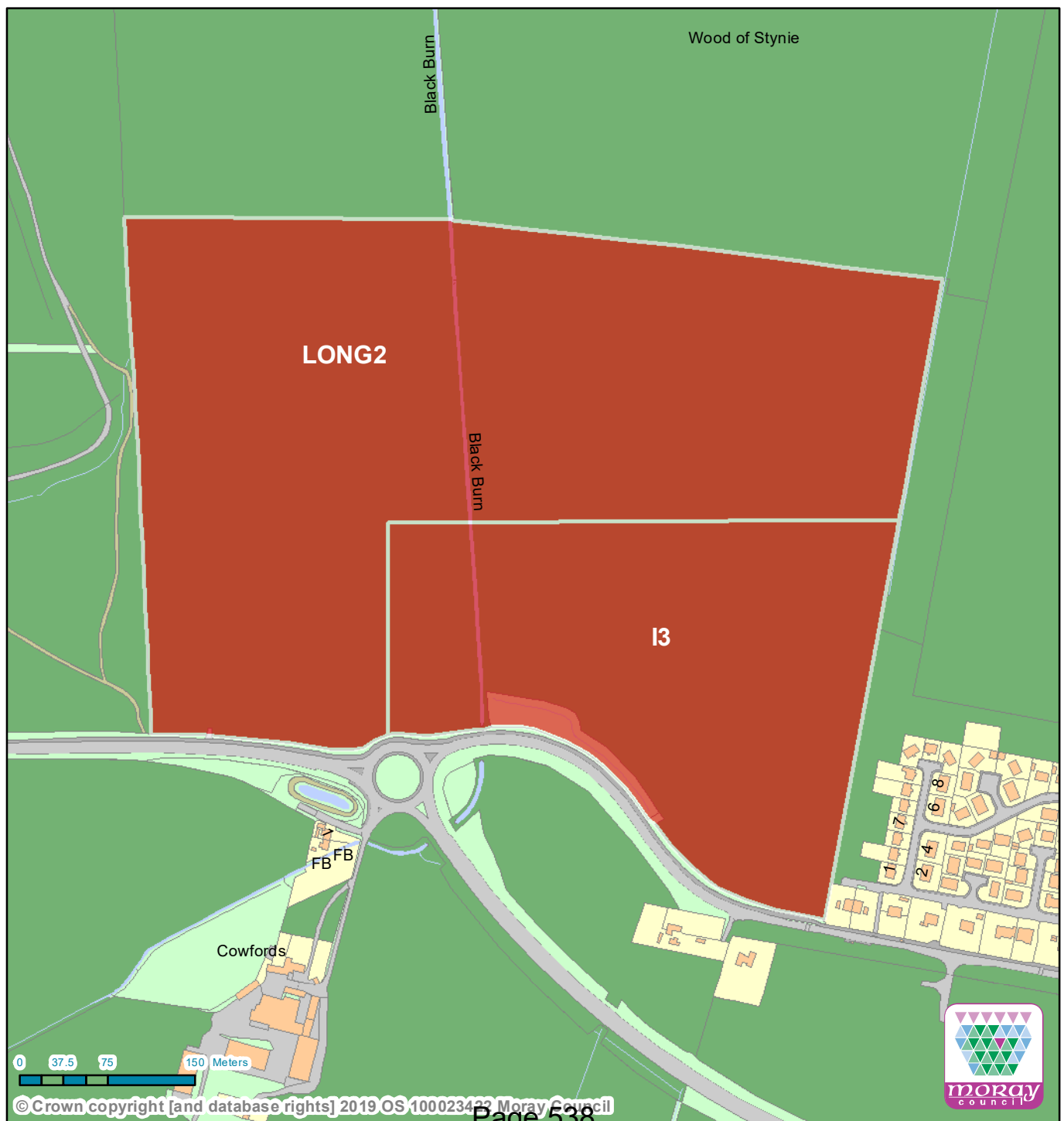
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

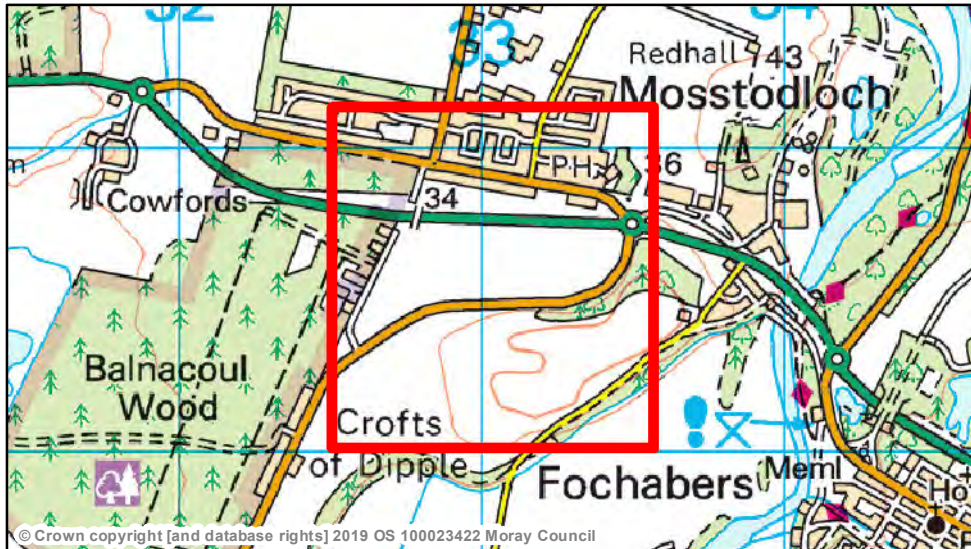


Center X: 332,005
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NOT TO SCALE



MU LONG 1 South of A96 Mosstodloch



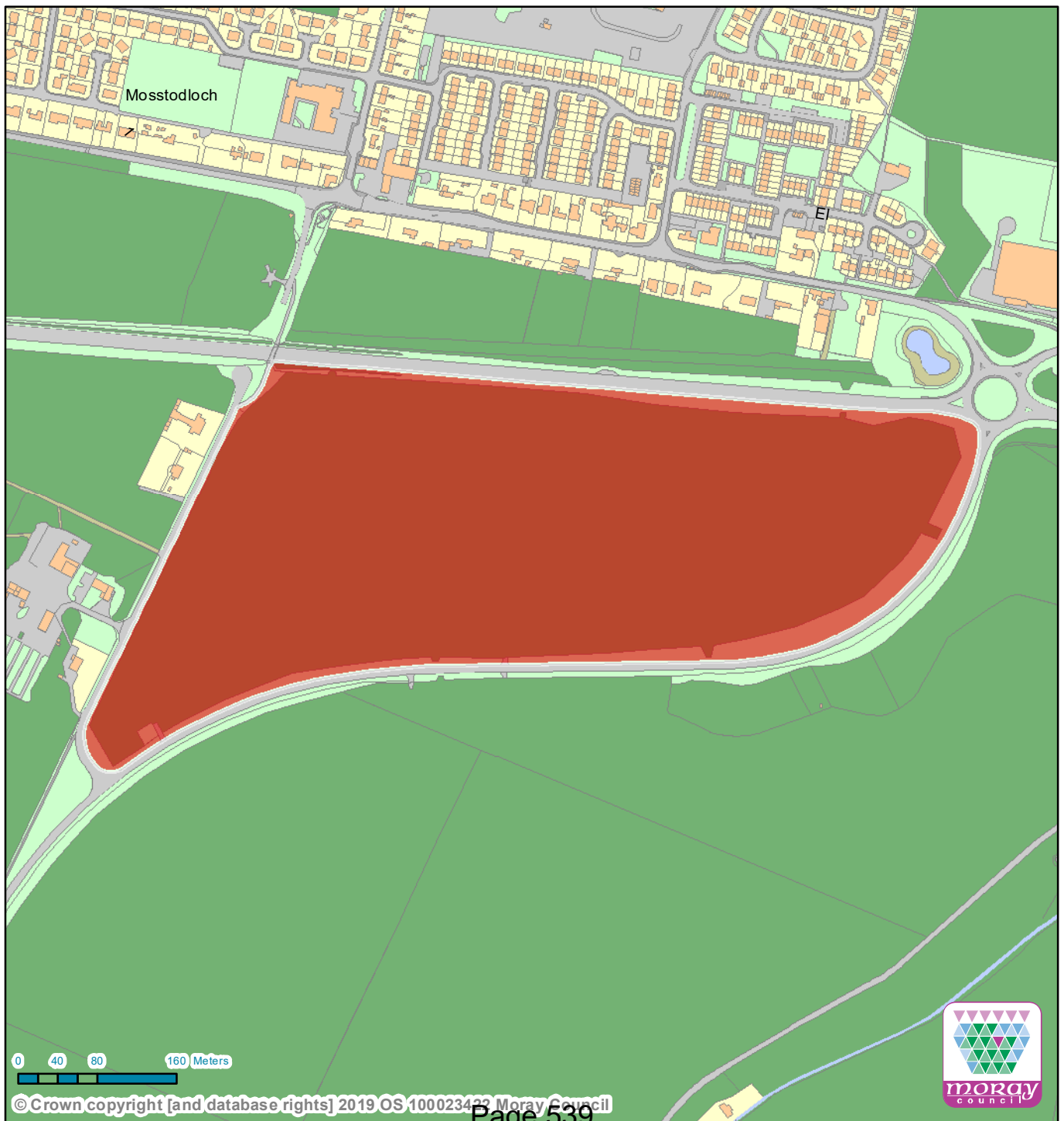

MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

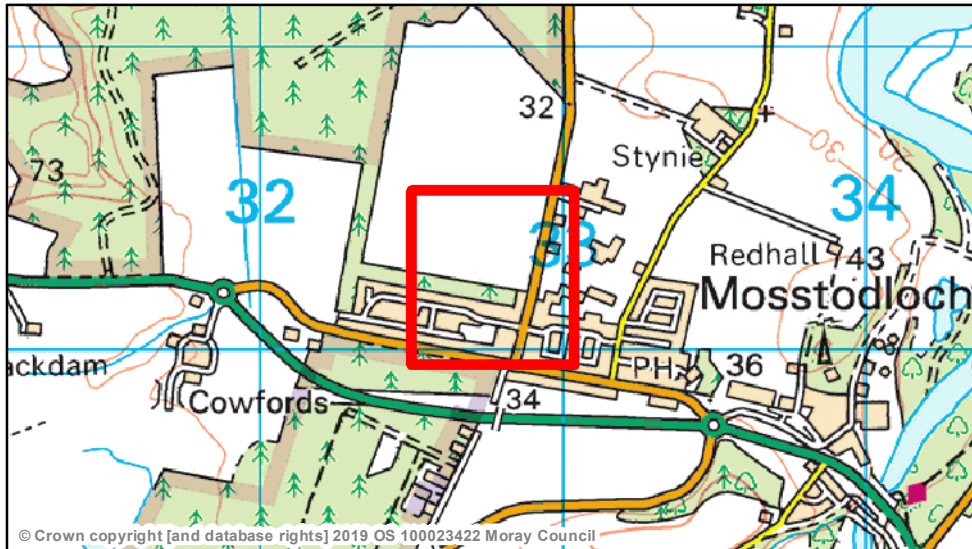


Center X: 333,036
Center Y: 859,574

NOT TO SCALE



R2 Garmouth Road, Mosstodloch



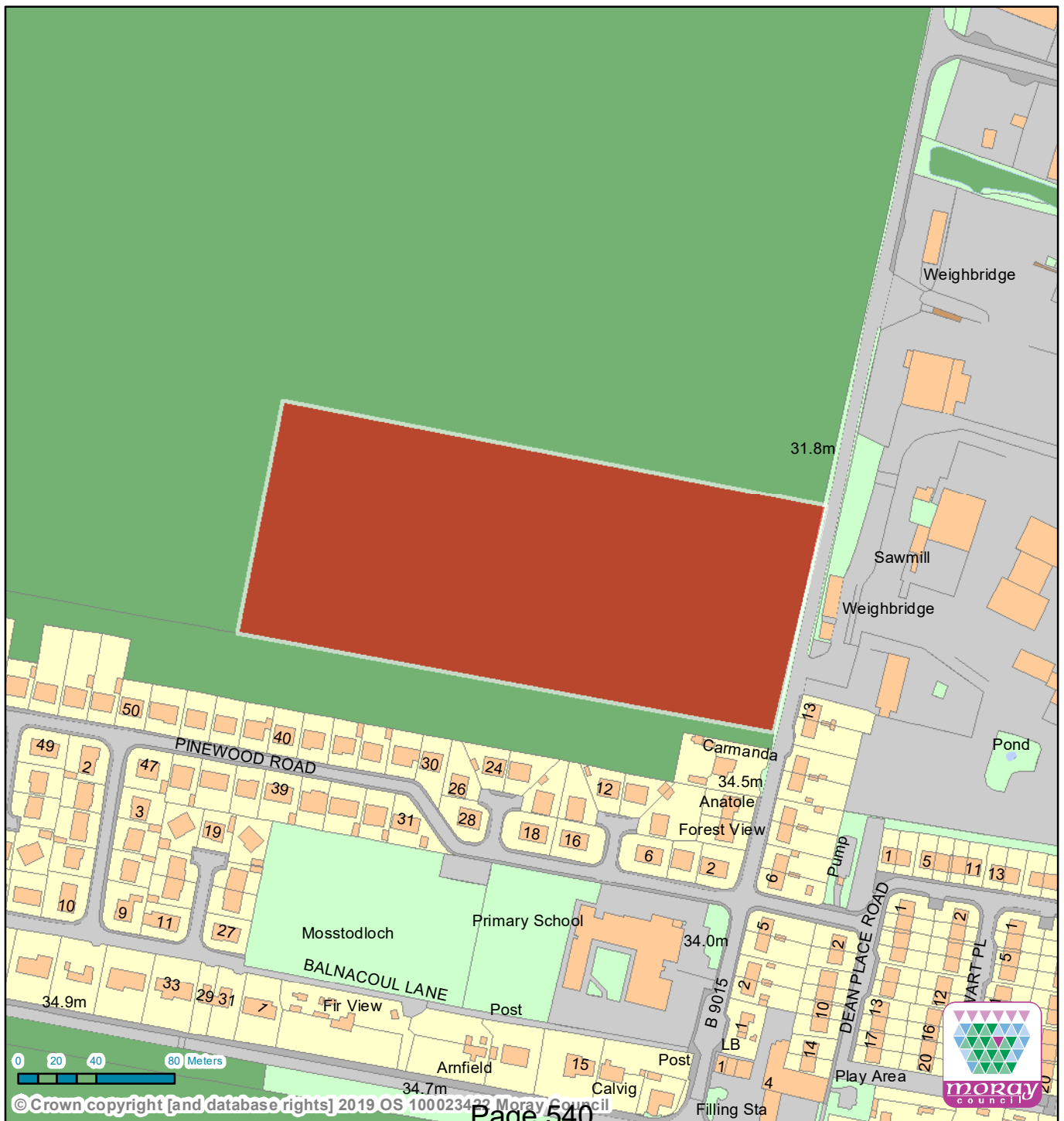
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

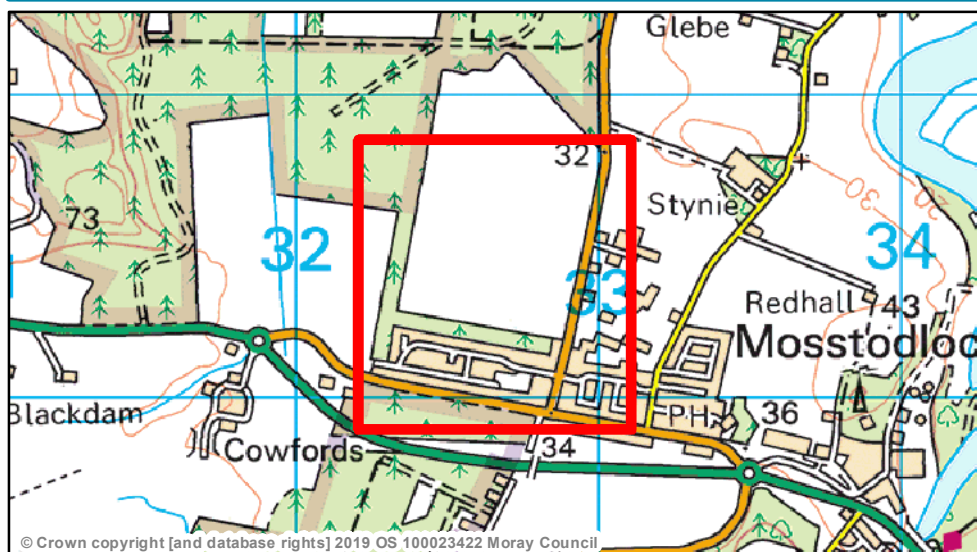


Center X: 332,767
Center Y: 860,238

NOT TO SCALE



MSNA – New Site, West of James Jones including R2, Mosstodloch



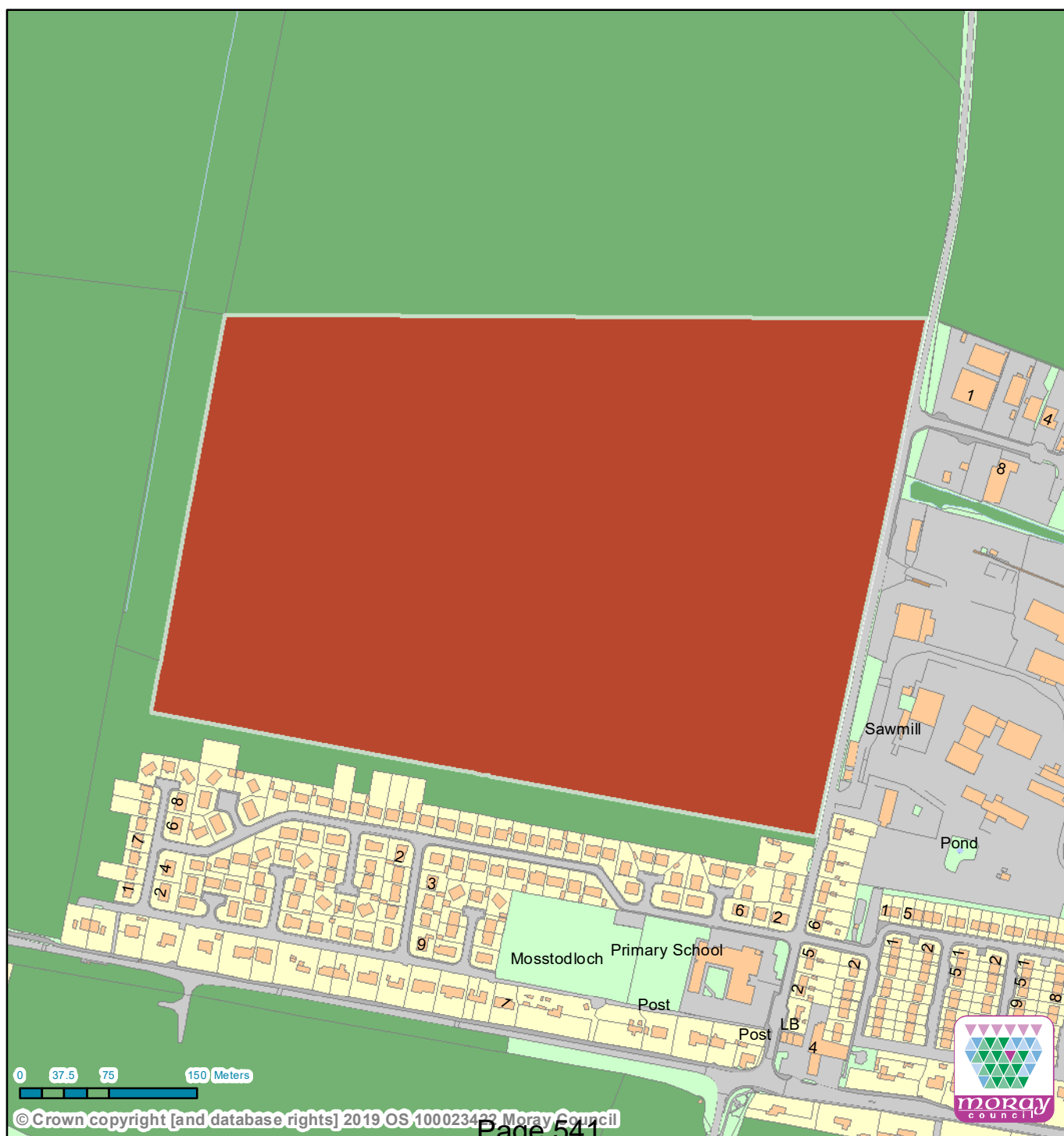
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

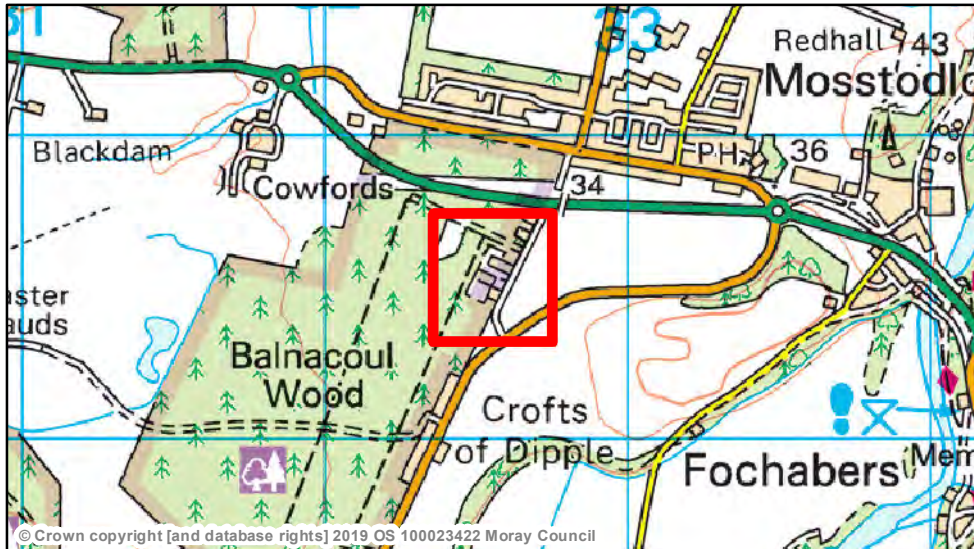


Center X: 332,657
Center Y: 860,373

NOT TO SCALE



R3 Balnacoul, Mosstodloch



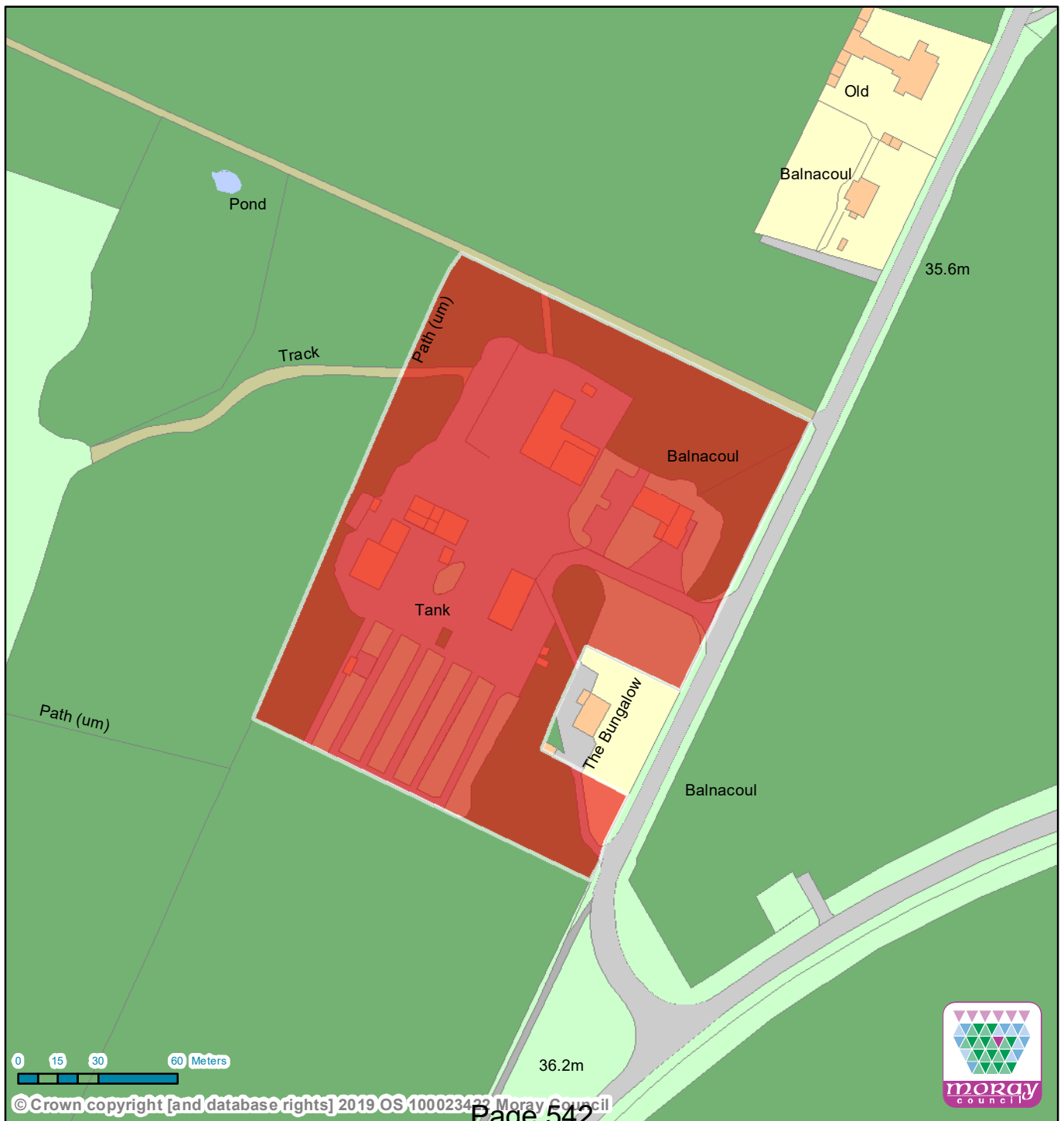
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

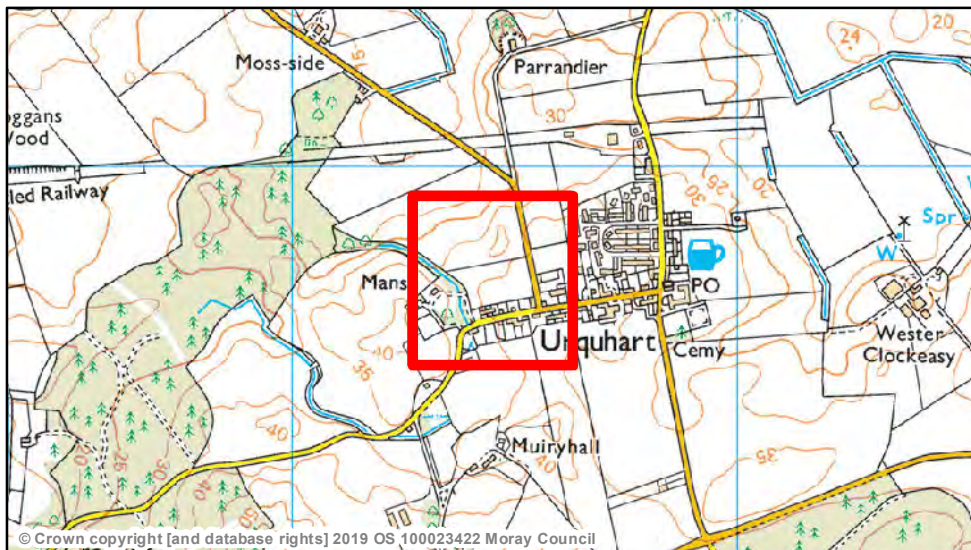


Center X: 332,554
Center Y: 859,531

NOT TO SCALE



R1/LONG1 Meft Road, Urquhart



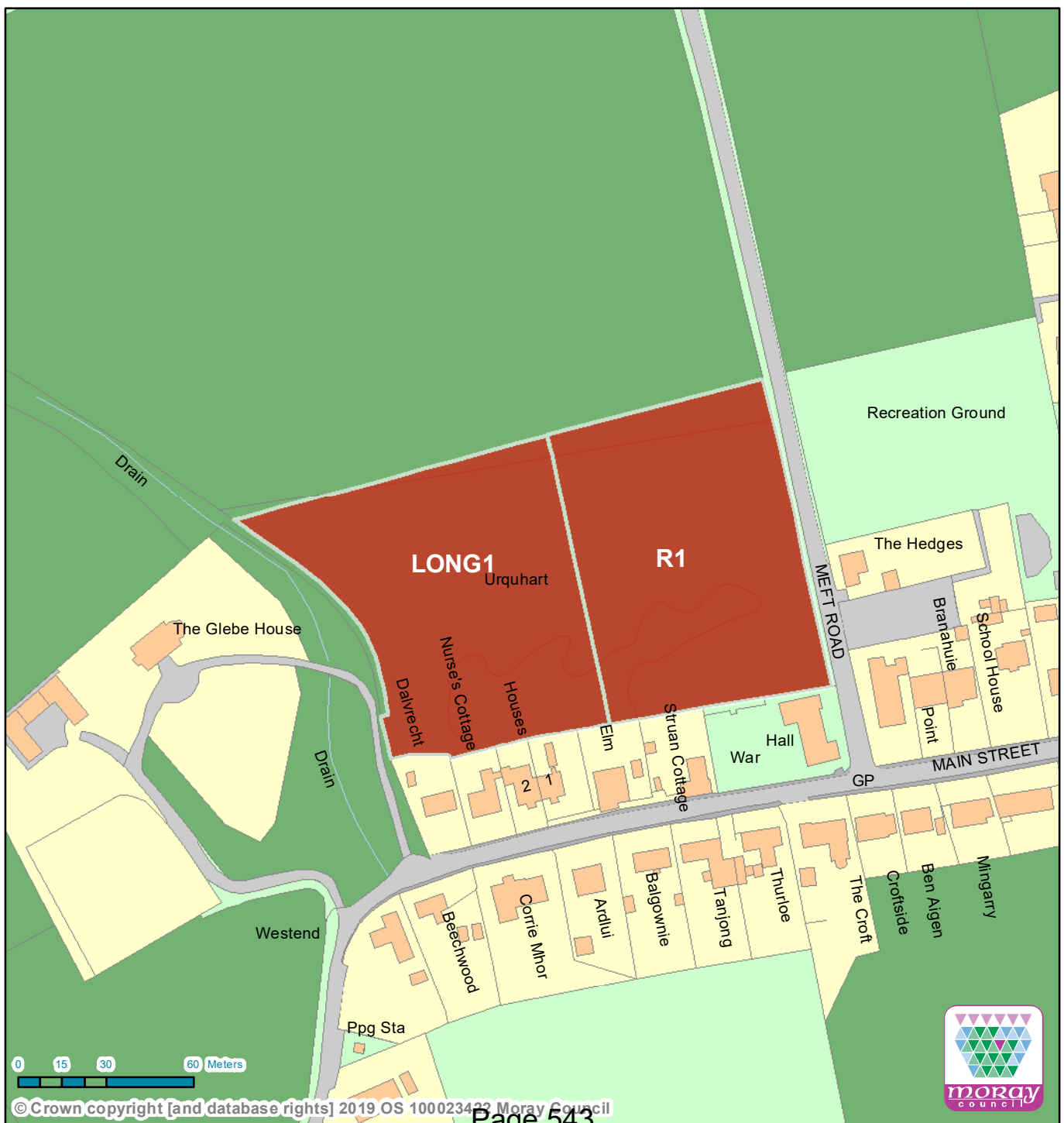
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

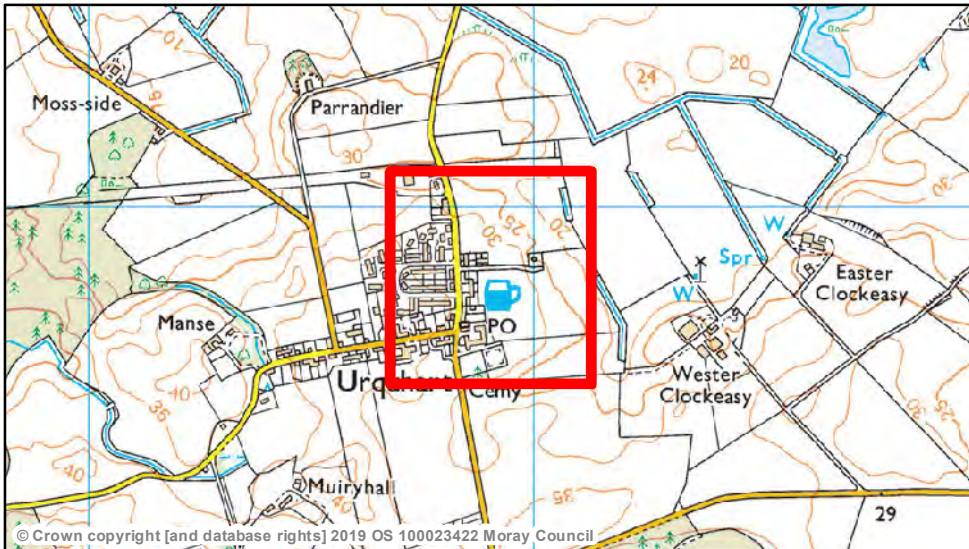


Center X: 328,451
Center Y: 862,745

NOT TO SCALE



R2/LONG2 Station Road, Urquhart



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 8

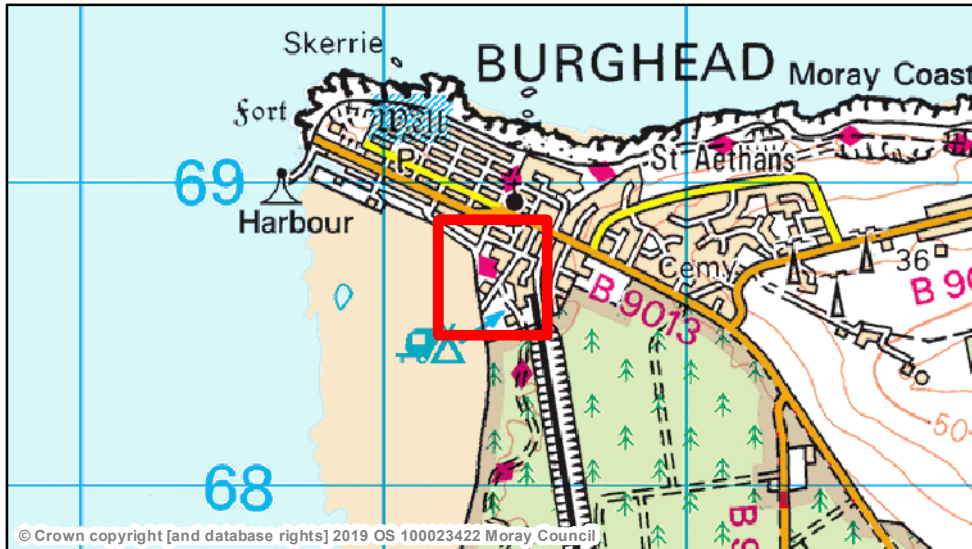


Center X: 328,904
Center Y: 862,843

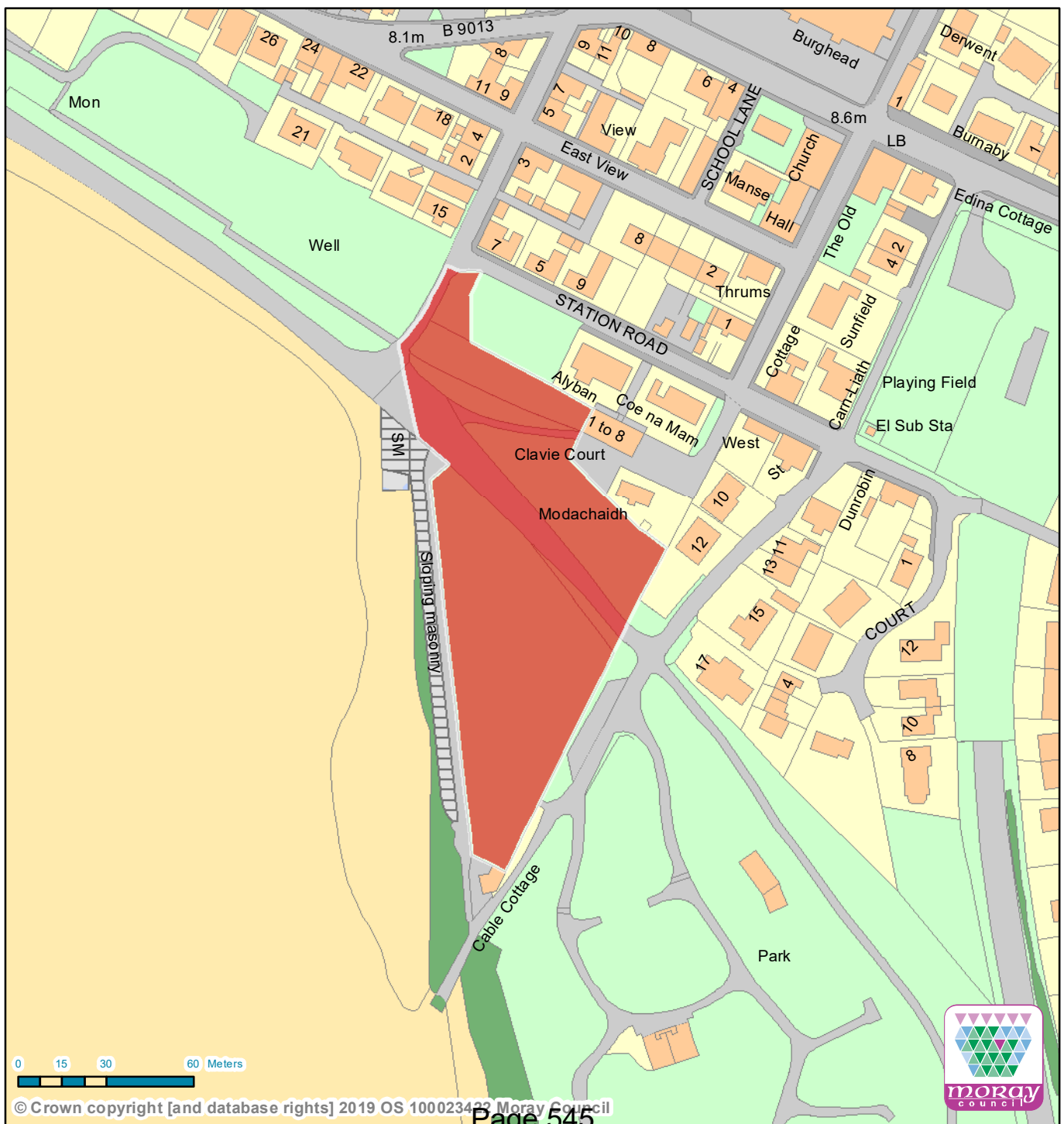
NOT TO SCALE



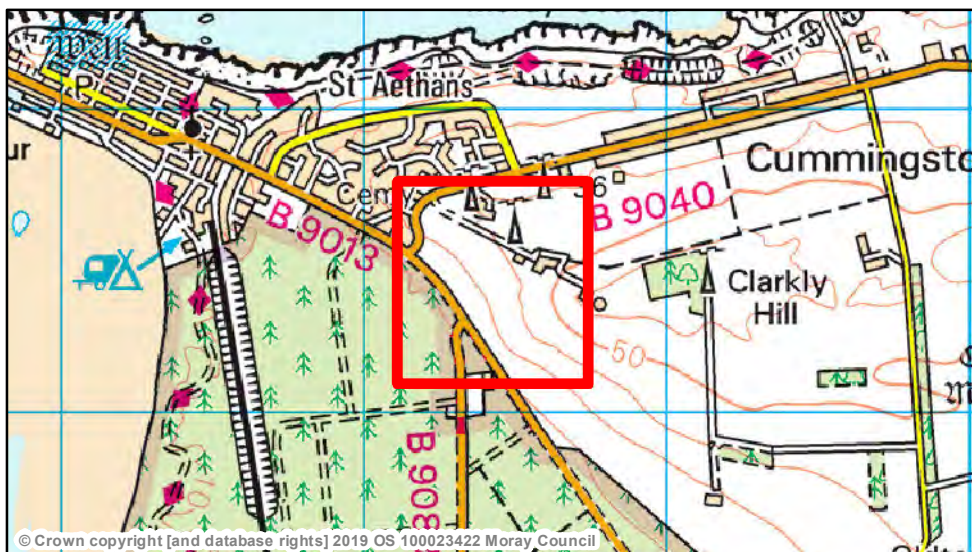
OPP1 West Foreshore, Burghead



Center X: 311,361
Center Y: 868,686



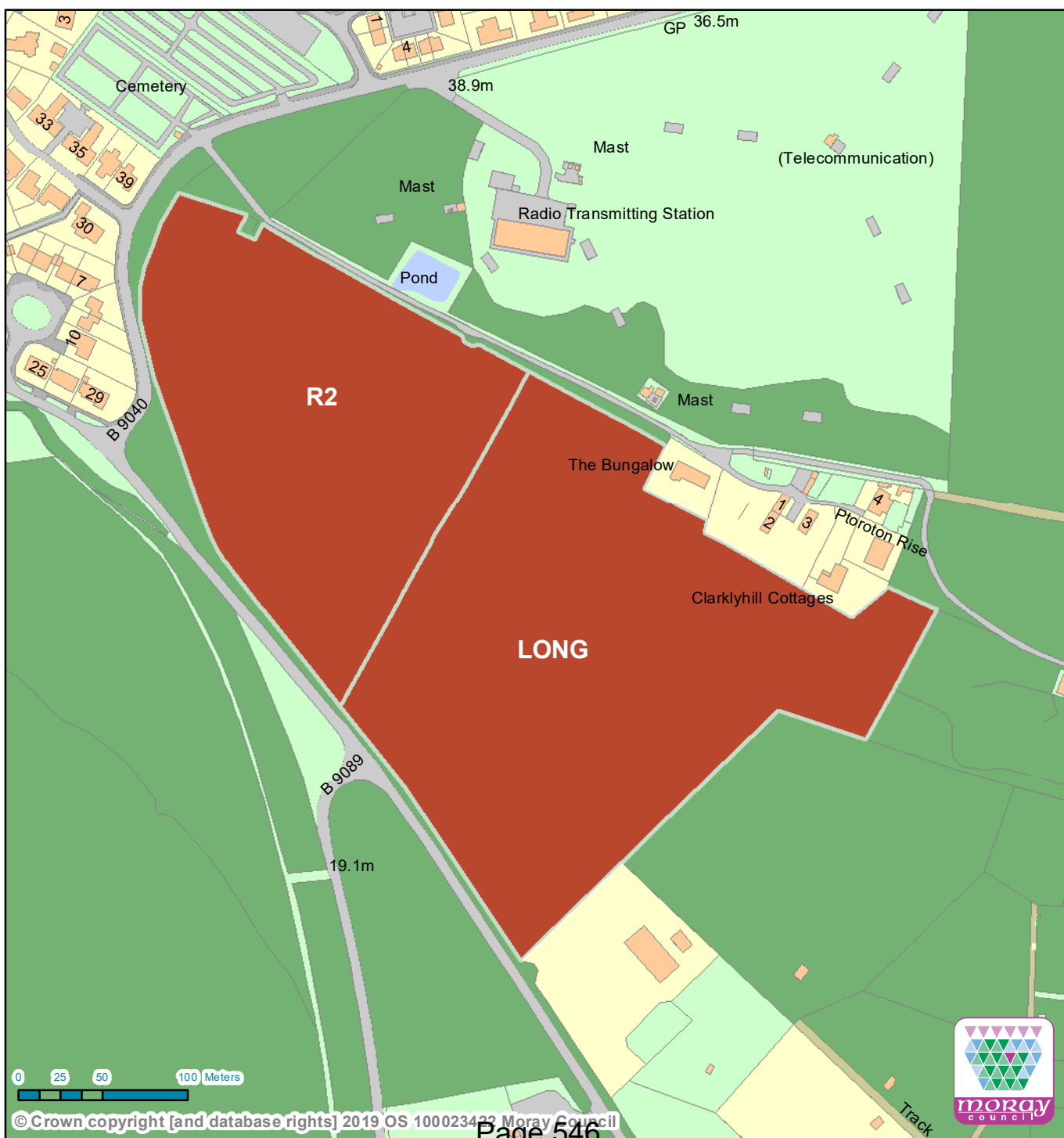
R2/LONG Clarkly Hill, Burghead



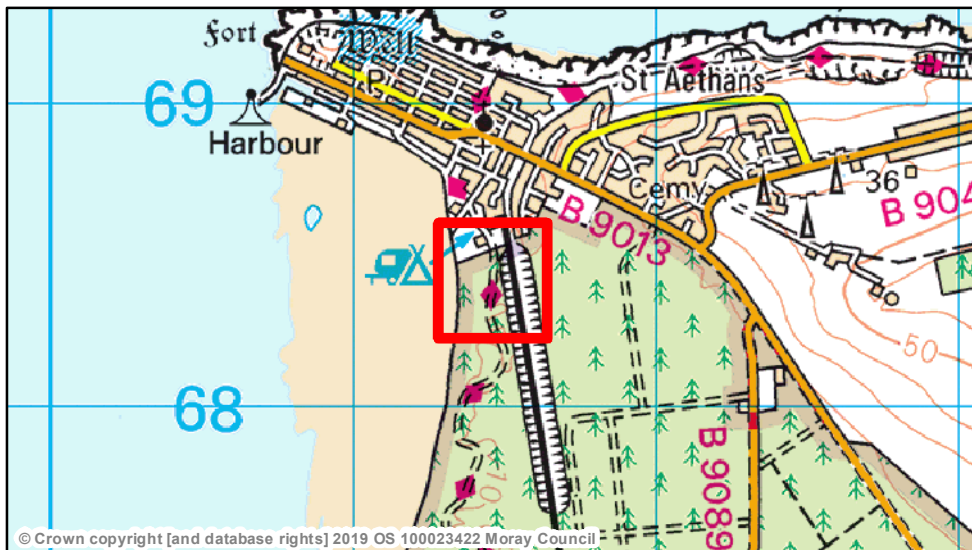
SCHEDULE: 9



Center X: 312,425
Center Y: 868,427



T2 Caravan Park, Burghead



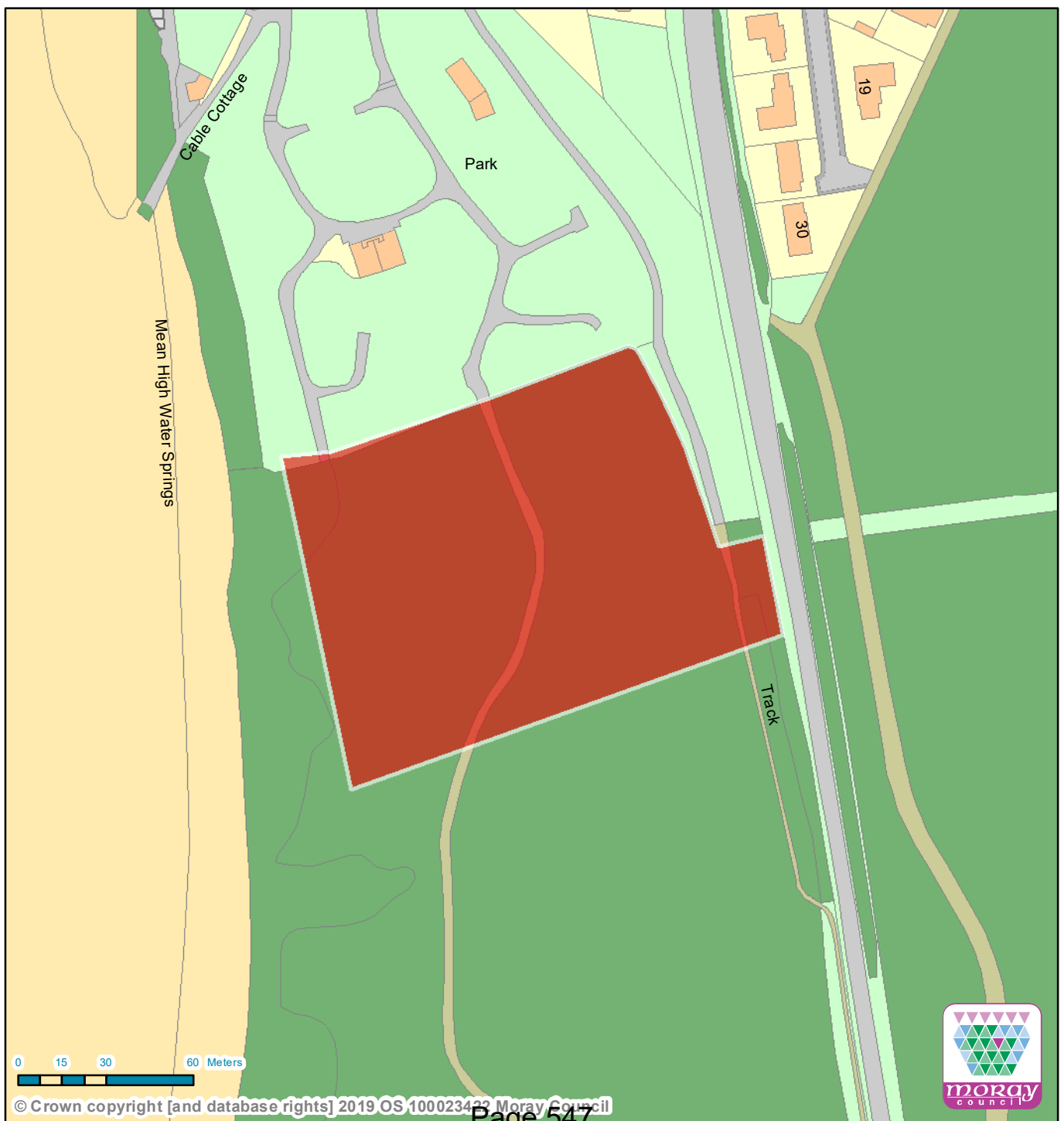
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

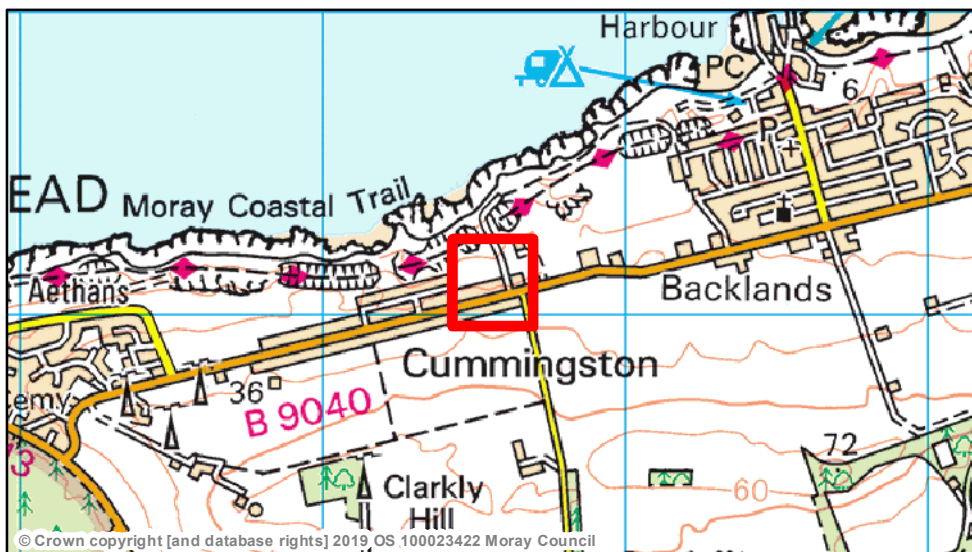


Center X: 311,460
Center Y: 868,415

NOT TO SCALE



R1 Seaview Road, Cummingston



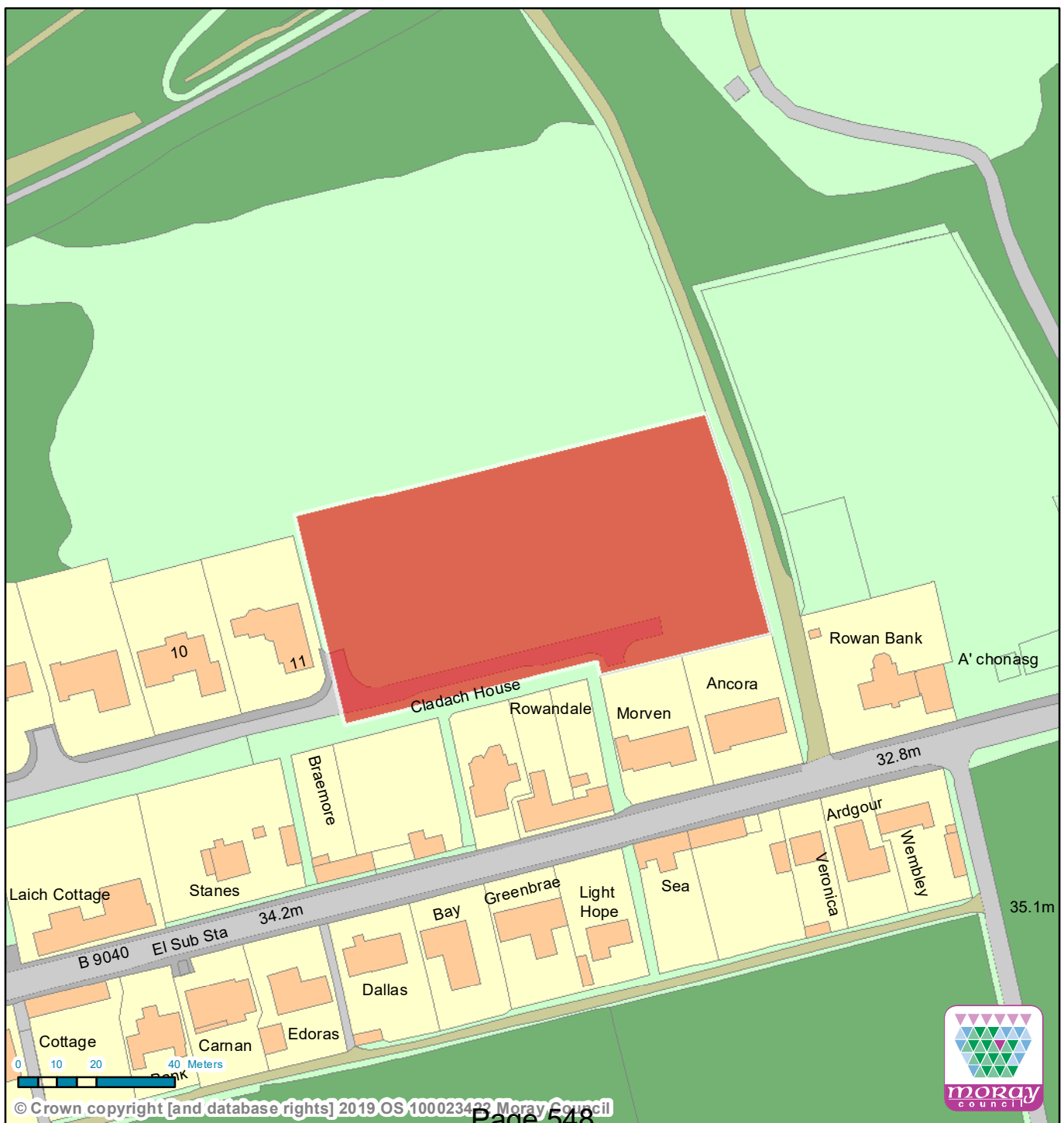
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

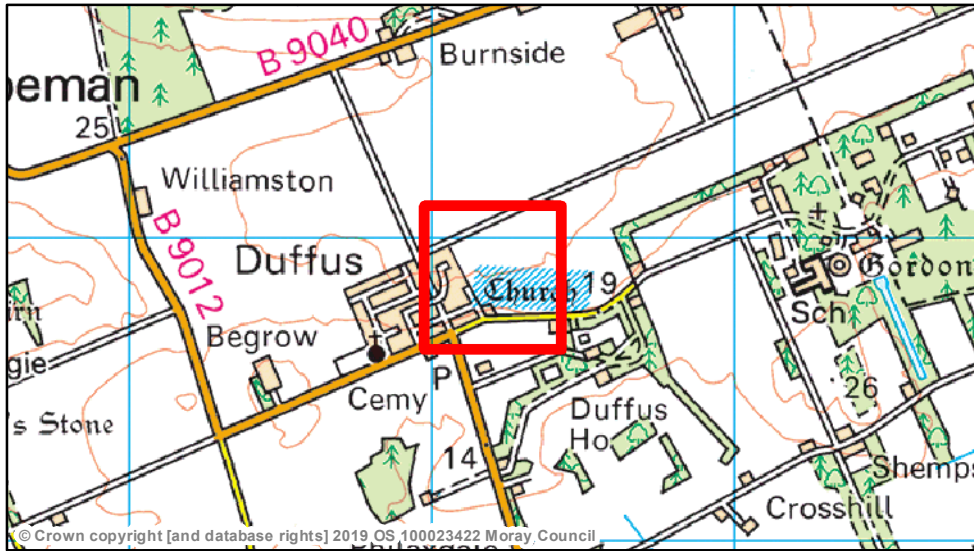


Center X: 313,561
Center Y: 869,105

NOT TO SCALE



Land to East of Duffus



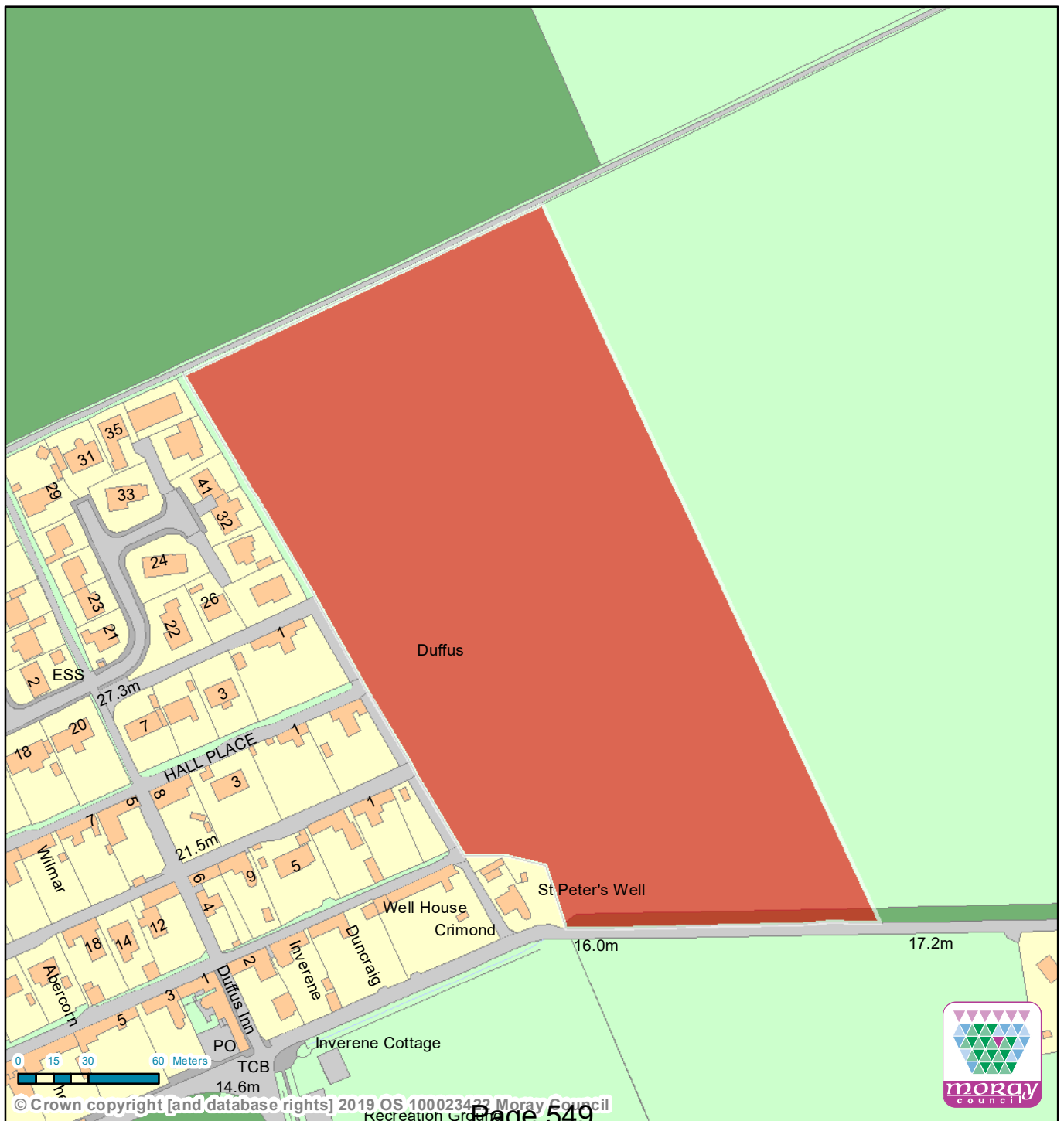
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

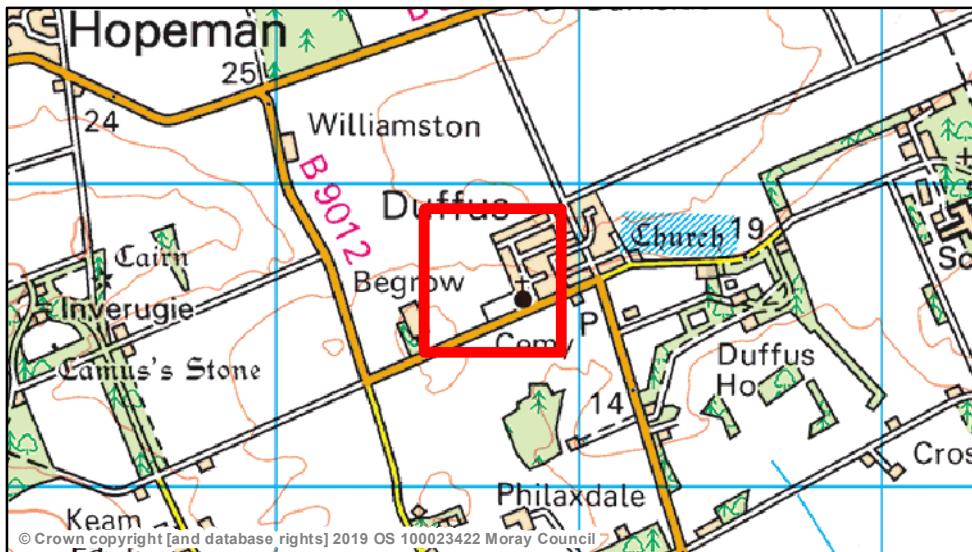


Center X: 317,200
Center Y: 868,869

NOT TO SCALE



Land to West of Duffus



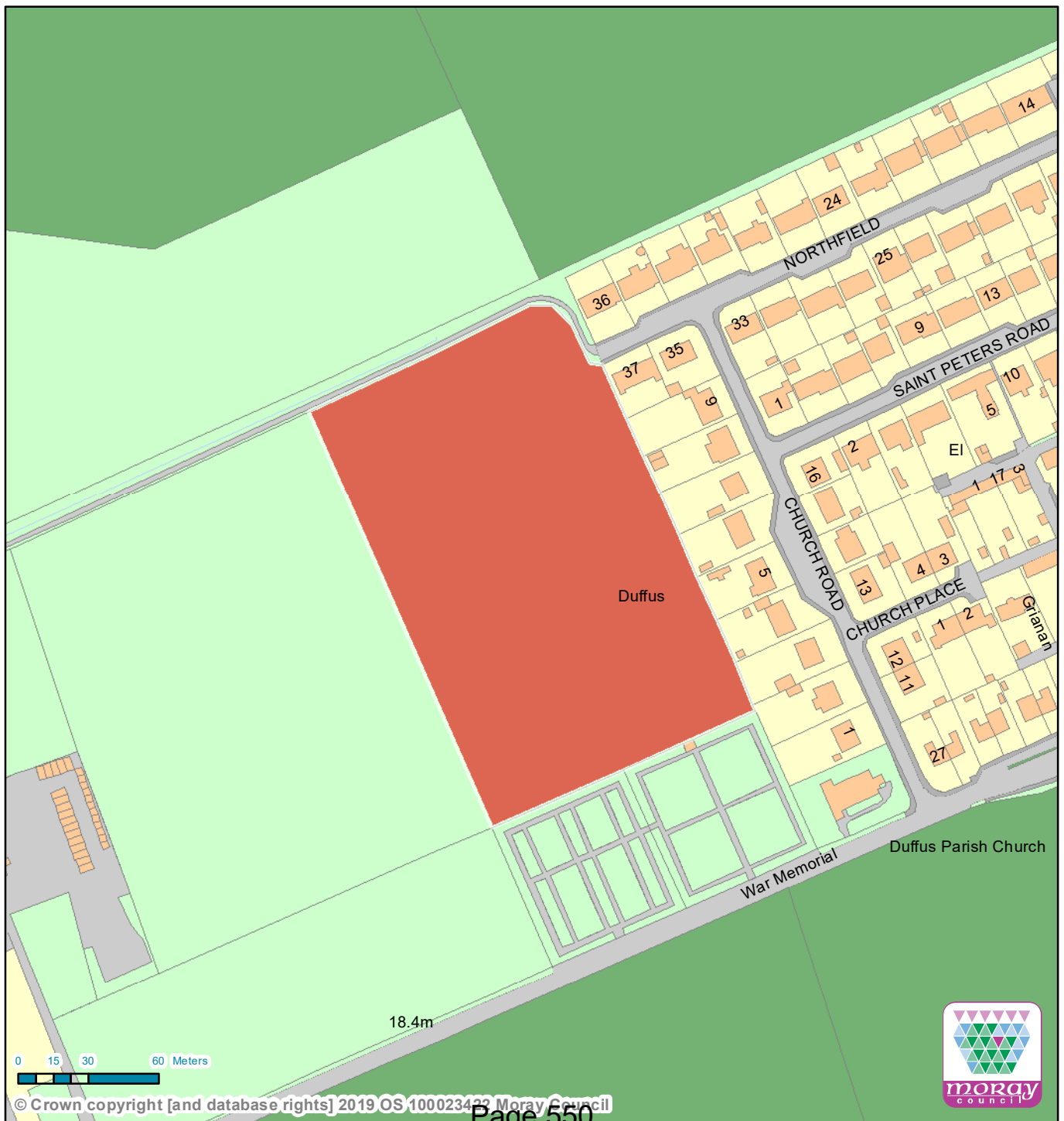
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

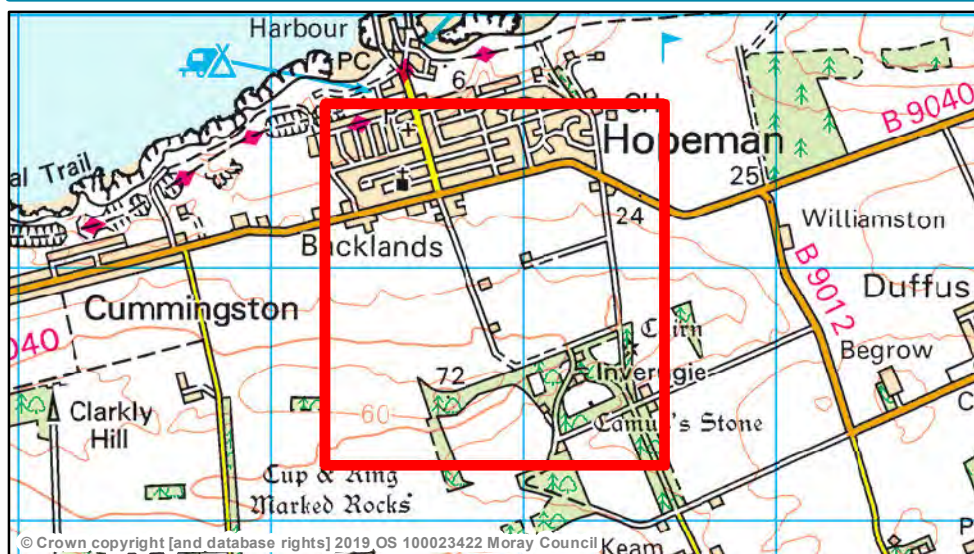


Center X: 316,715
Center Y: 868,680

NOT TO SCALE



Land to the South of Hopeman



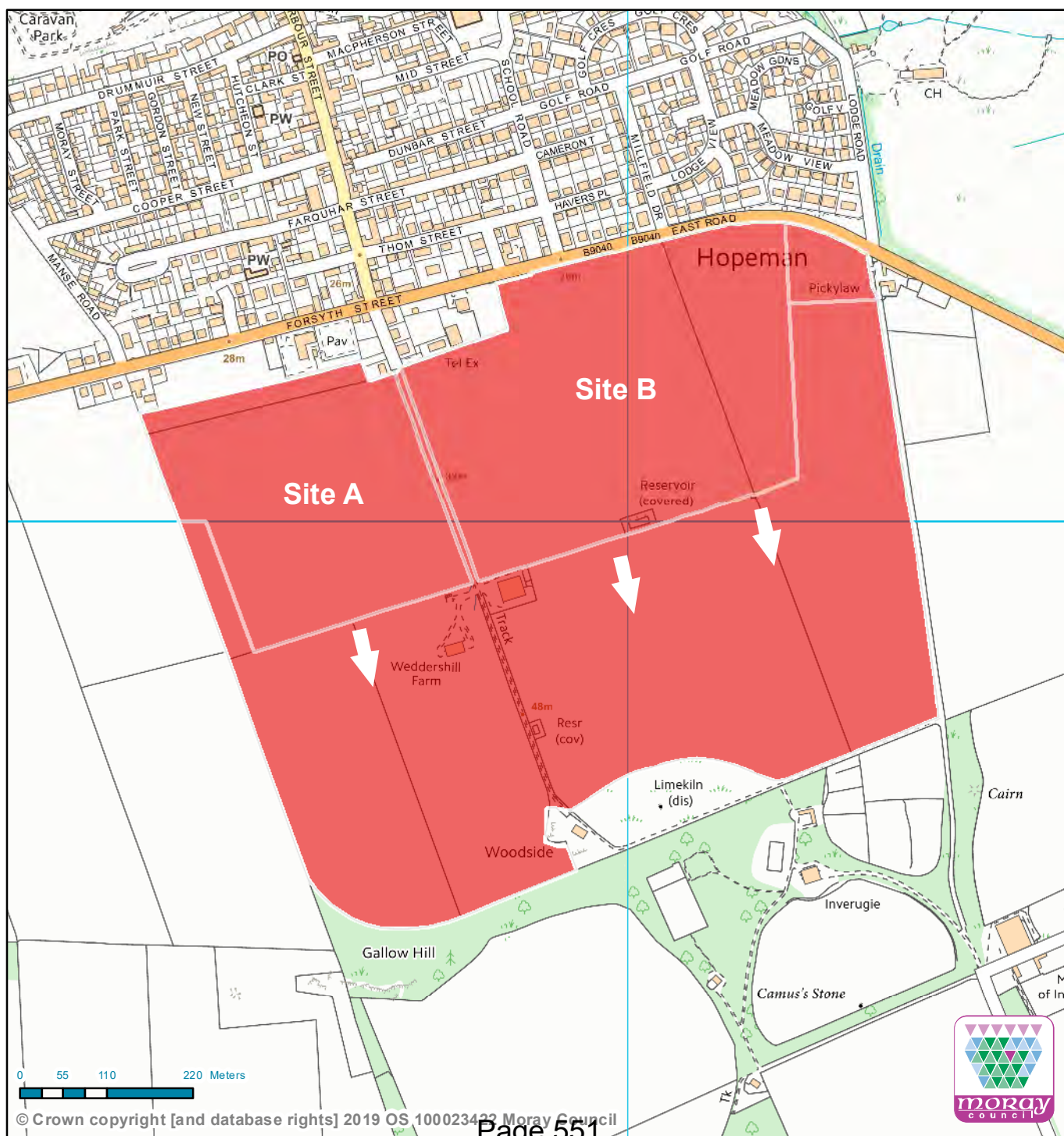
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

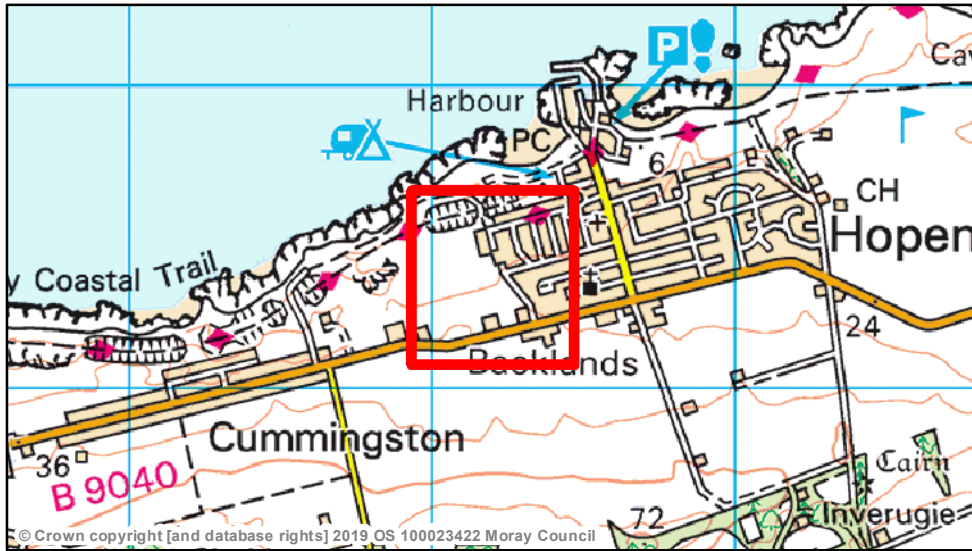


Center X: 314,887
Center Y: 868,933

NOT TO SCALE



R1 Manse Road, Hopeman



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

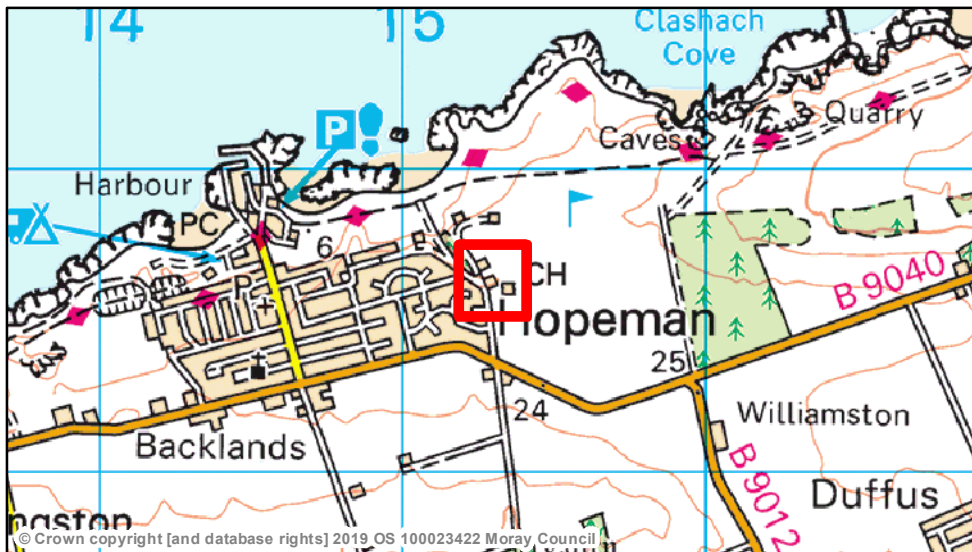


Center X: 314,200
Center Y: 869,365

NOT TO SCALE



R2 Hopeman Golf Club, Hopeman



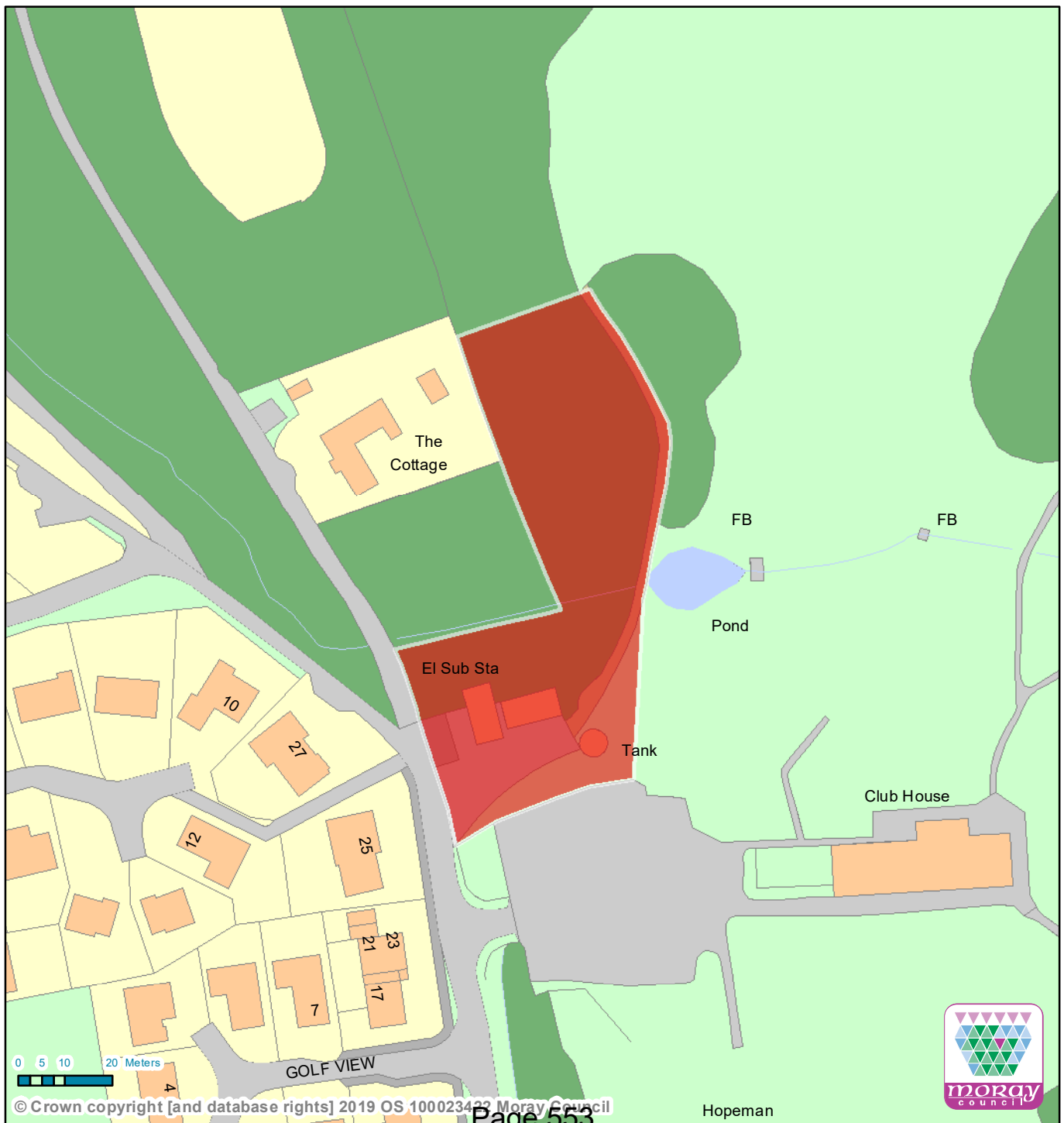
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

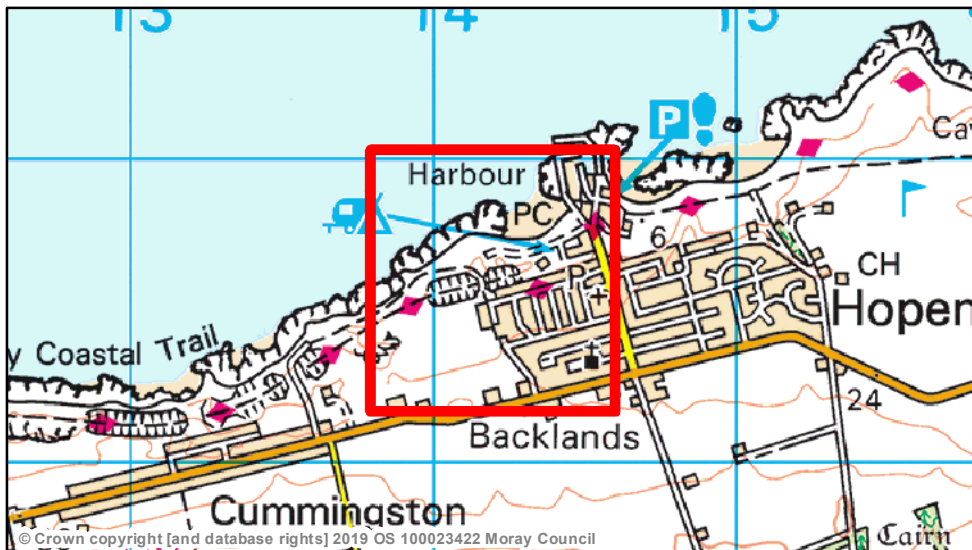


Center X: 315,298
Center Y: 869,632

NOT TO SCALE



T1 Hopeman Caravan Park, Hopeman



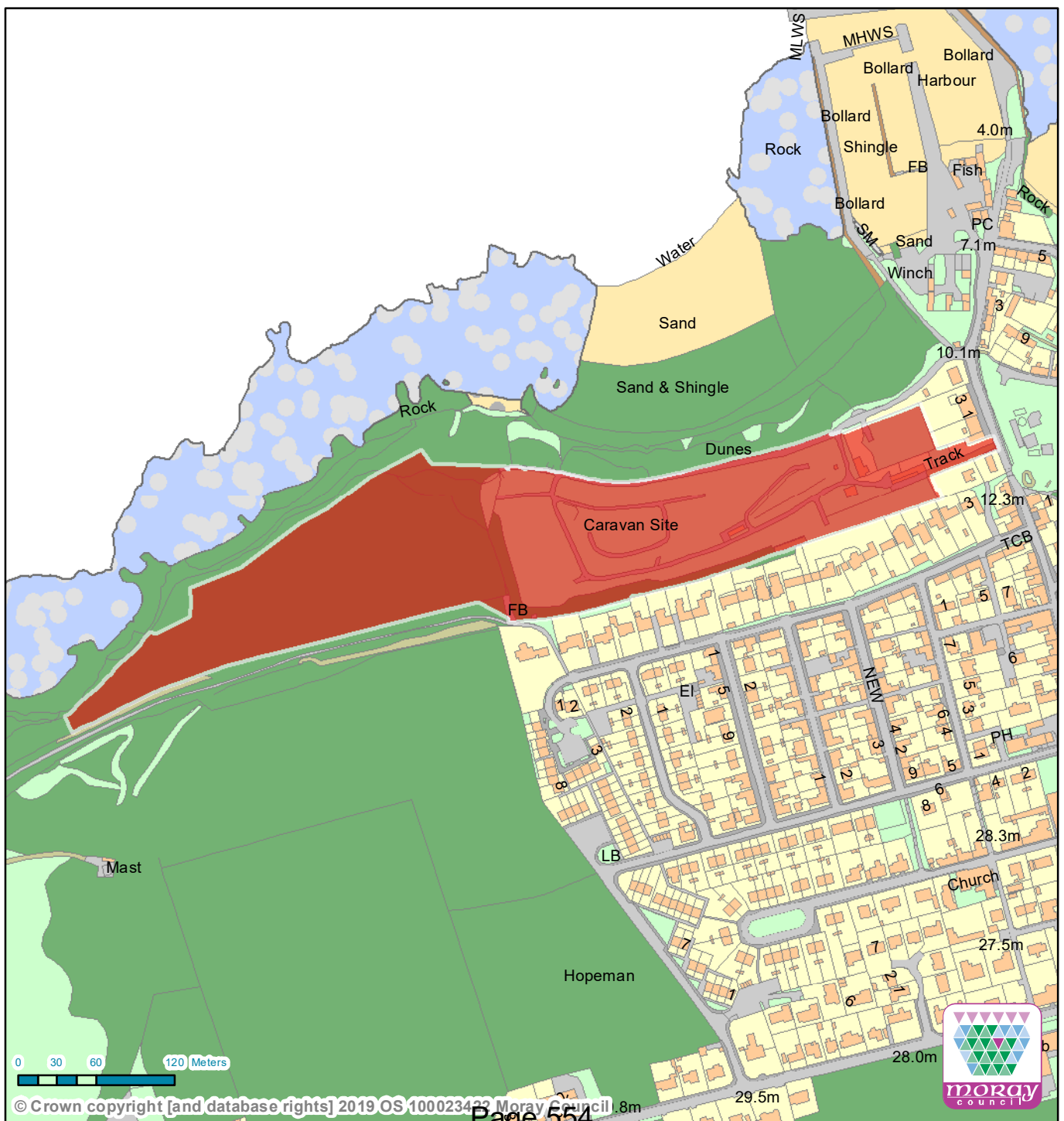
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 9

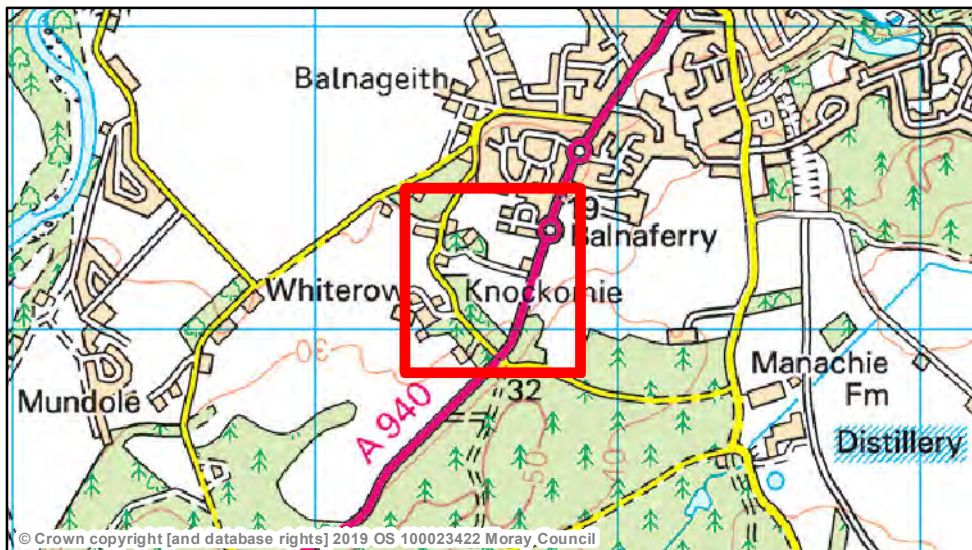


Center X: 314,195
Center Y: 869,599

NOT TO SCALE



R1 Knockomie, Forres



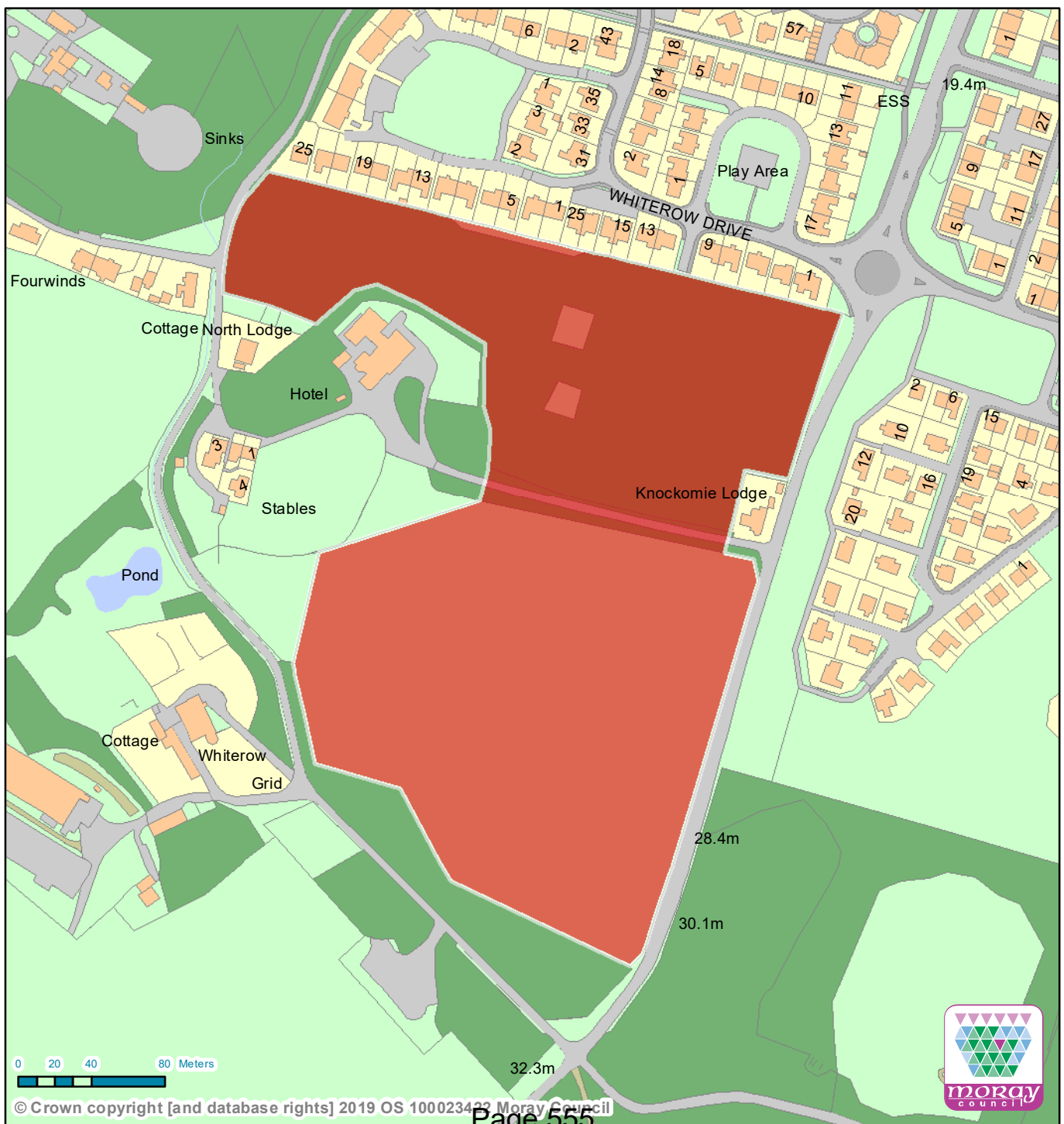
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

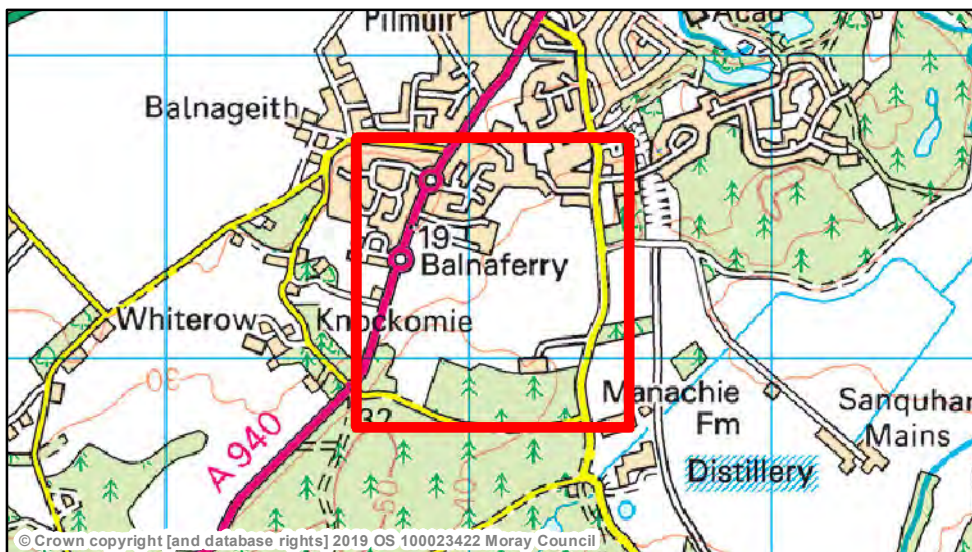


Center X: 302,586
Center Y: 857,161

NOT TO SCALE



R2 Ferrylea, Forres



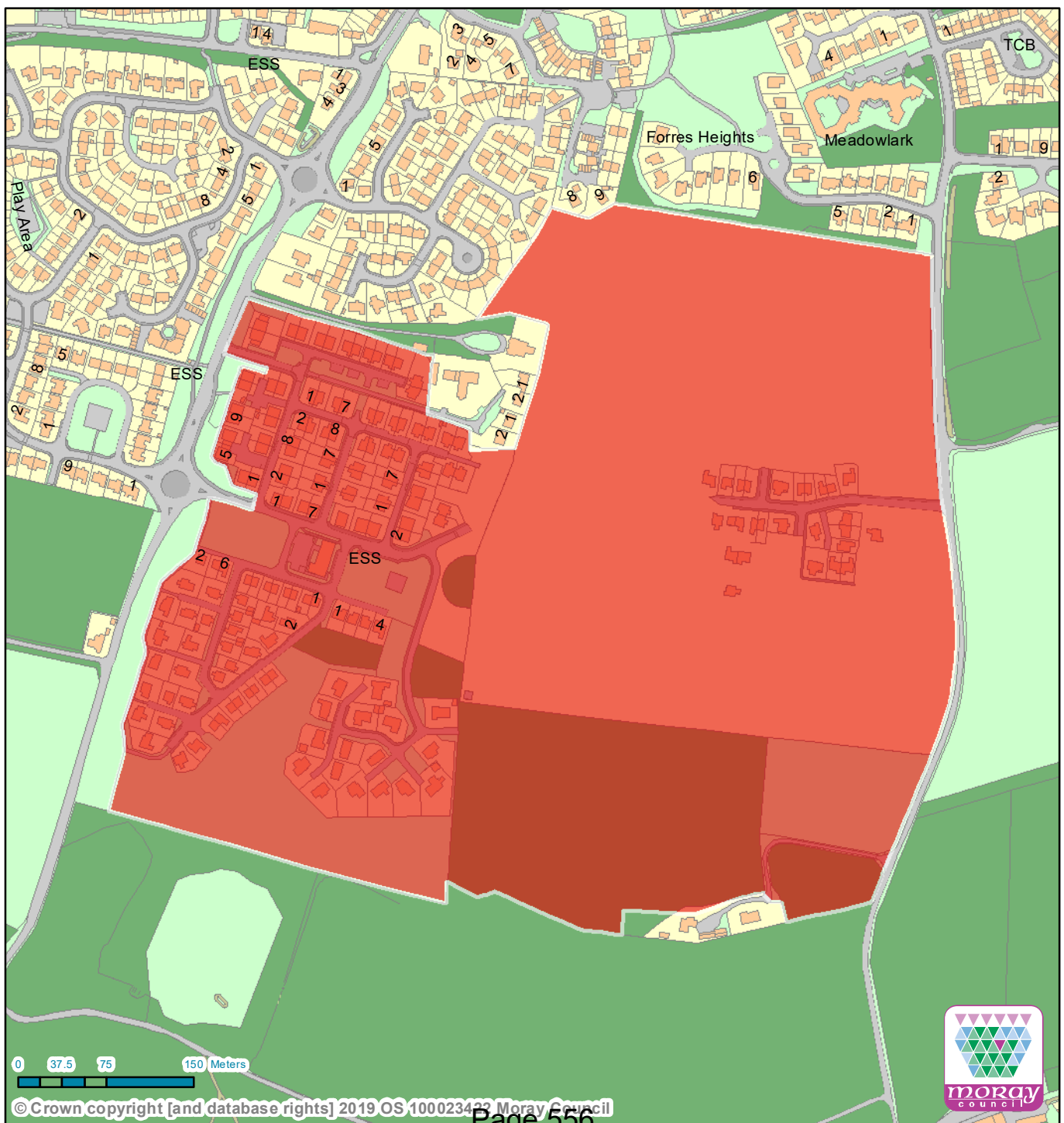
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

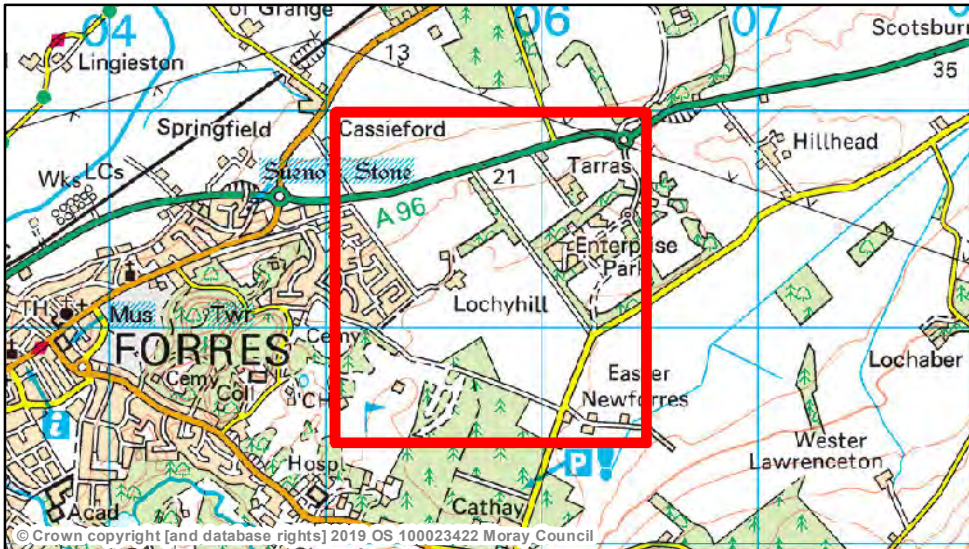


Center X: 303,079
Center Y: 857,251

NOT TO SCALE



R3 Lochyhill and LONG 1, Forres



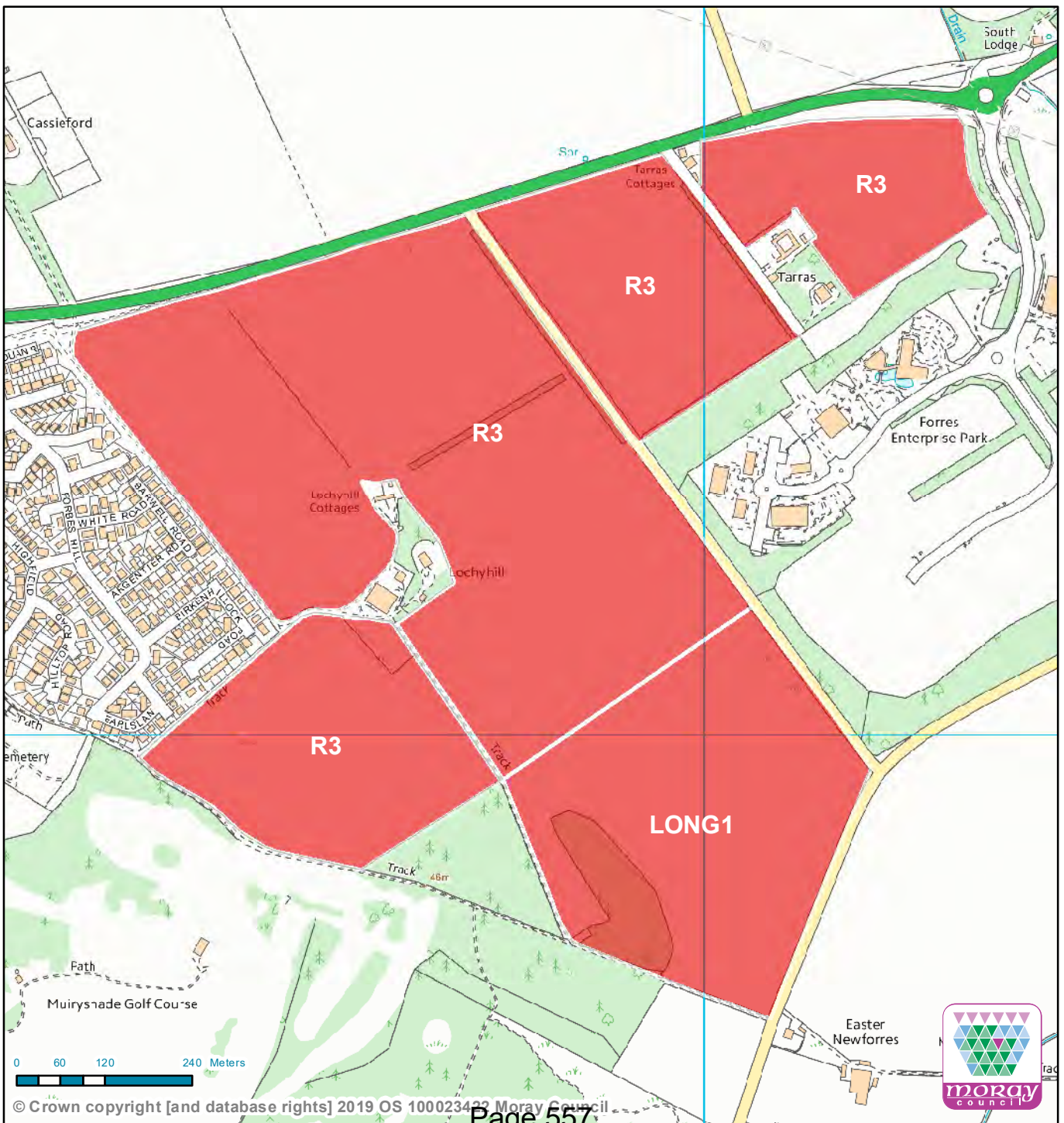
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

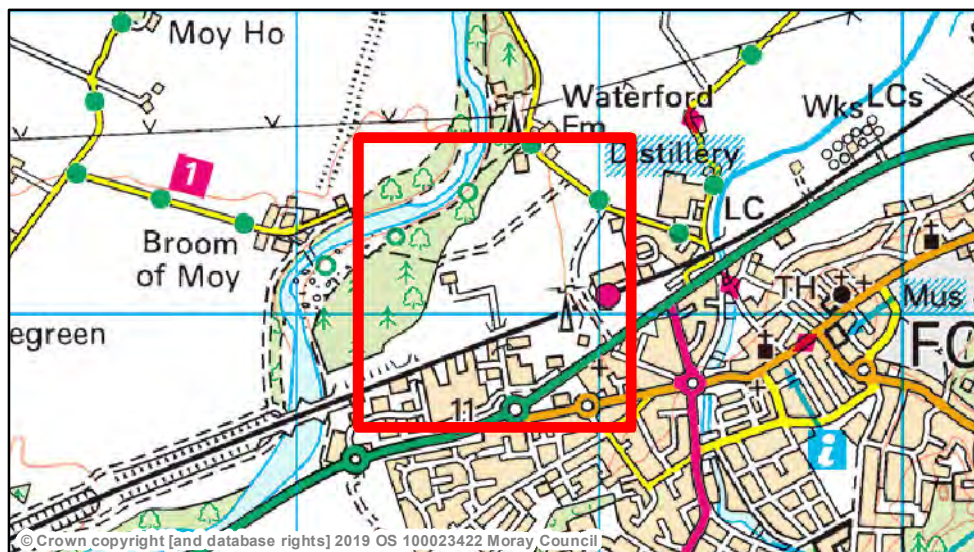


Center X: 305,763
Center Y: 859,230

NOT TO SCALE



I4 Waterford, Forres



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

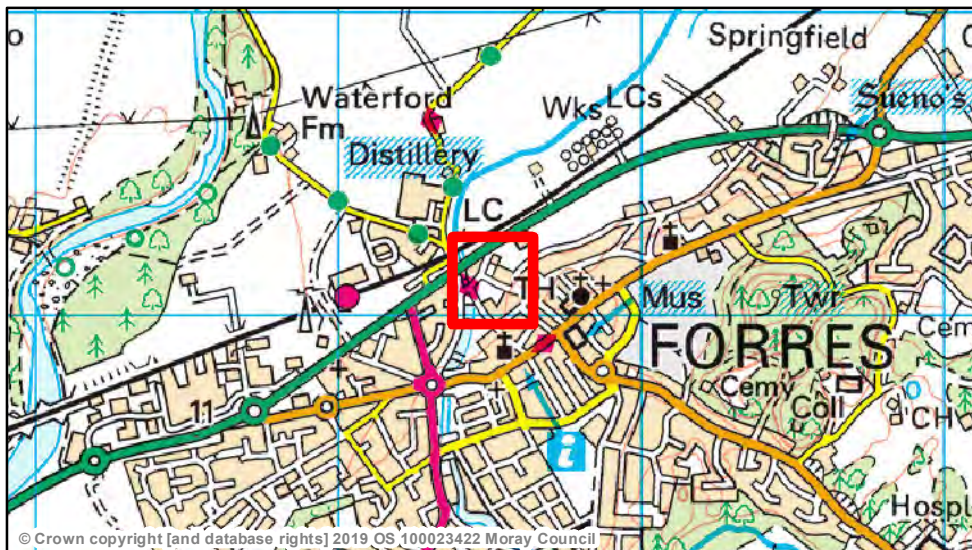


Center X: 302,654
Center Y: 859,103

NOT TO SCALE



OPP1 Caroline Street, Forres



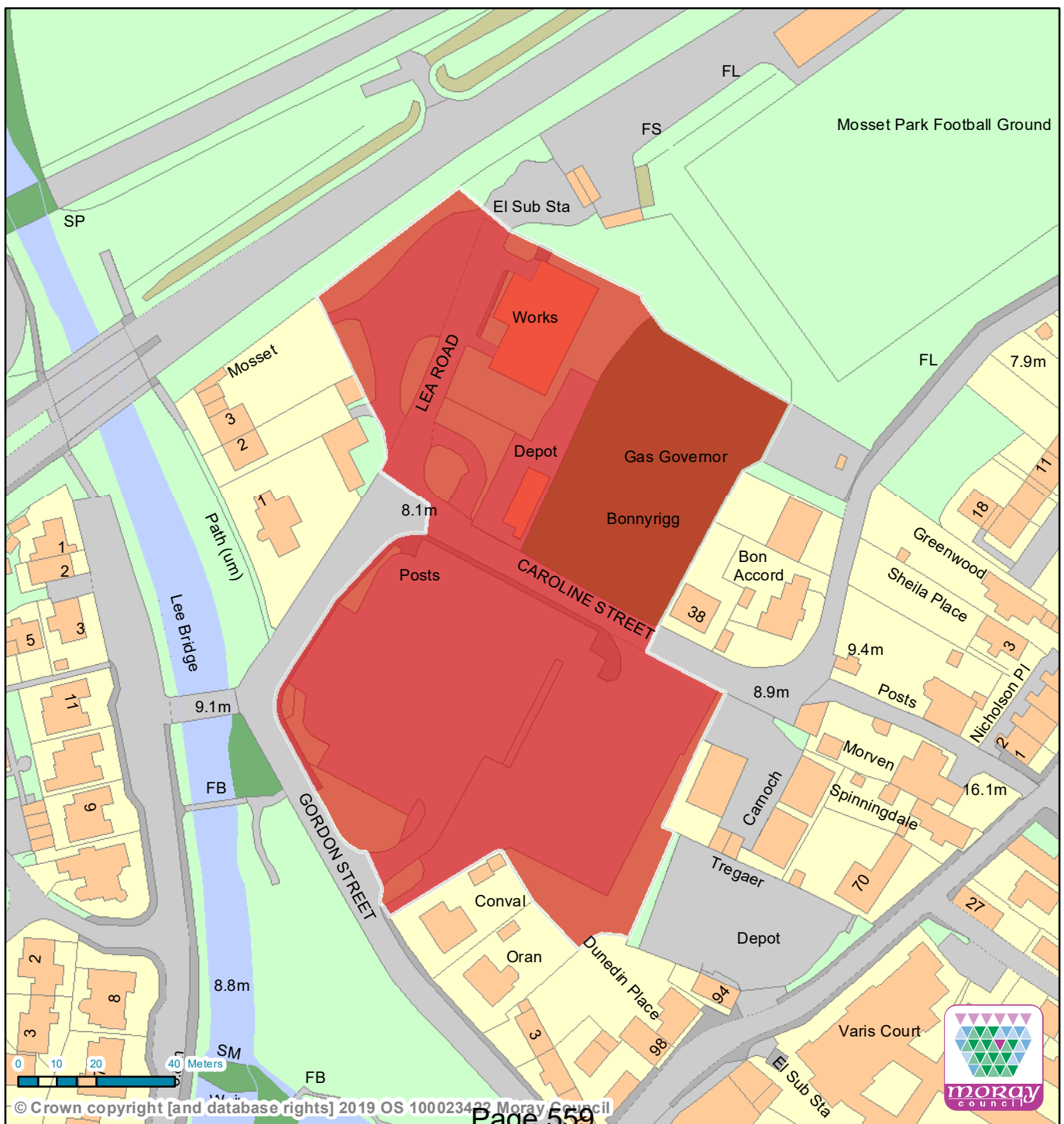
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

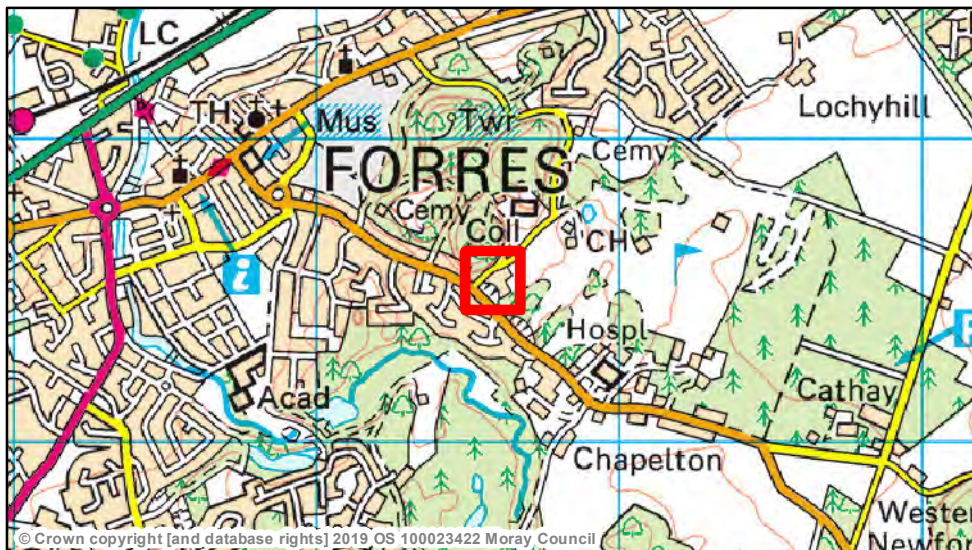


Center X: 303,509
Center Y: 859,114

NOT TO SCALE



OPP5 Edgehill Road, Forres



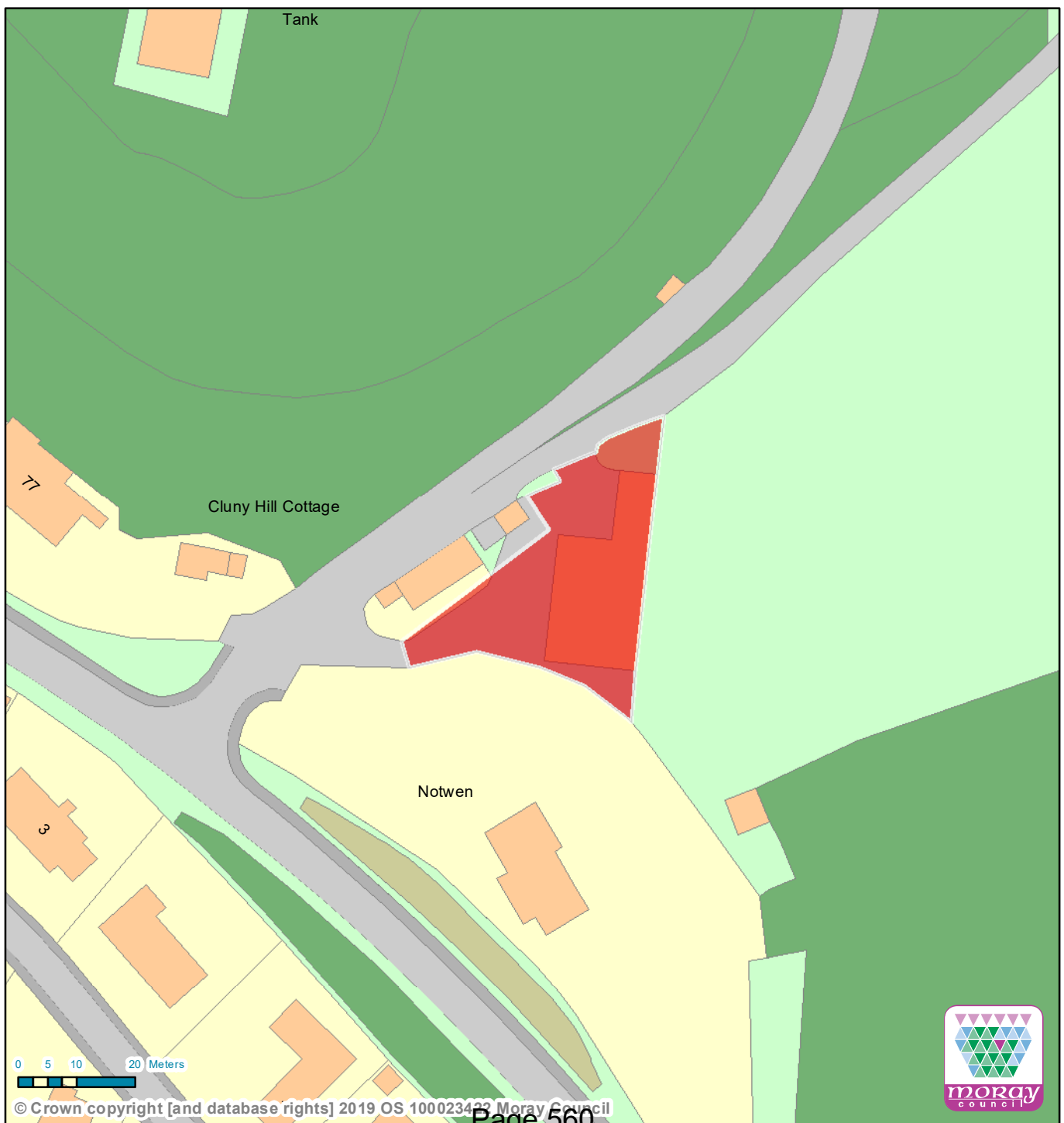
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

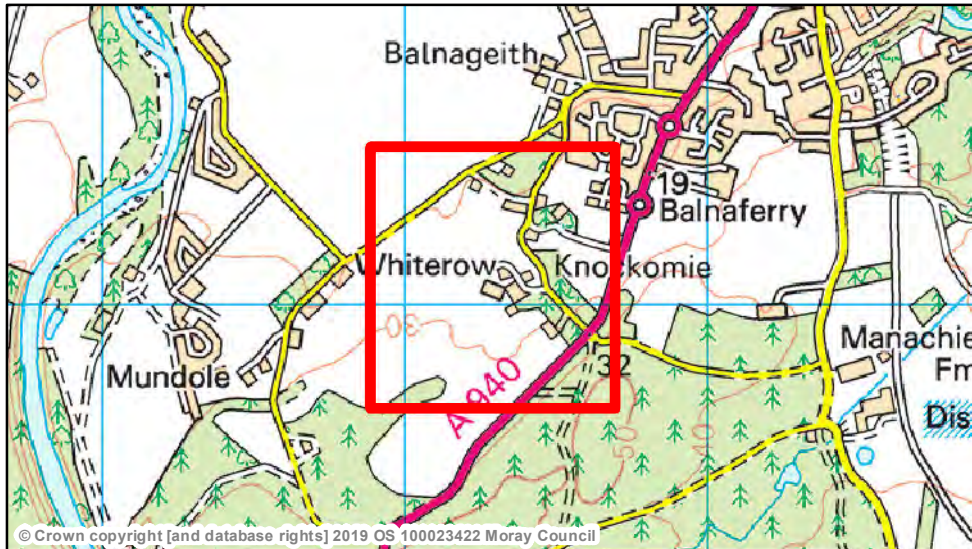


Center X: 304,582
Center Y: 858,532

NOT TO SCALE



OPP7 Whiterow, Forres



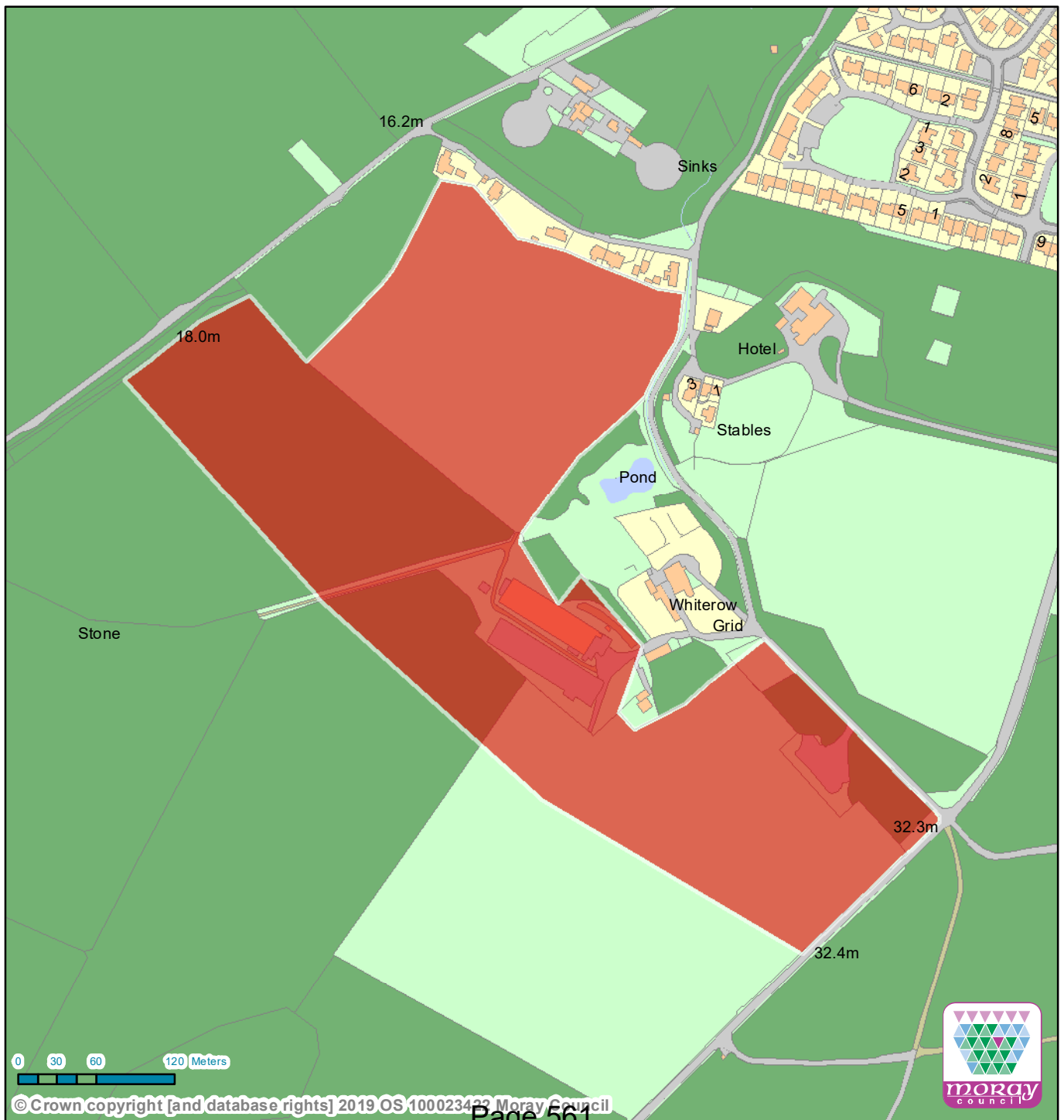
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

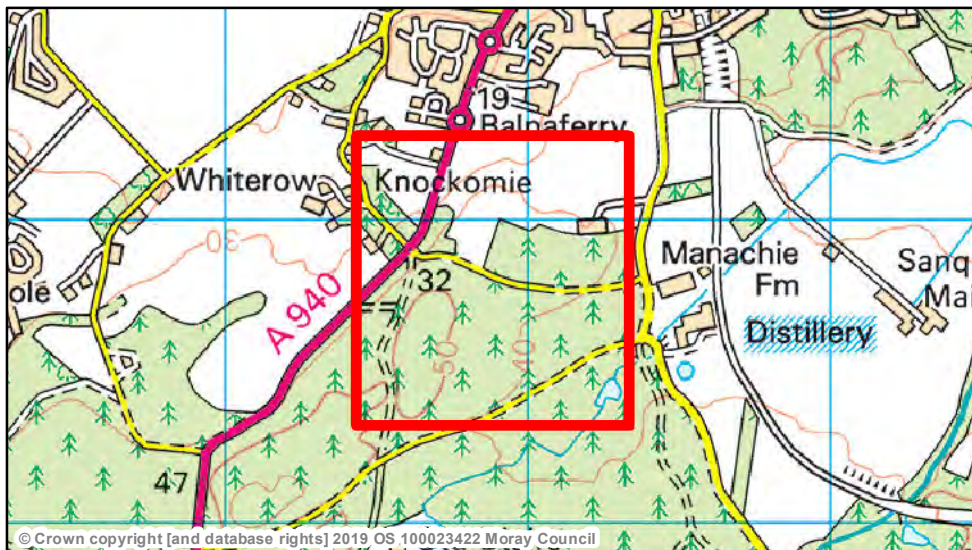


Center X: 302,290
Center Y: 857,088

NOT TO SCALE



TSP 14 Forres



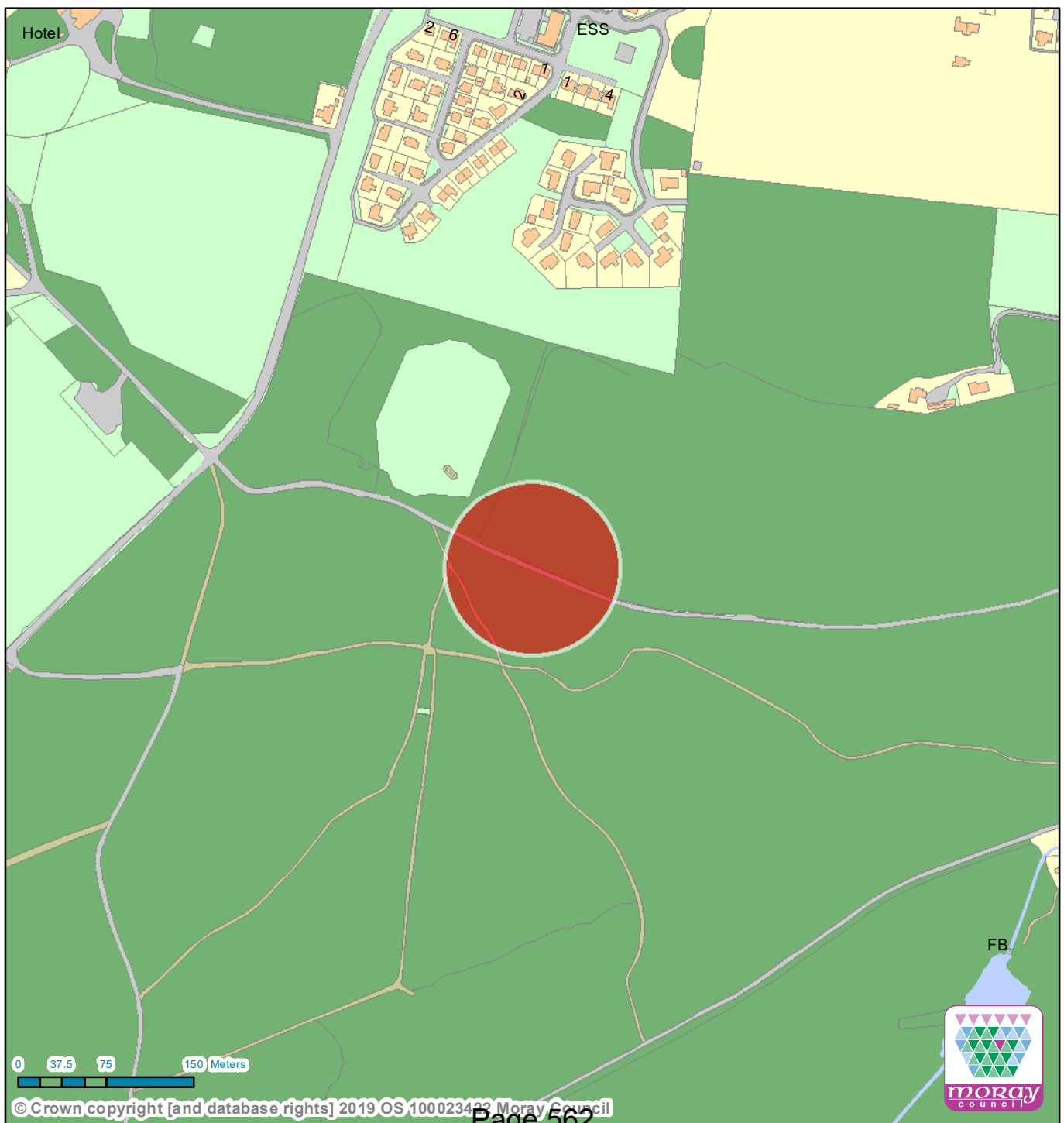
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

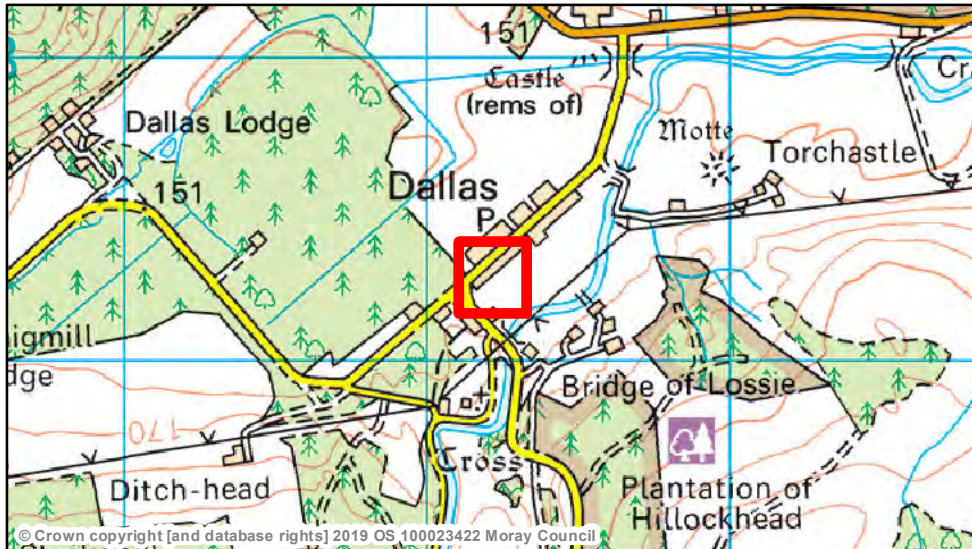


Center X: 302,884
Center Y: 856,799

NOT TO SCALE



R3 Former Filling Station, Dallas



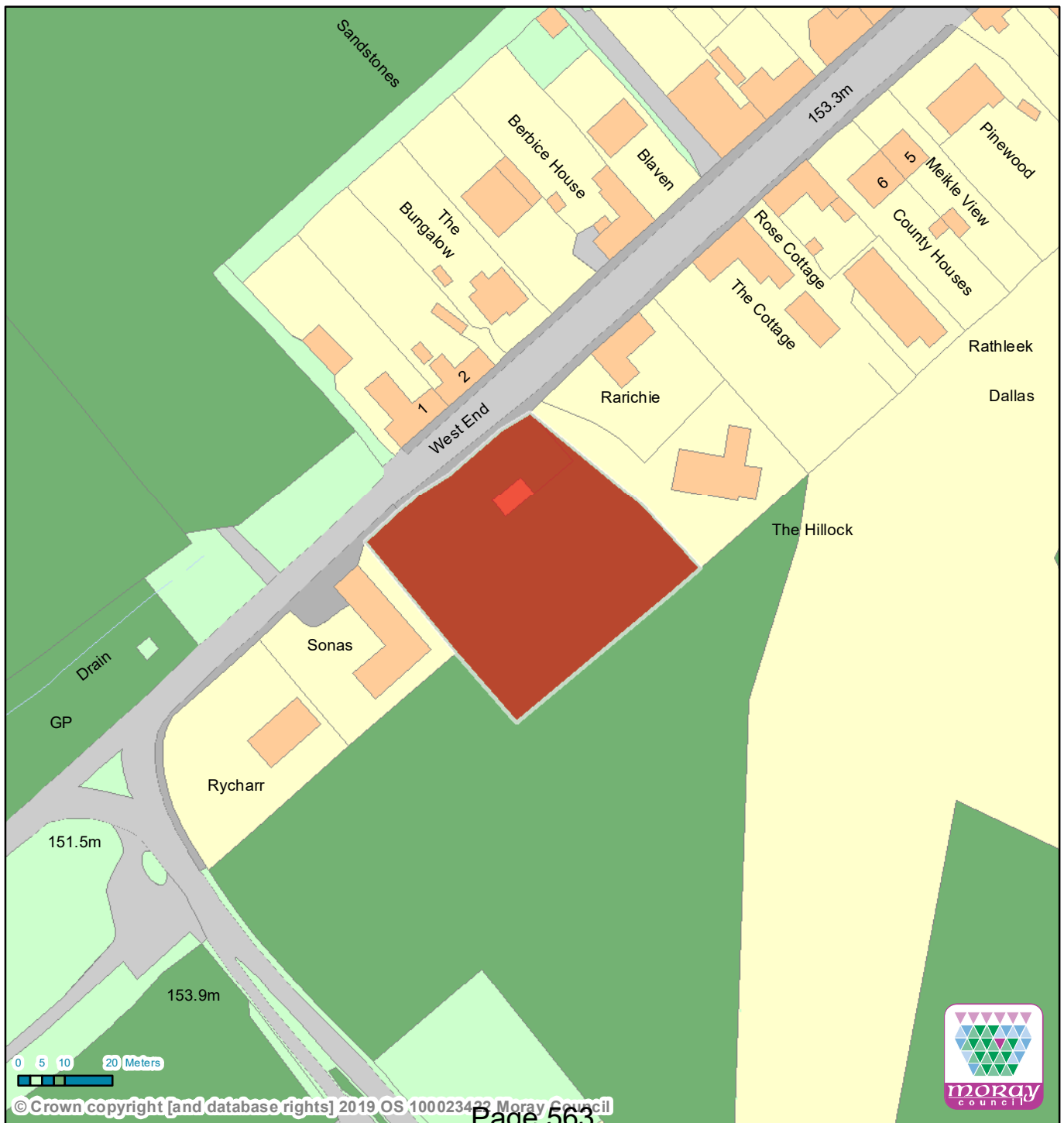
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

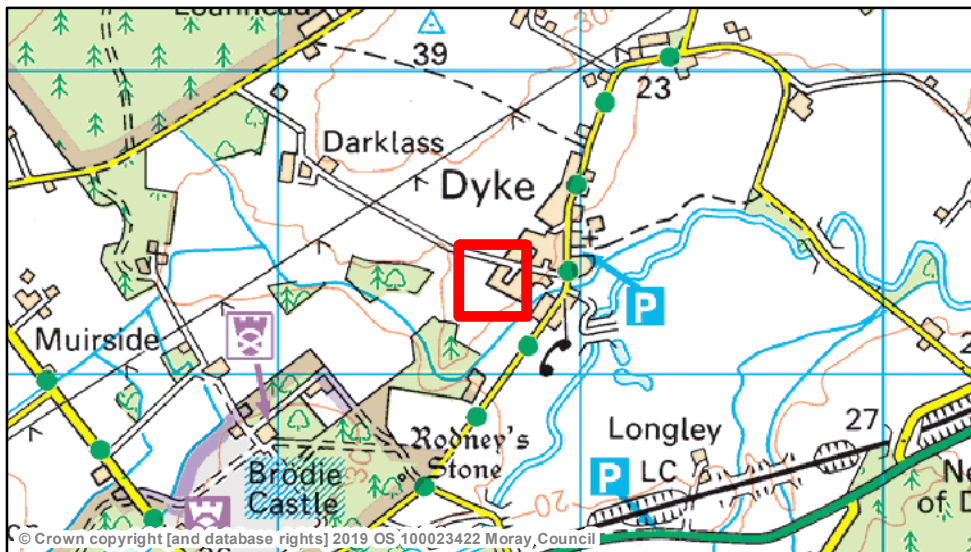


Center X: 312,217
Center Y: 852,274

NOT TO SCALE



R2 South Darklass Road, Dyke



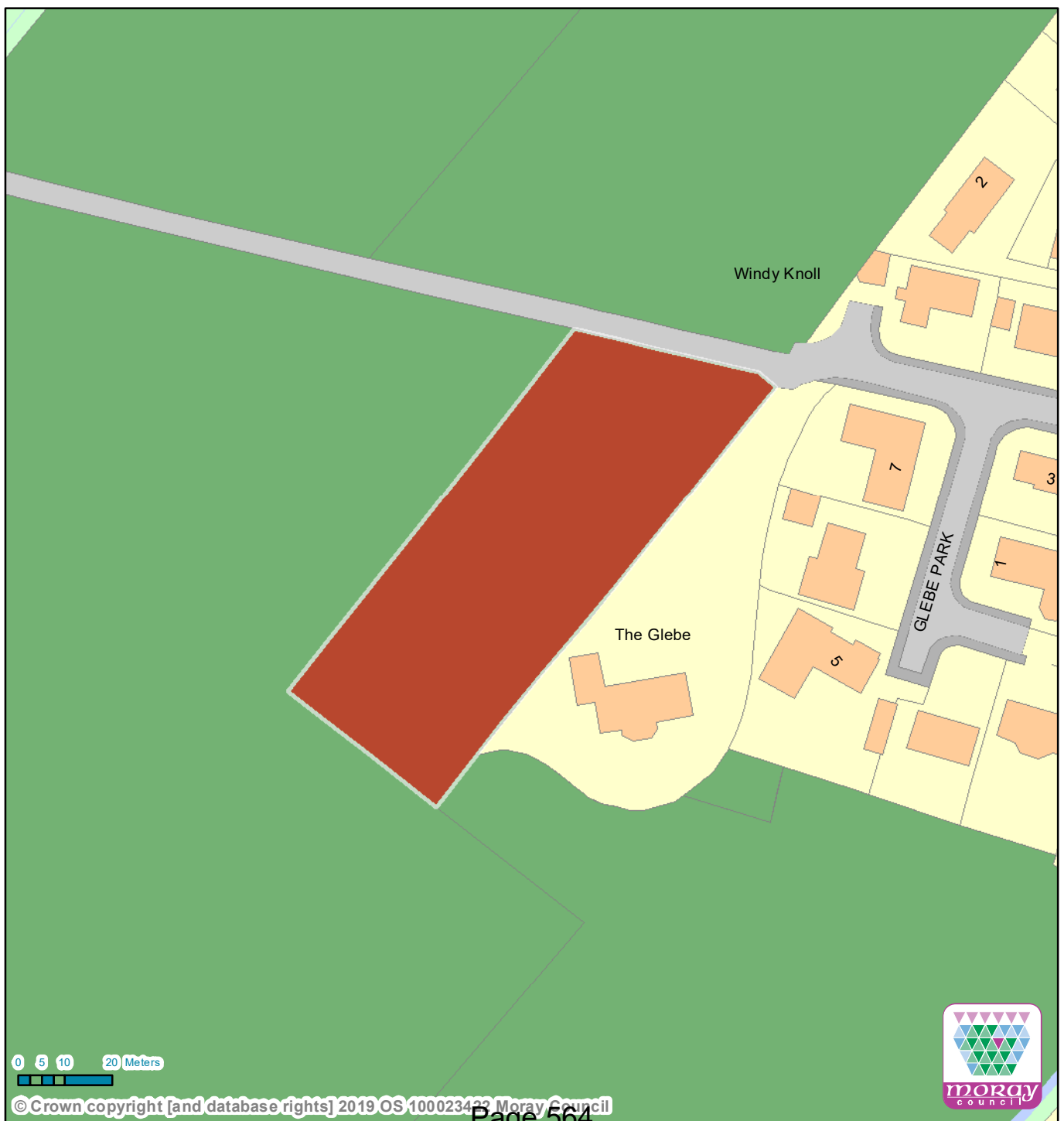
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

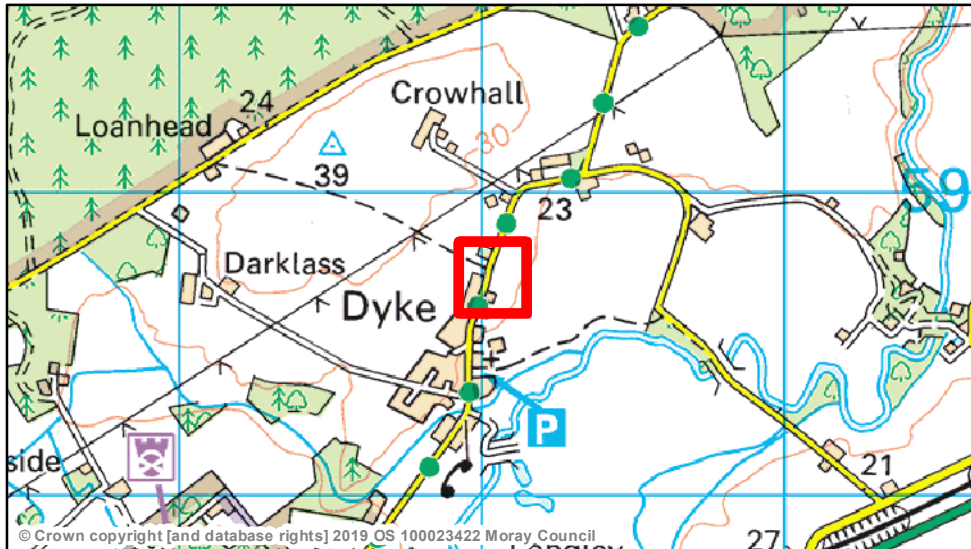


Center X: 298,709
Center Y: 858,308

NOT TO SCALE



R3 Fir Park Road, Dyke



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

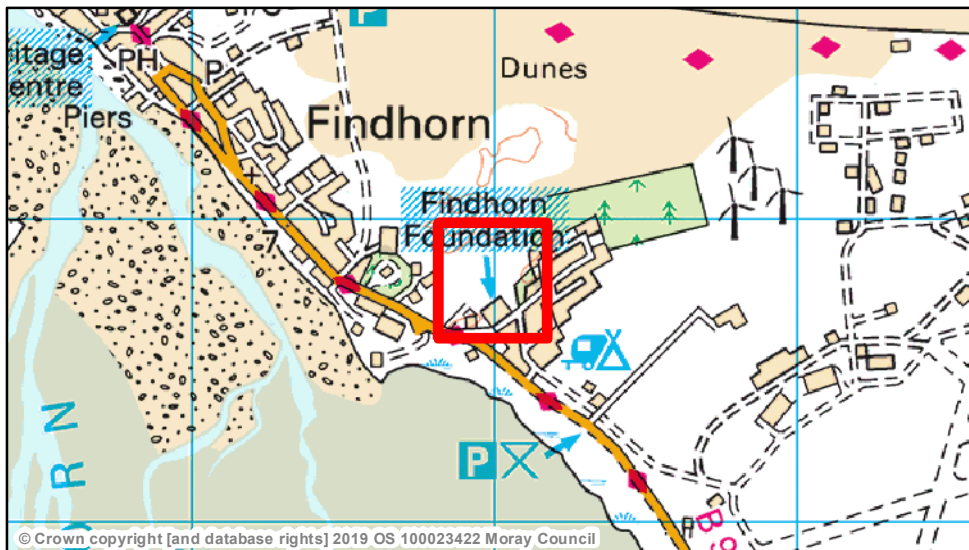


Center X: 299,035
Center Y: 858,718

NOT TO SCALE



R2 Dunelands, Findhorn



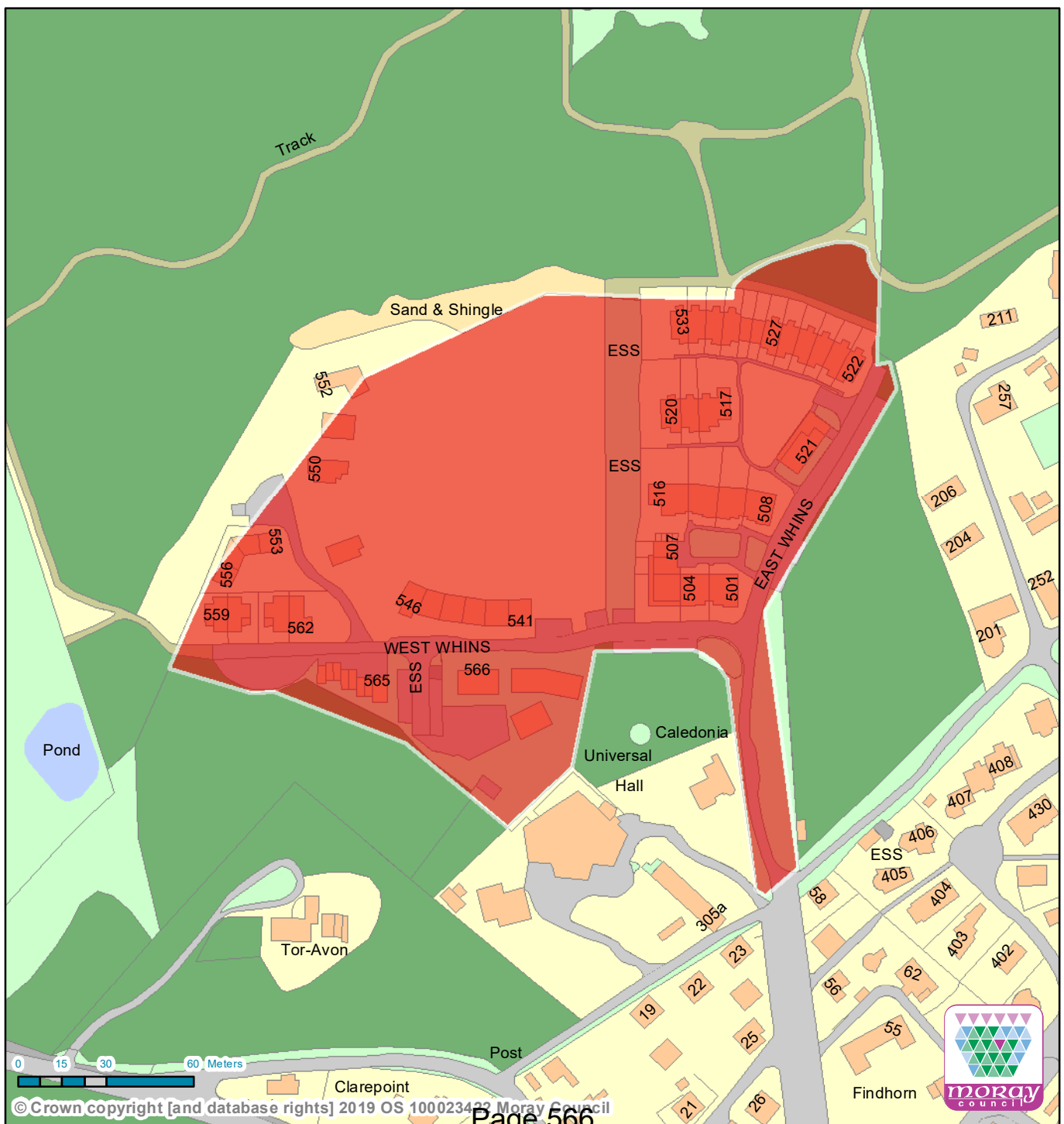
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

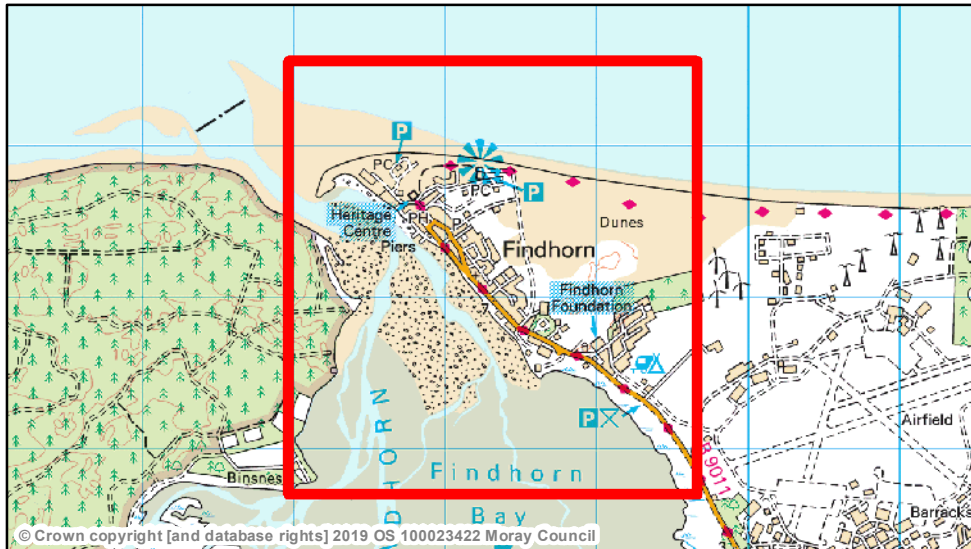


Center X: 304,994
Center Y: 863,797

NOT TO SCALE



Findhorn Settlement Boundary



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

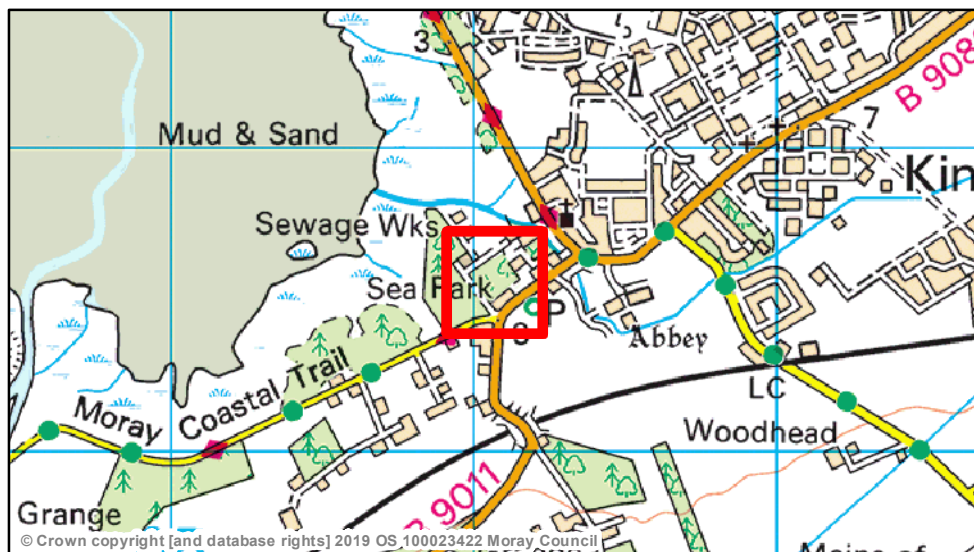


Center X: 304,311
Center Y: 864,133

NOT TO SCALE



R1 West of Seapark House, Kinloss



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

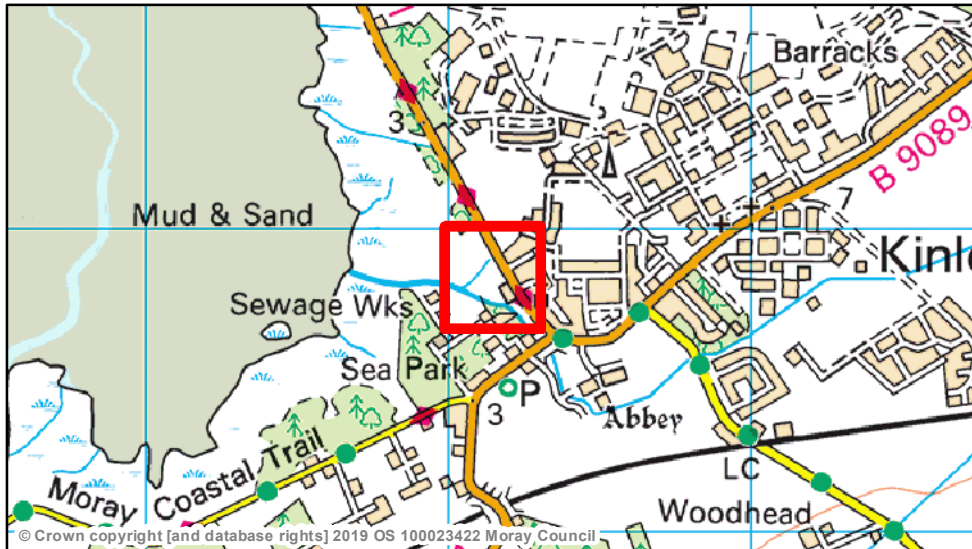


Center X: 306,069
Center Y: 861,556

NOT TO SCALE



R2 Findhorn Road West, Kinloss



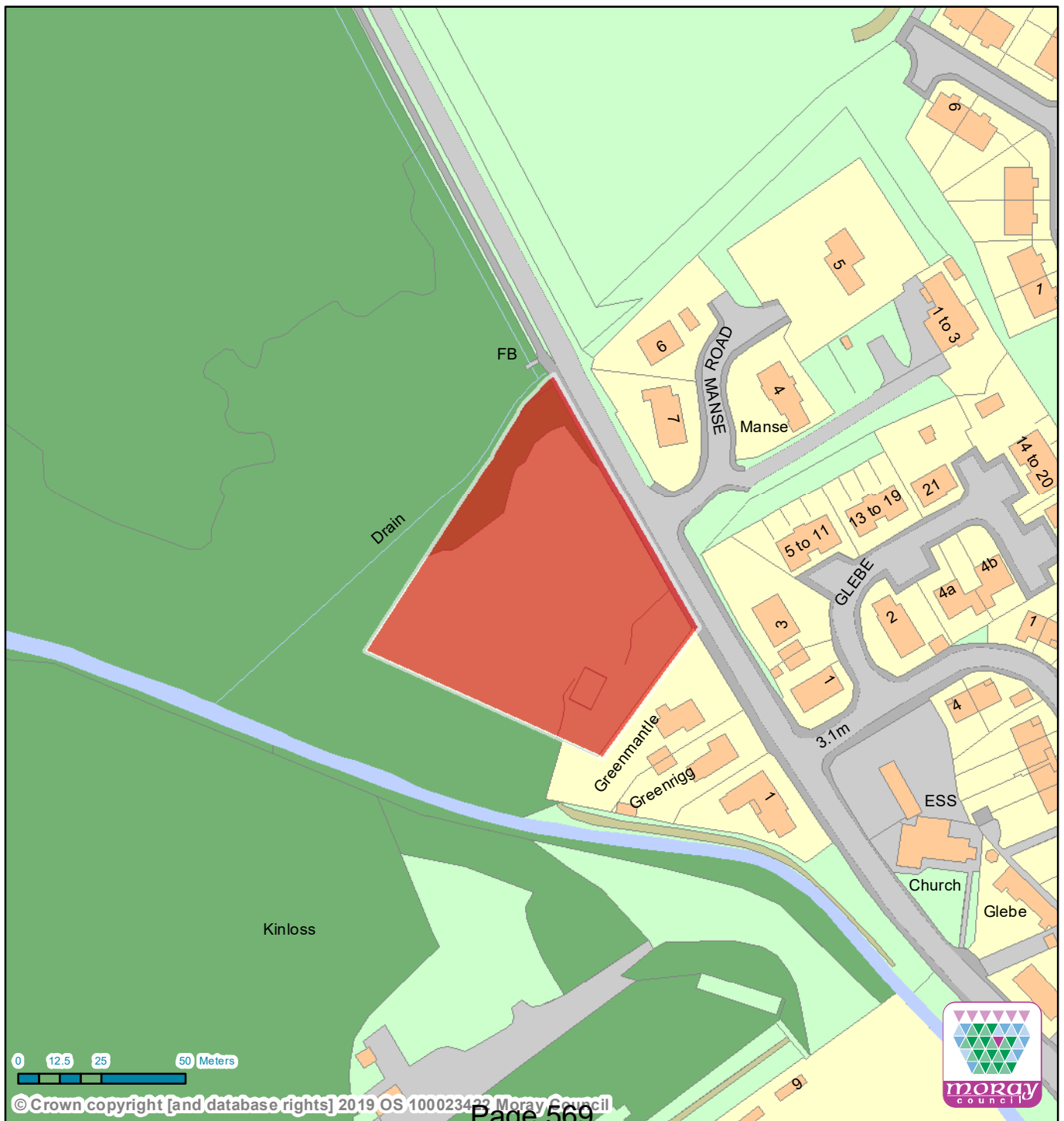
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

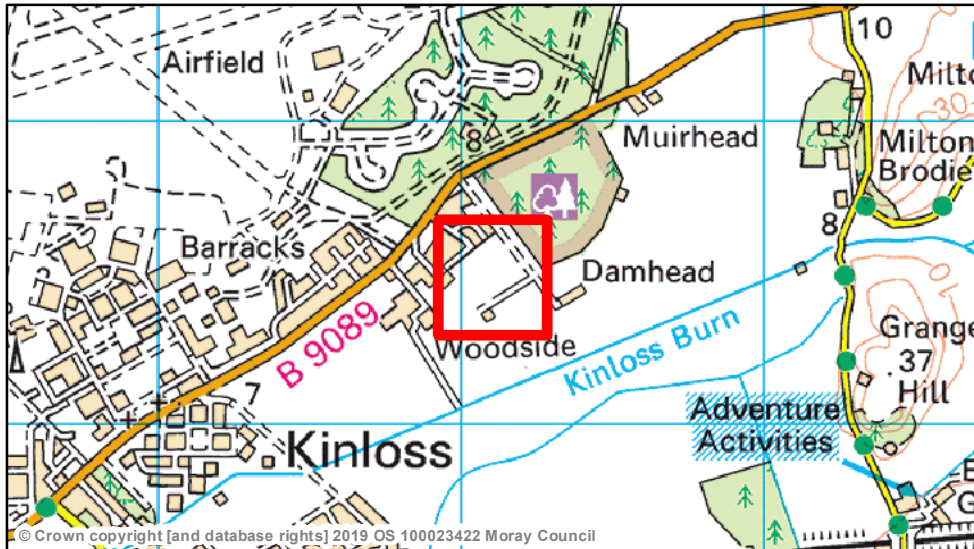


Center X: 306,146
Center Y: 861,839

NOT TO SCALE



R3 Damhead, Kinloss



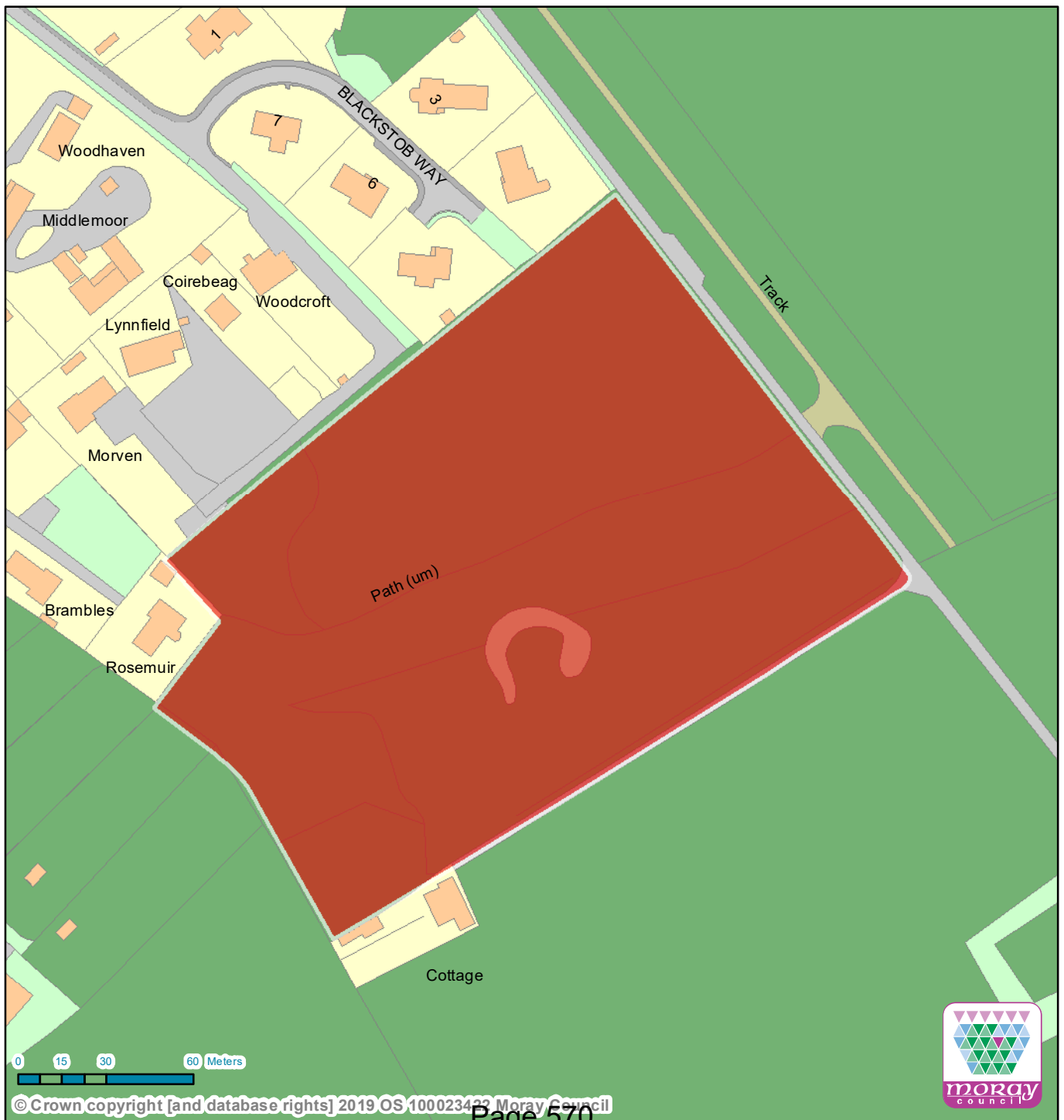
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

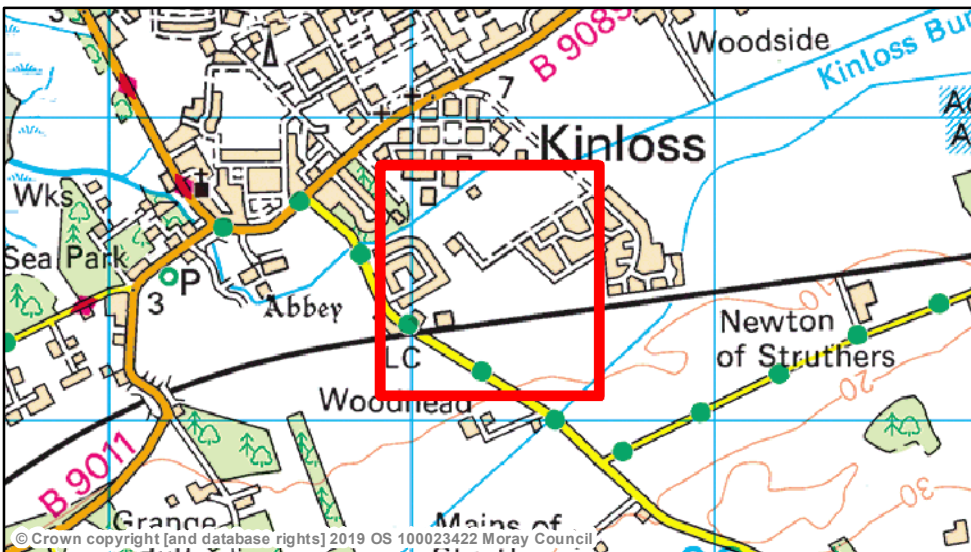


Center X: 308,105
Center Y: 862,484

NOT TO SCALE



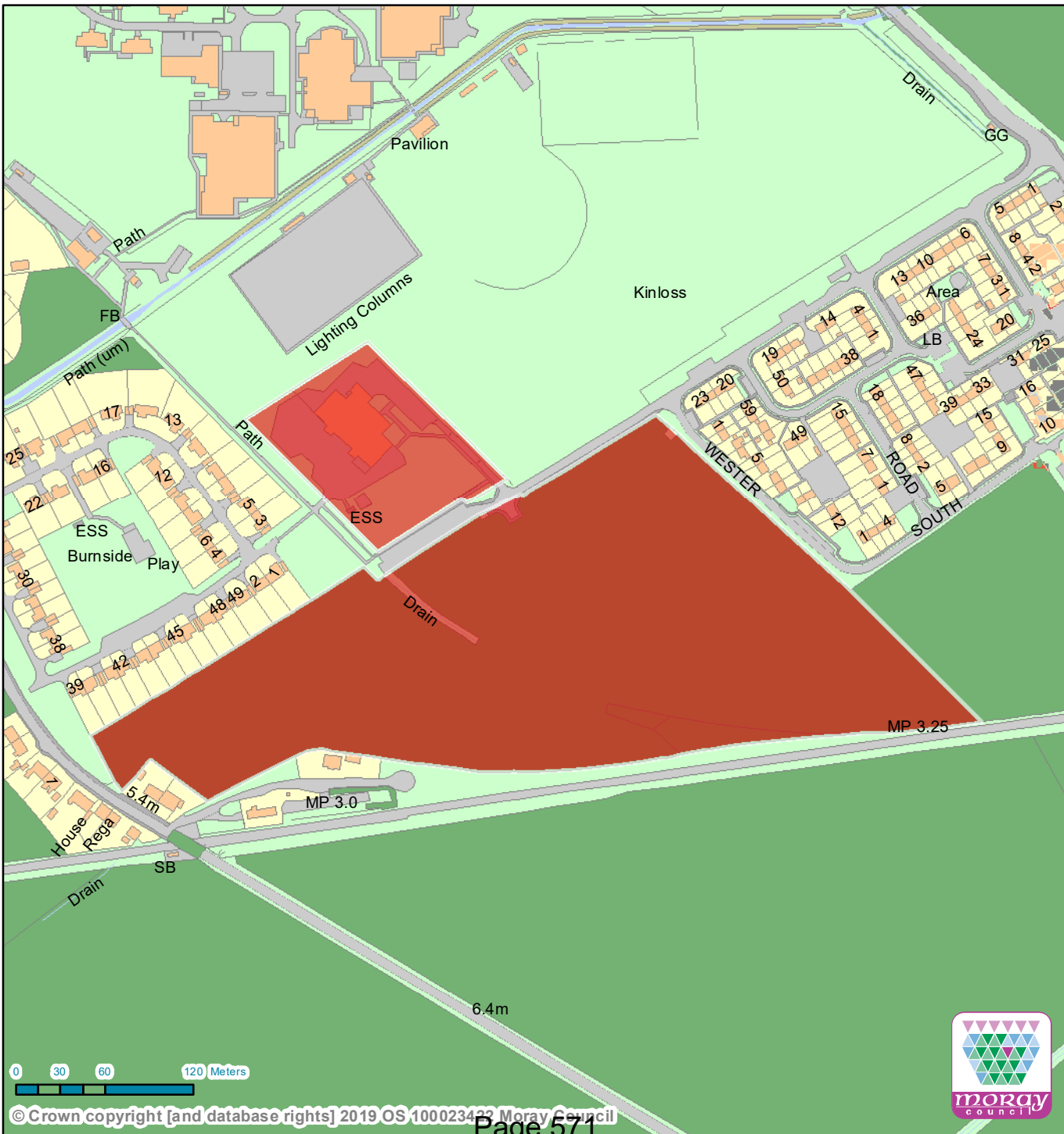
OPP2 Land at Former Abbeylands School, Kinloss



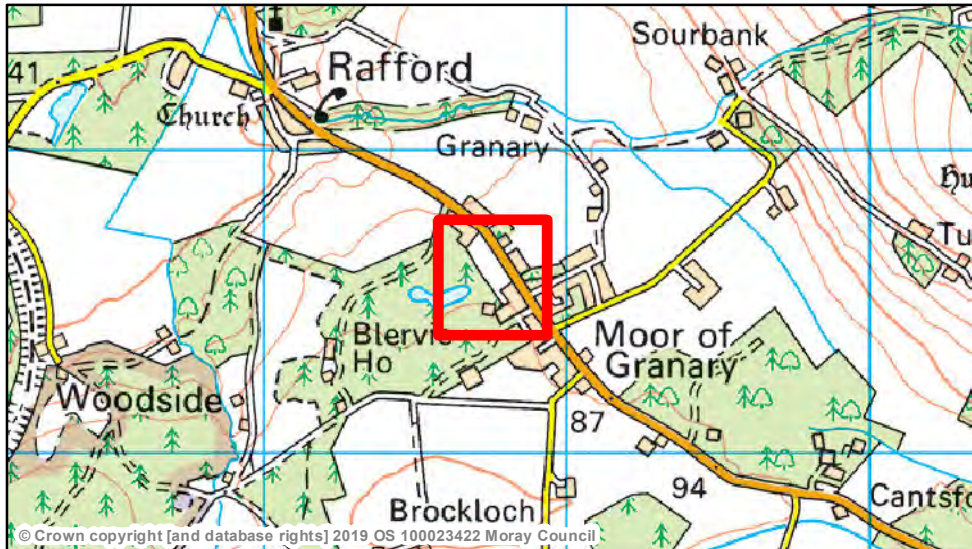
SCHEDULE: 10



Center X: 307,258
Center Y: 861,463



R1 Brochloch, Rafford



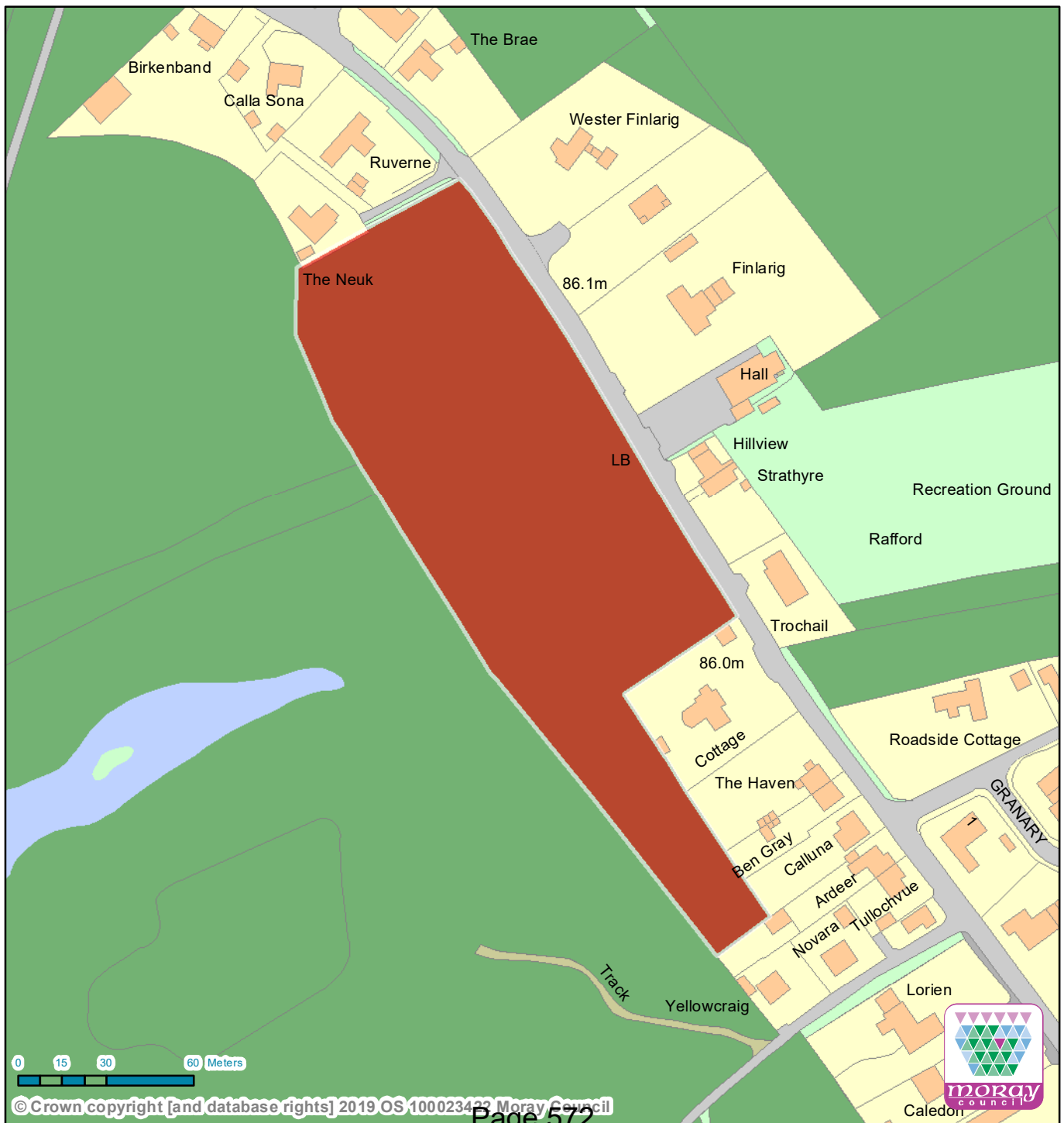
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

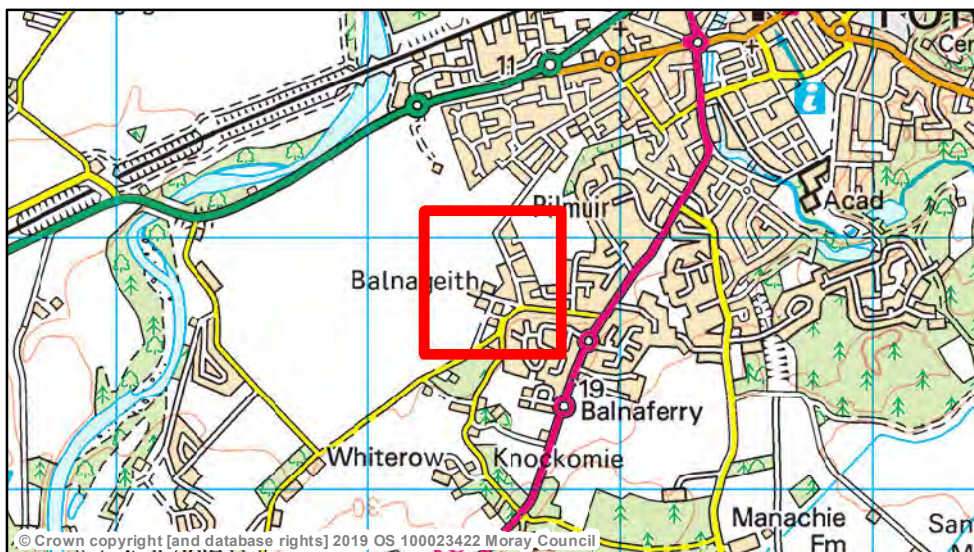


Center X: 306,756
Center Y: 855,579

NOT TO SCALE



R7 Pilmuir Road West



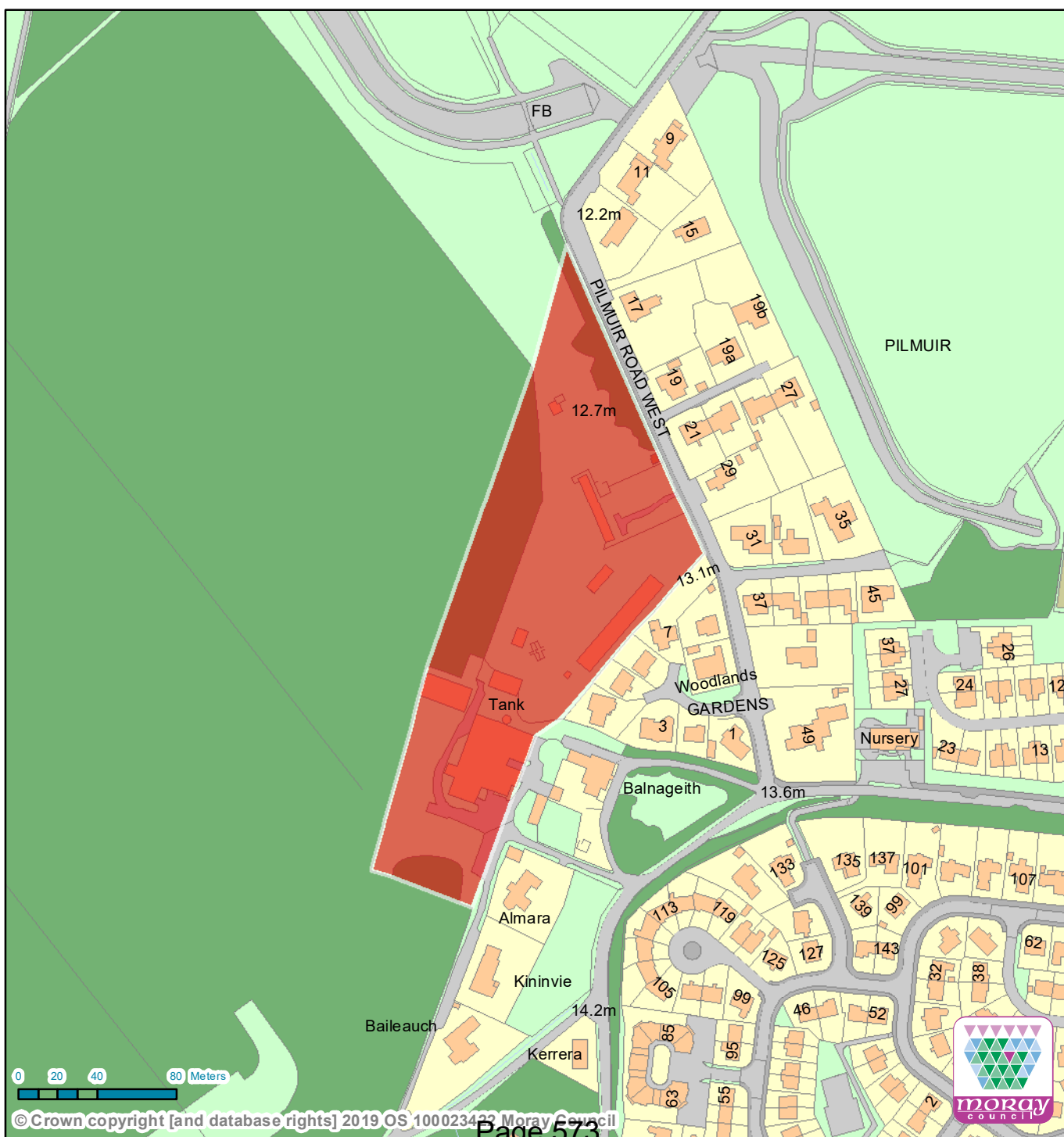
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10

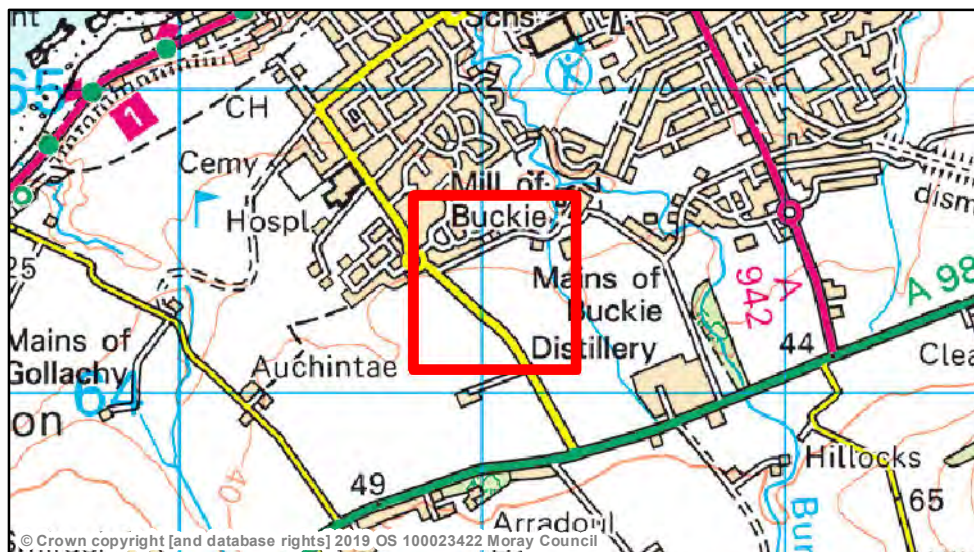


Center X: 302,494
Center Y: 857,820

NOT TO SCALE



R6 Barhill Road (S), Buckie



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

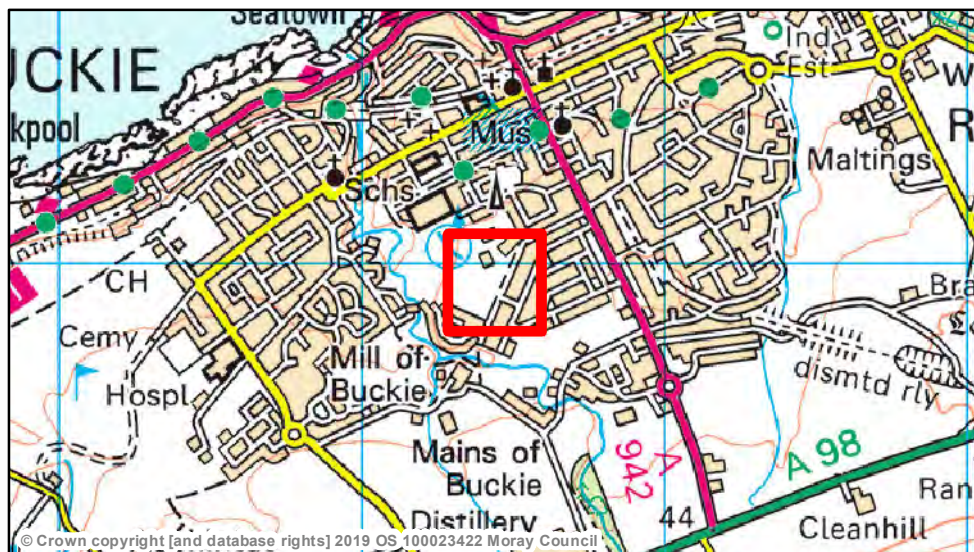


Center X: 342,042
Center Y: 864,363

NOT TO SCALE



R9 Site at Ardach Health Centre, Buckie



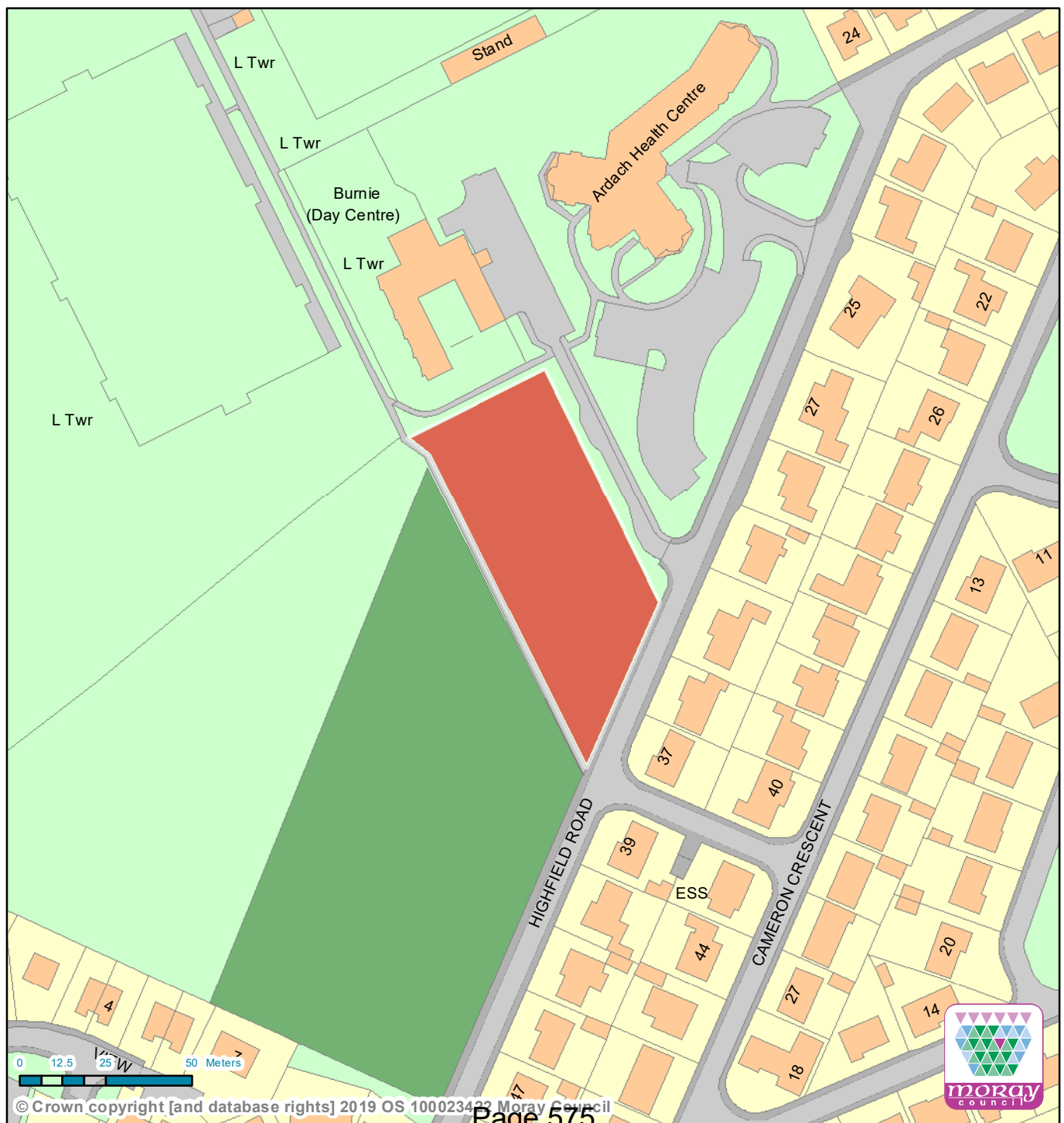
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

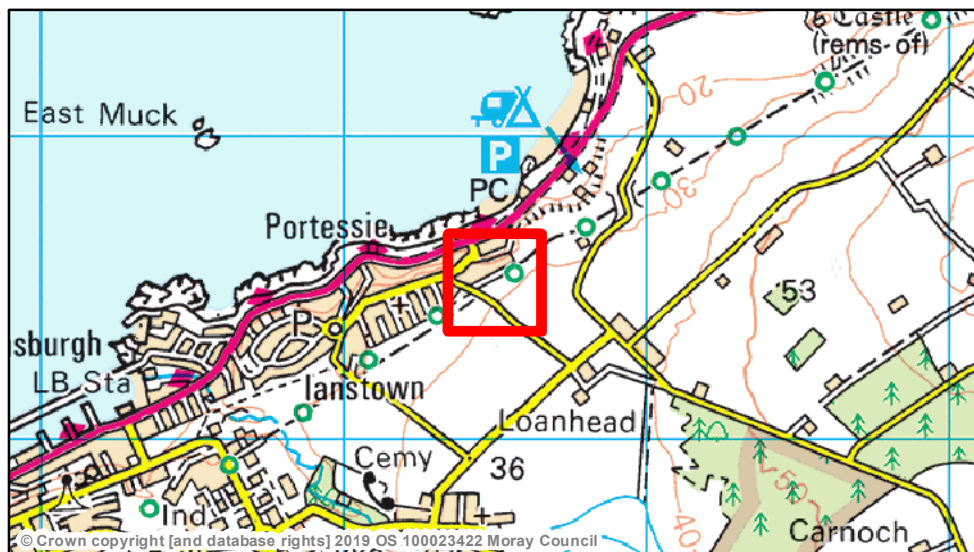


Center X: 342,439
Center Y: 864,938

NOT TO SCALE



R10 Site at Station Road, Portessie, Buckie



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

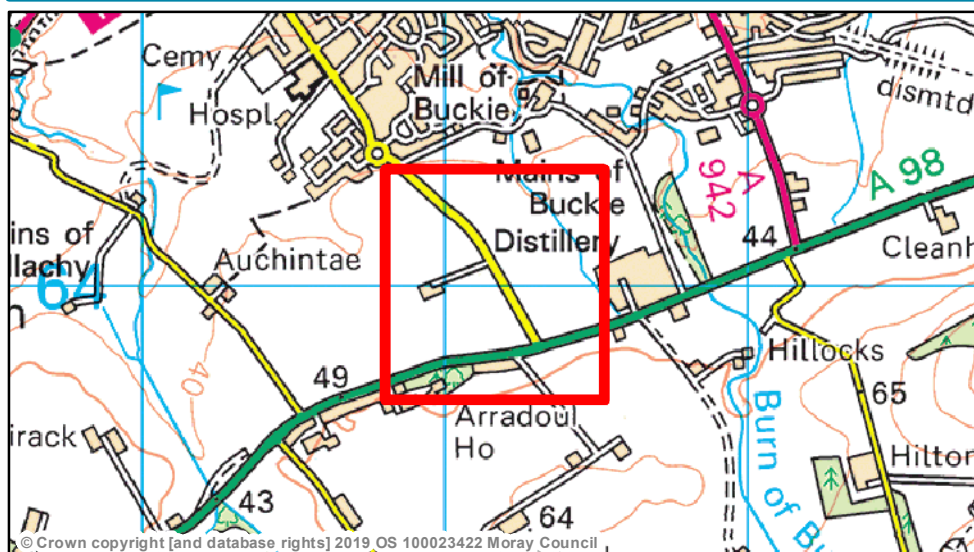


Center X: 344,499
Center Y: 866,516

NOT TO SCALE



LONG1 Land to south west of Buckie, Buckie



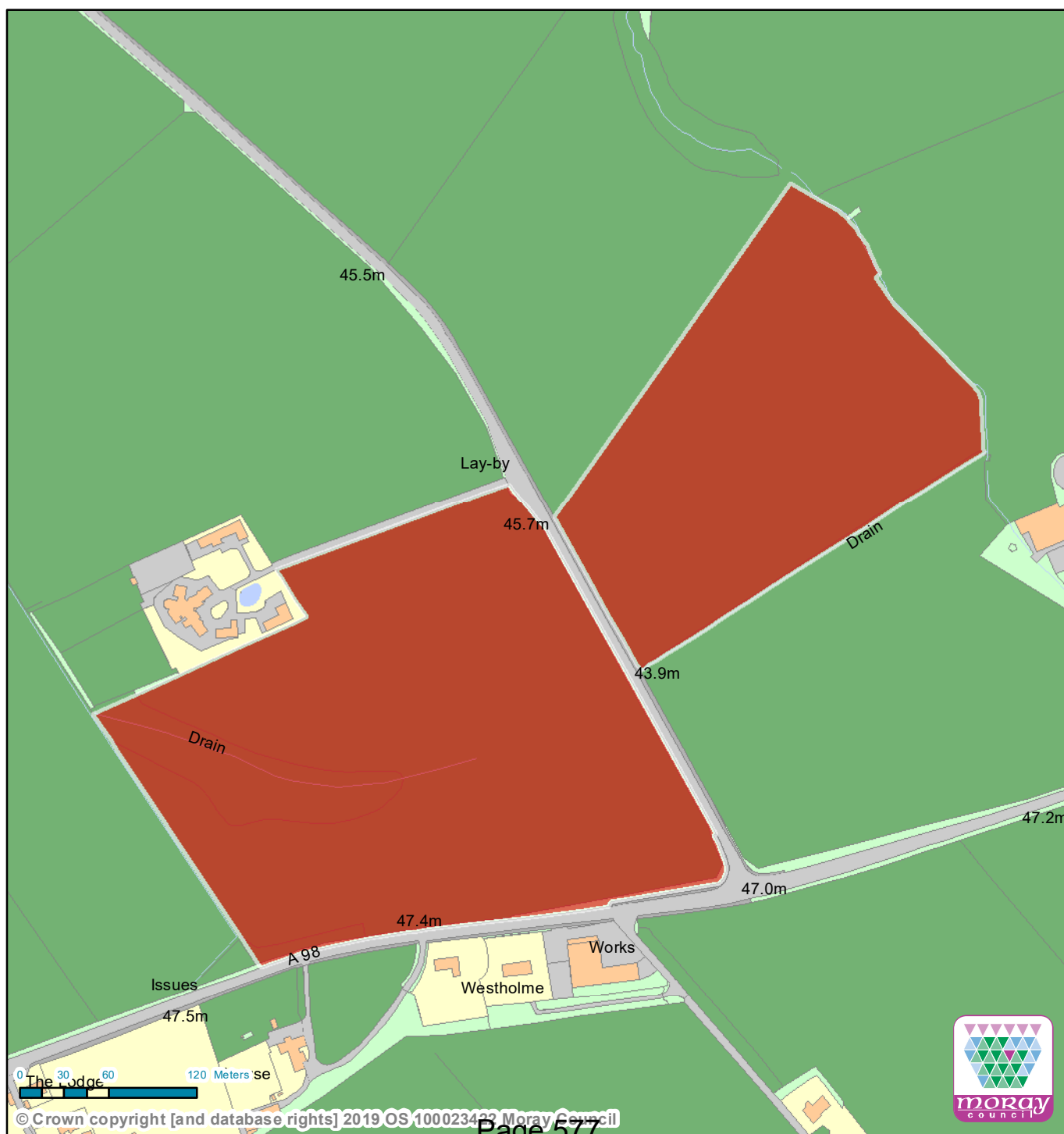
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

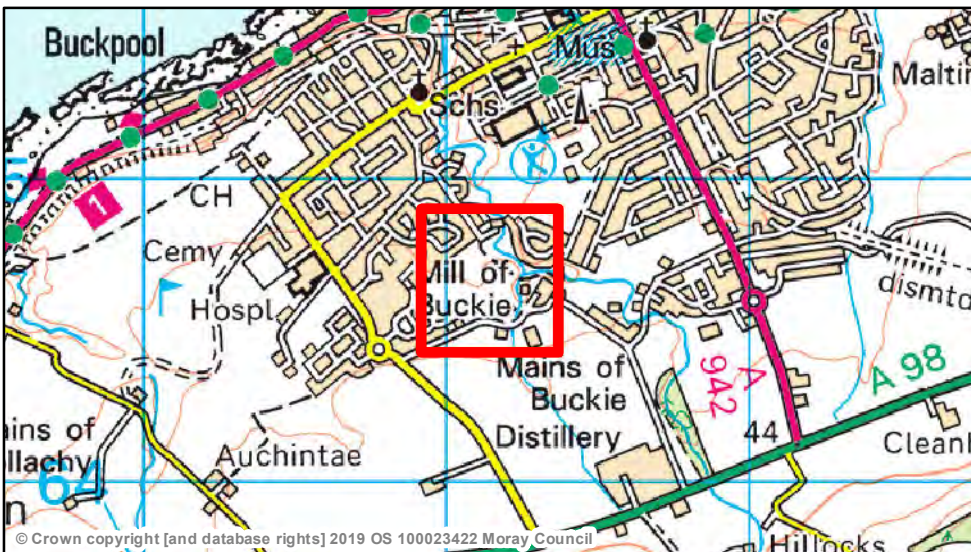


Center X: 342,165
Center Y: 864,004

NOT TO SCALE



ENV6 Mill of Buckie, Buckie



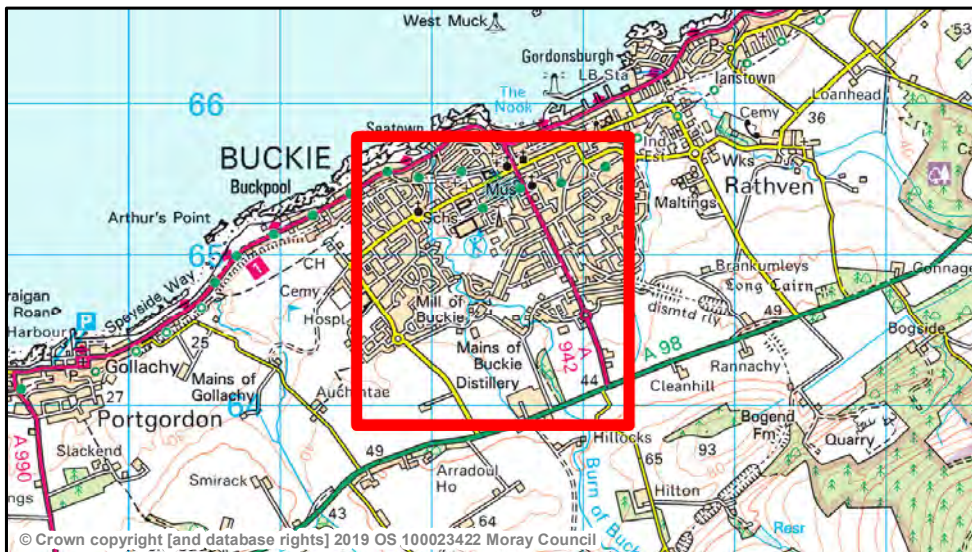
SCHEDULE: 11



Center X: 342,144
Center Y: 864,663



ENV5 Burn of Buckie, Buckie



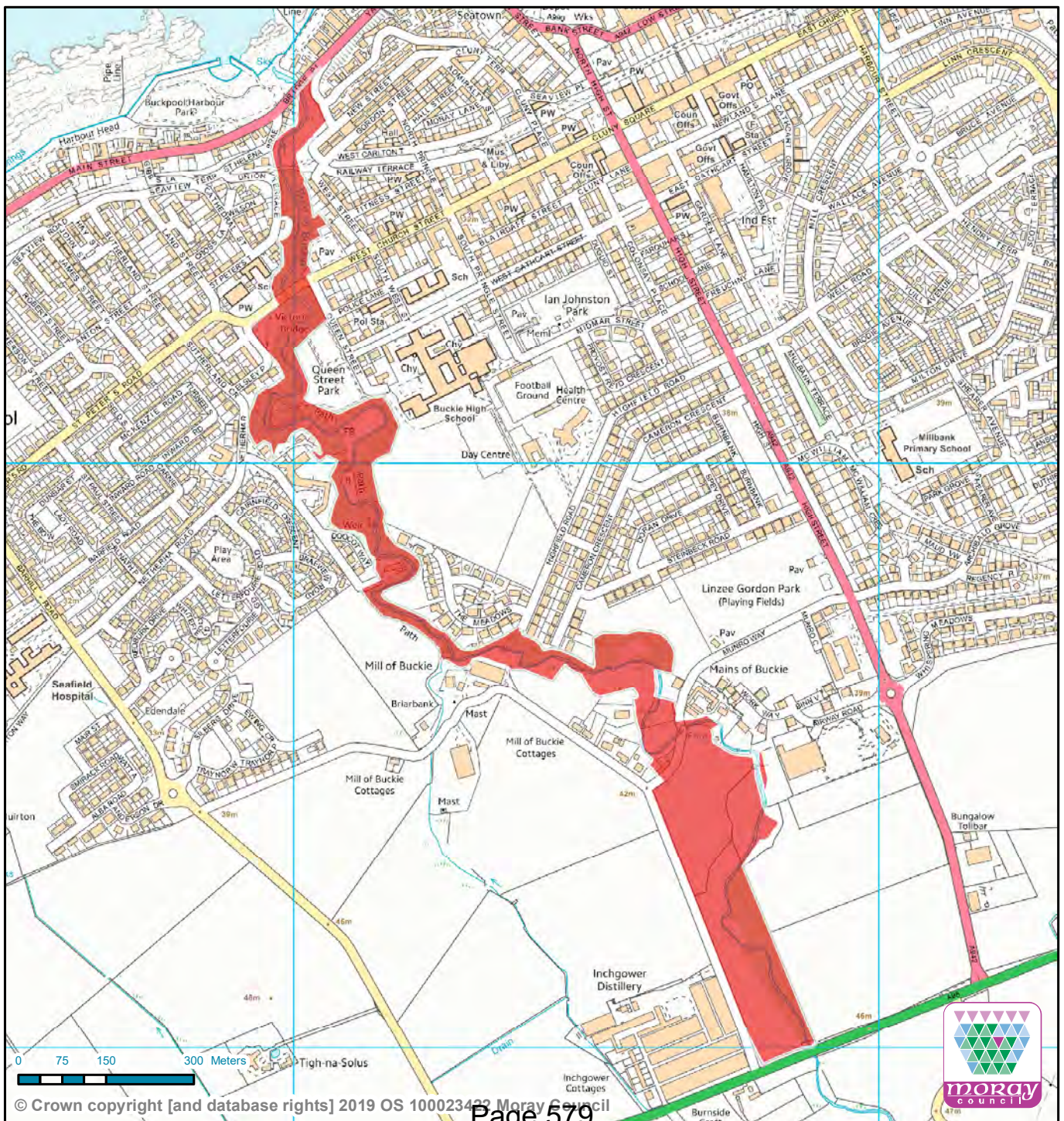
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

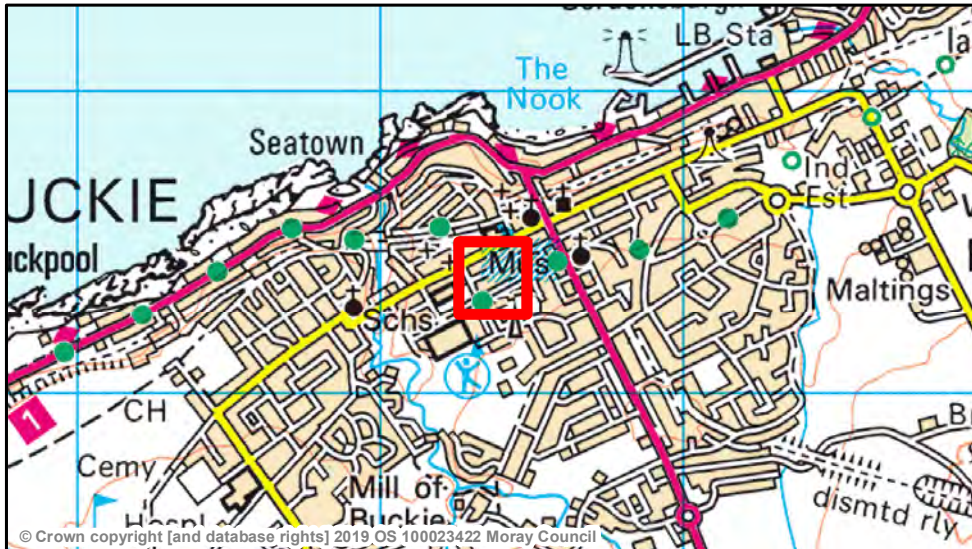


Center X: 342,407
Center Y: 864,824

NOT TO SCALE



OPP2 Blairdaff Street, Buckie



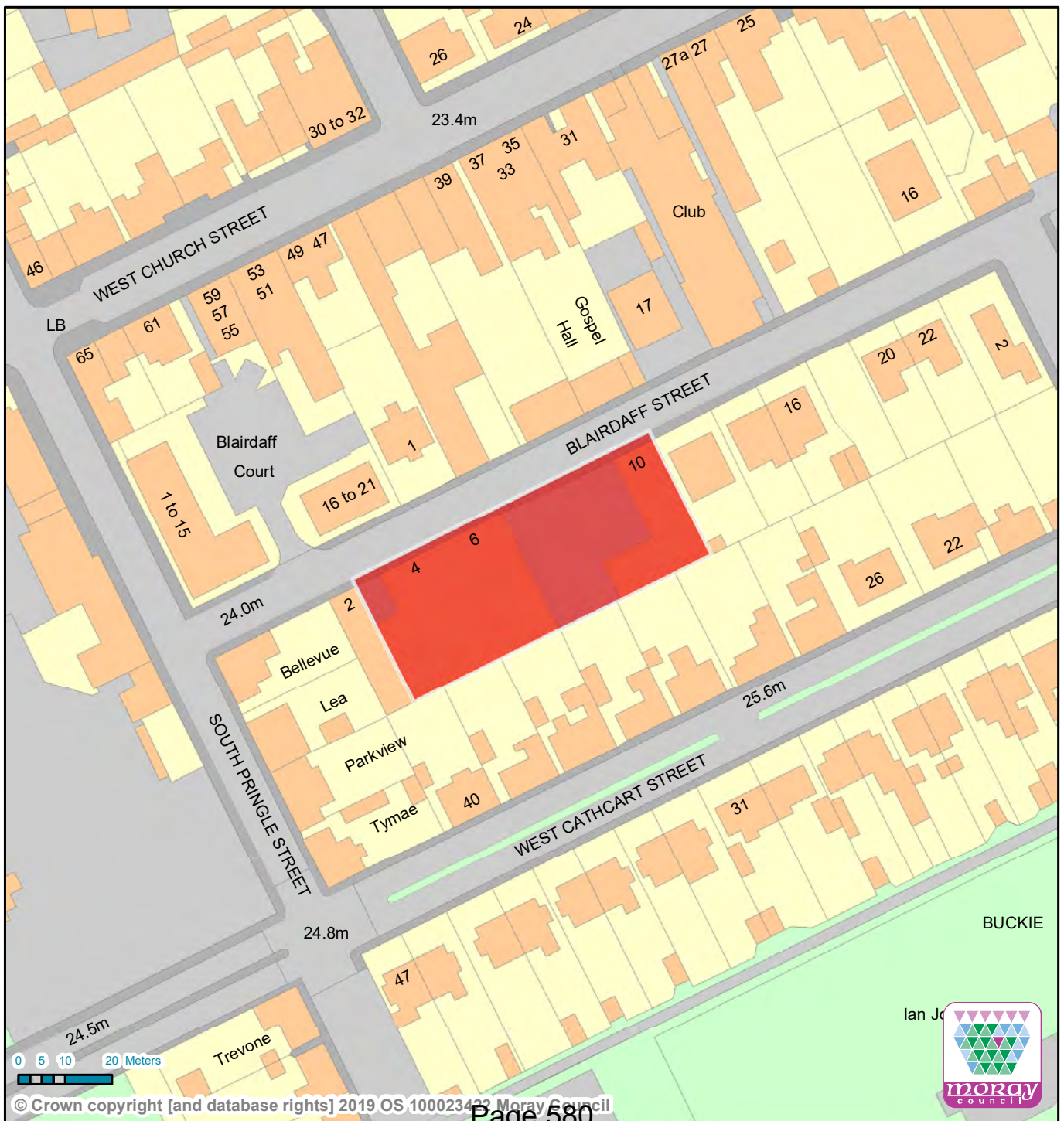
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

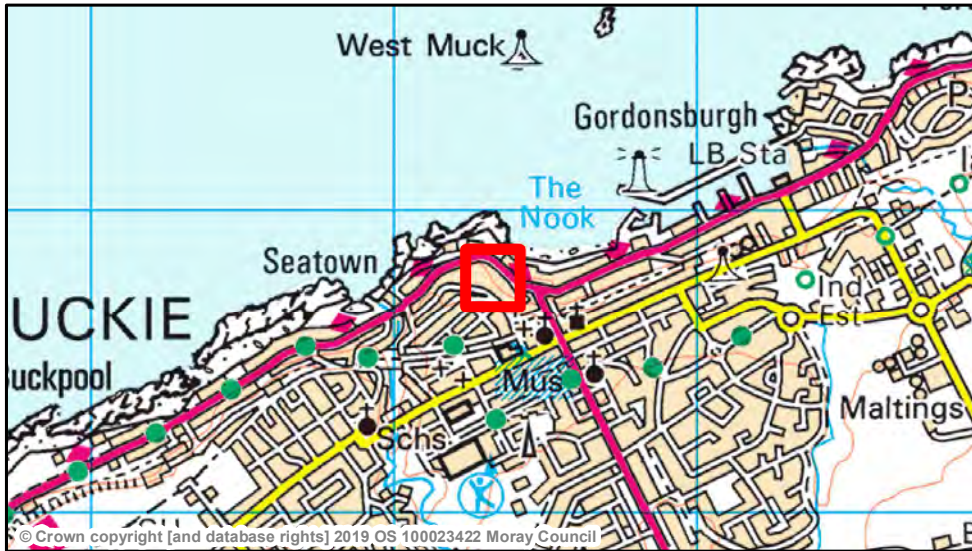


Center X: 342,373
Center Y: 865,382

NOT TO SCALE



OPP3, Barron Street, Buckie



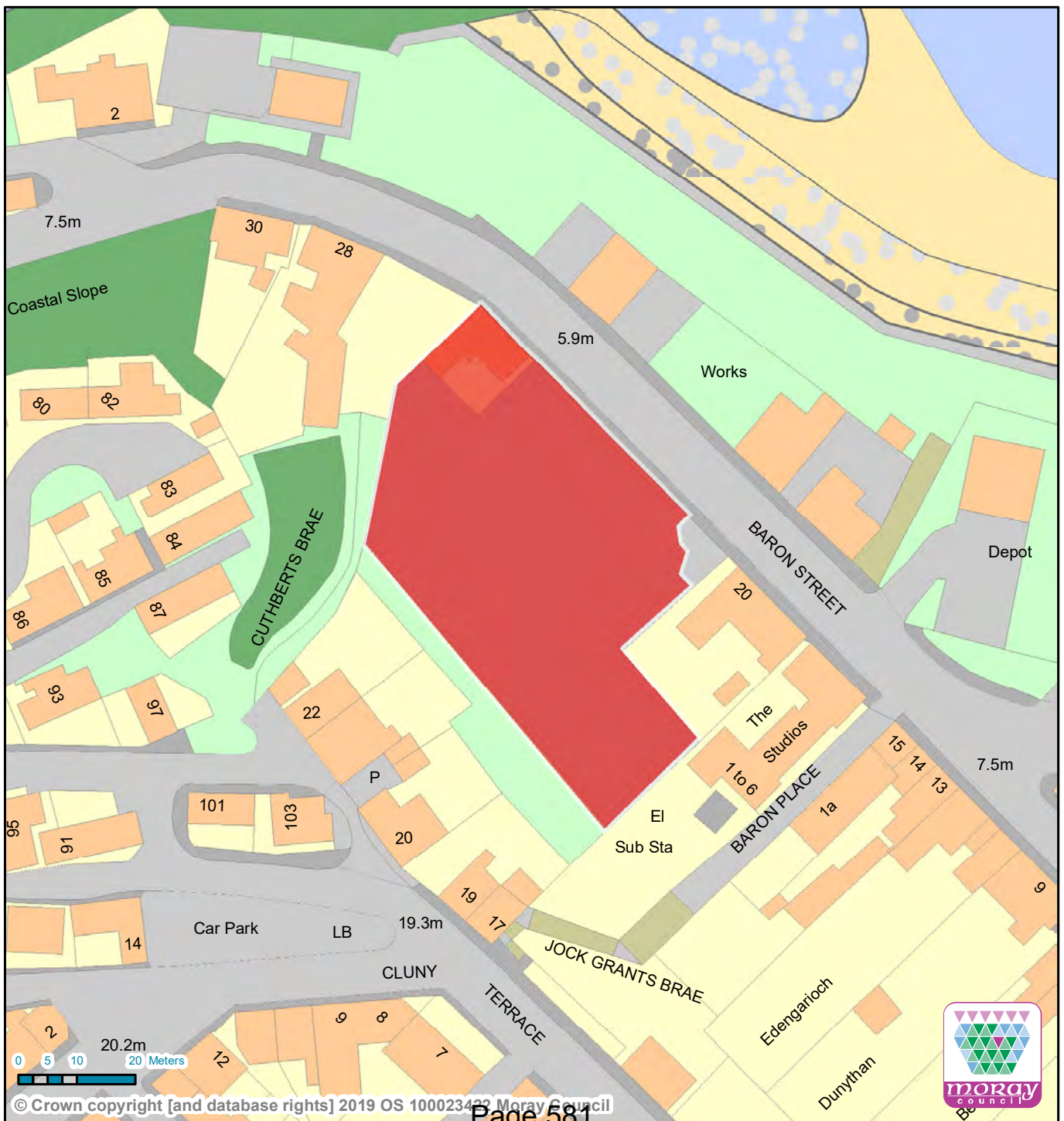
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

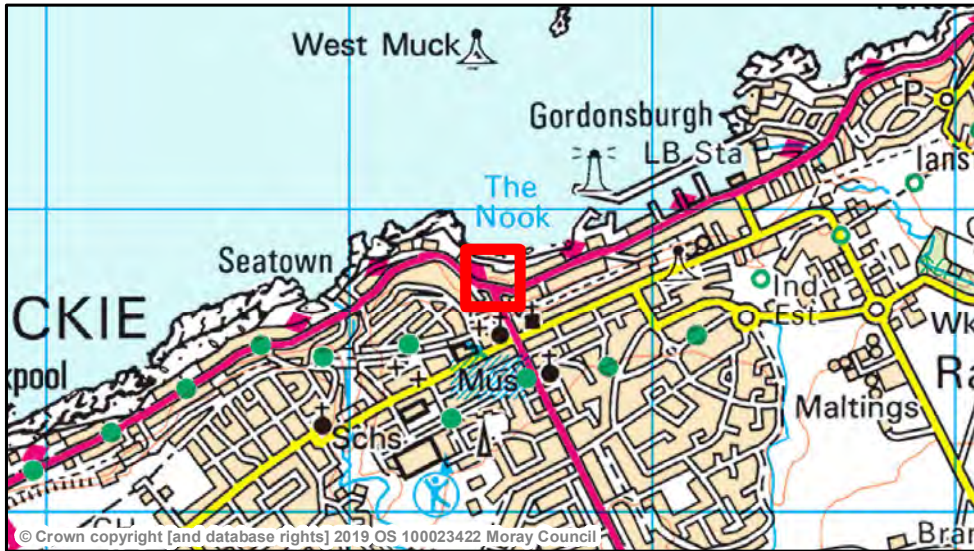


Center X: 342,328
Center Y: 865,774

NOT TO SCALE



OPP4 Bank Street, Buckie



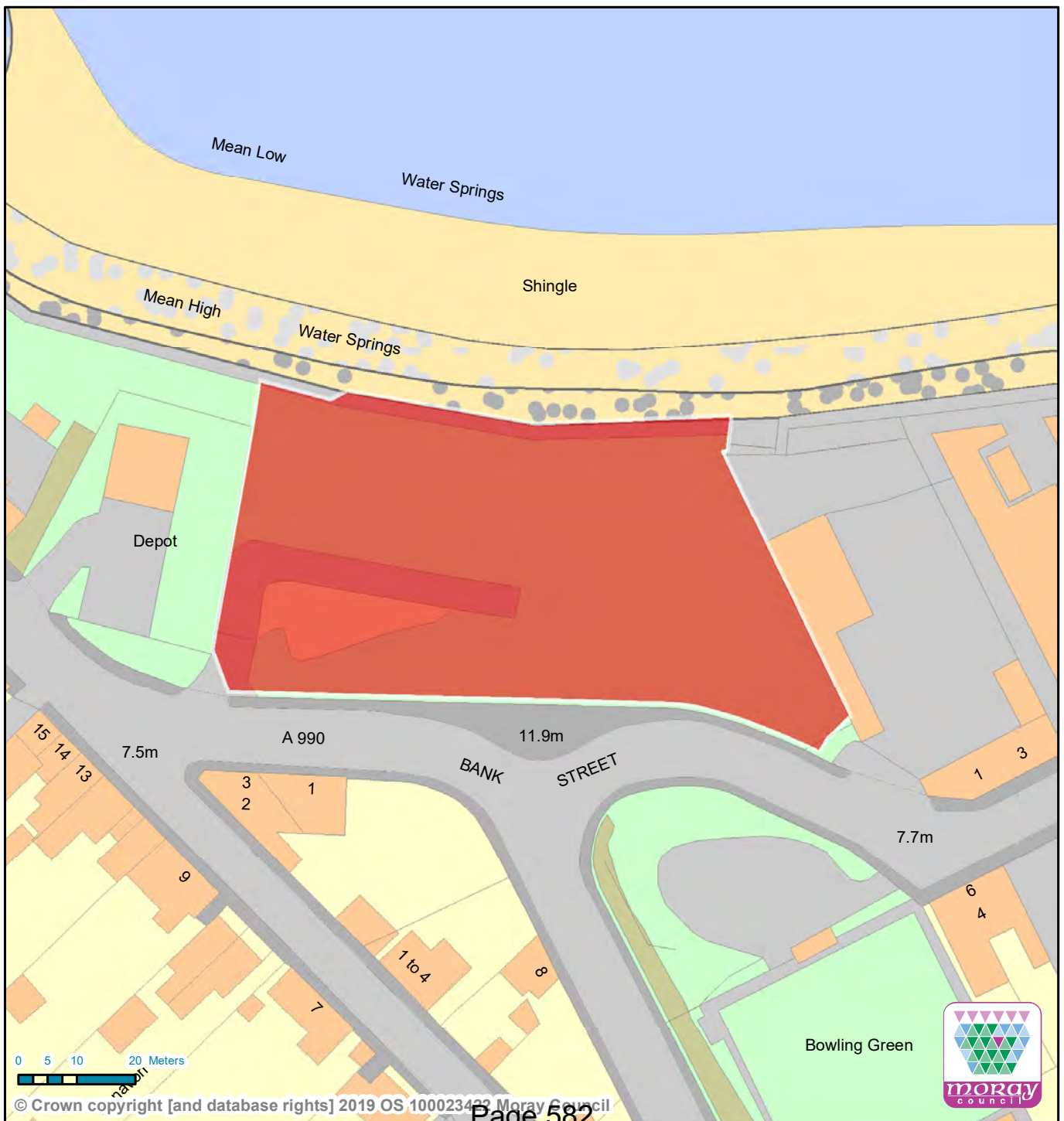
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11



Center X: 342,474
Center Y: 865,772

NOT TO SCALE



OPP5 Former Jones Shipyard, Buckie



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

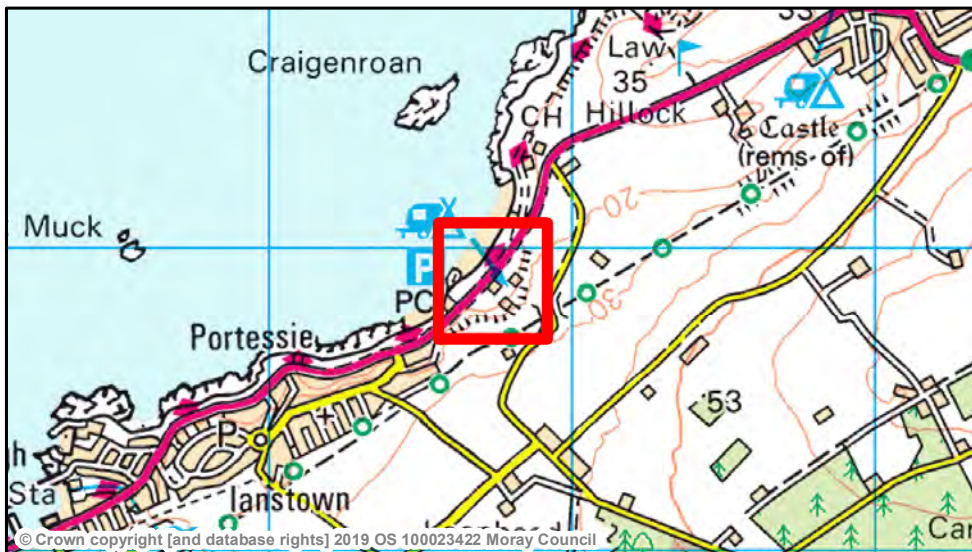


Center X: 343,404
Center Y: 866,341

NOT TO SCALE



T1 Strathlene Caravan Park, Buckie



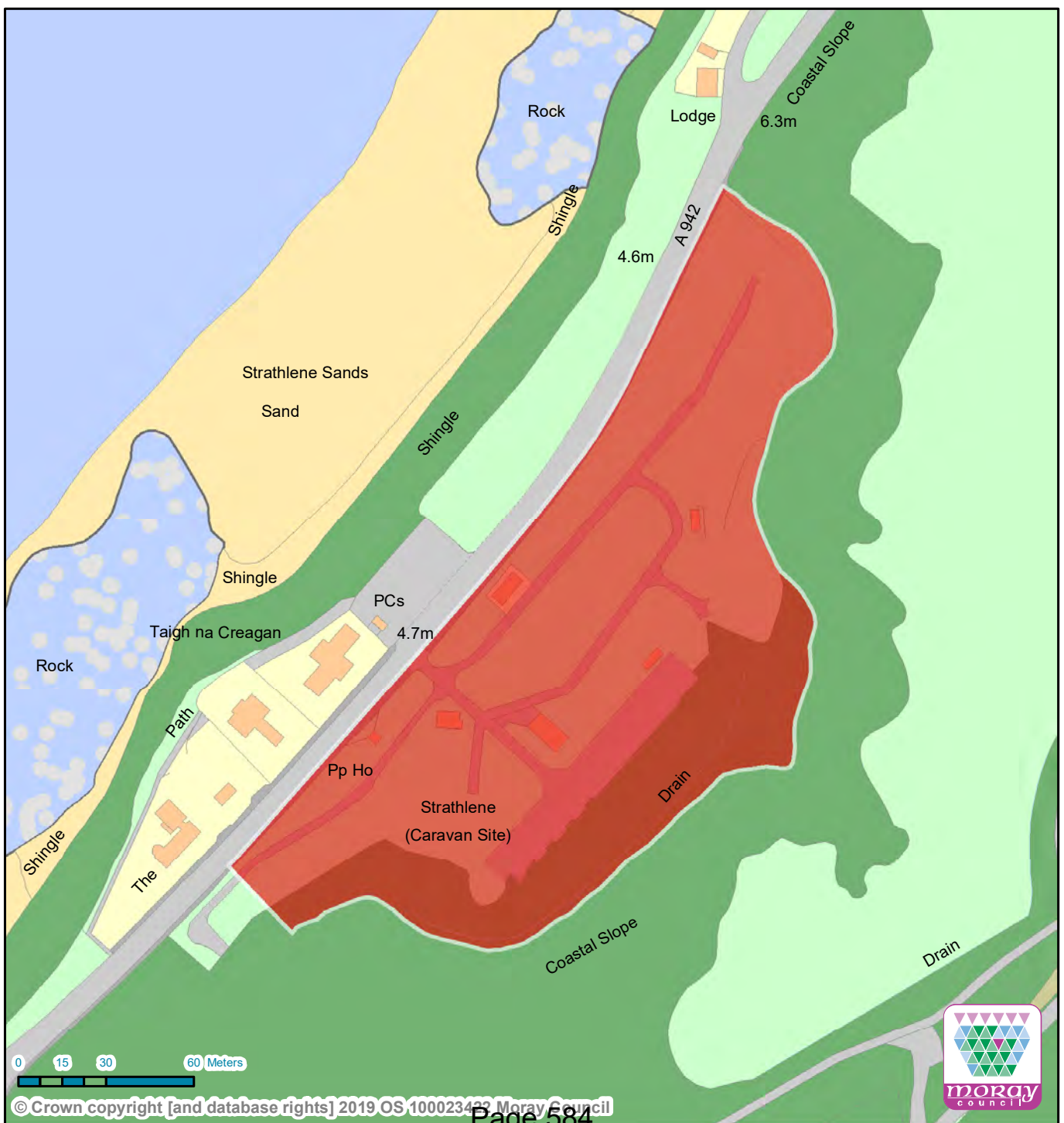
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

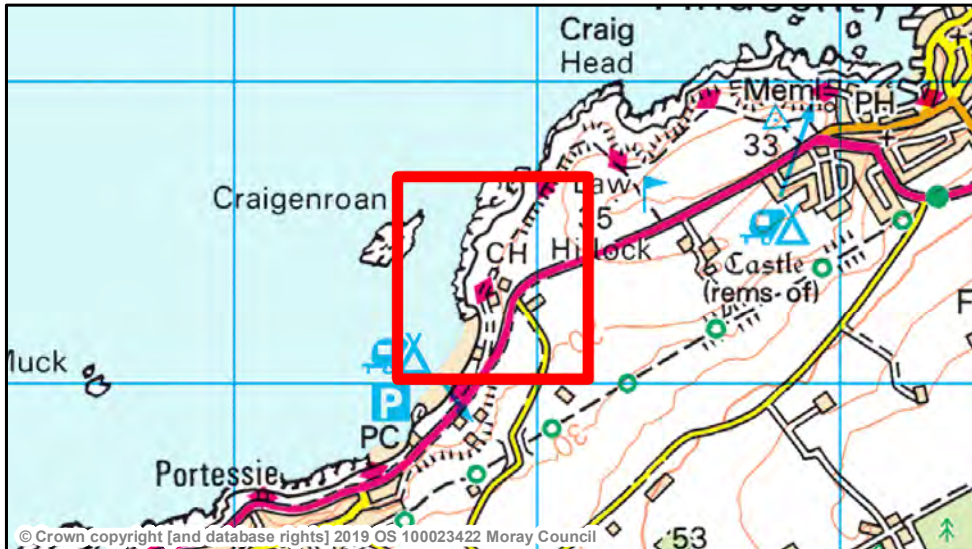


Center X: 344,740
Center Y: 866,889

NOT TO SCALE



T2 Coastal Strip, Strathlene, Buckie



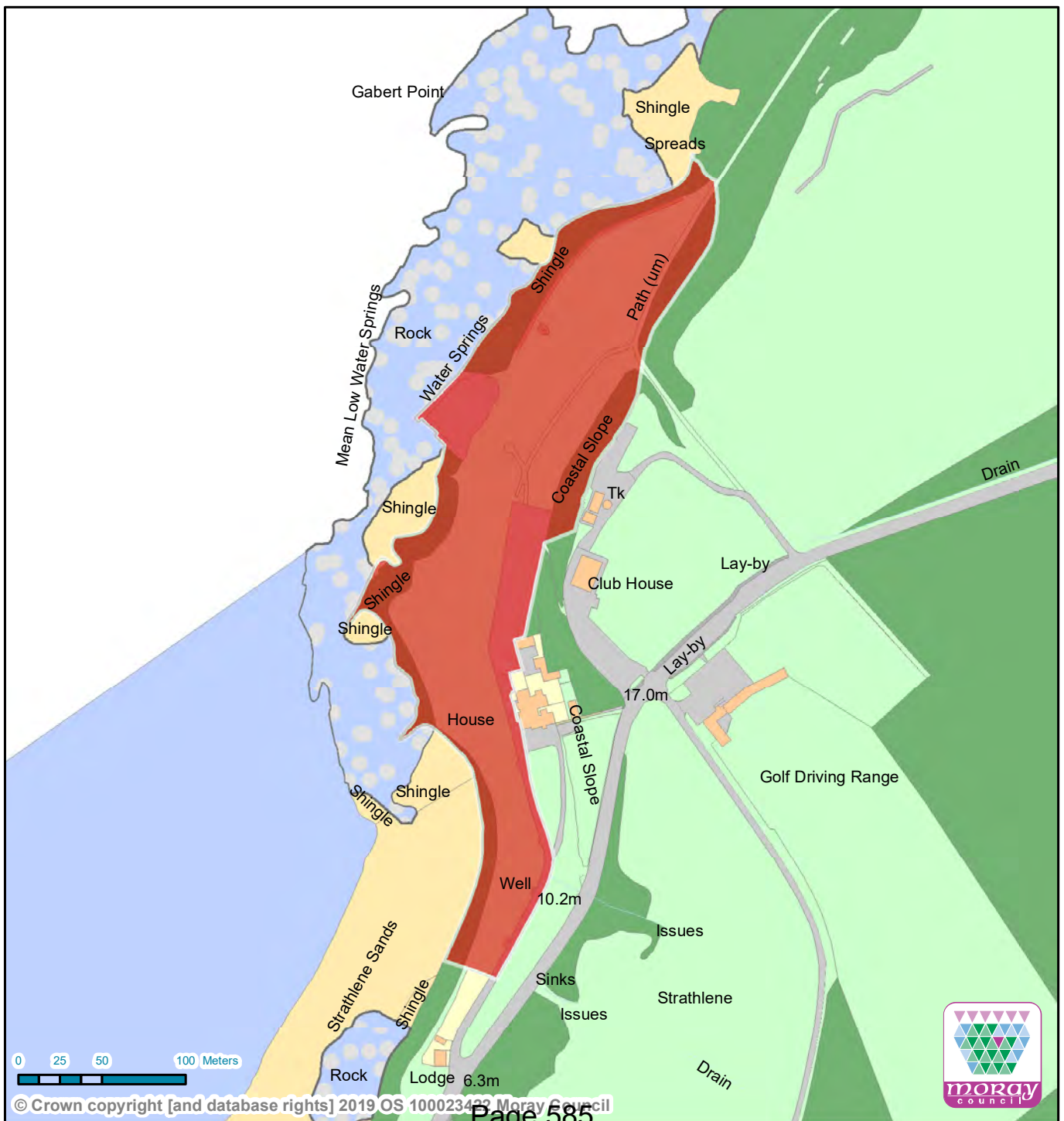
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

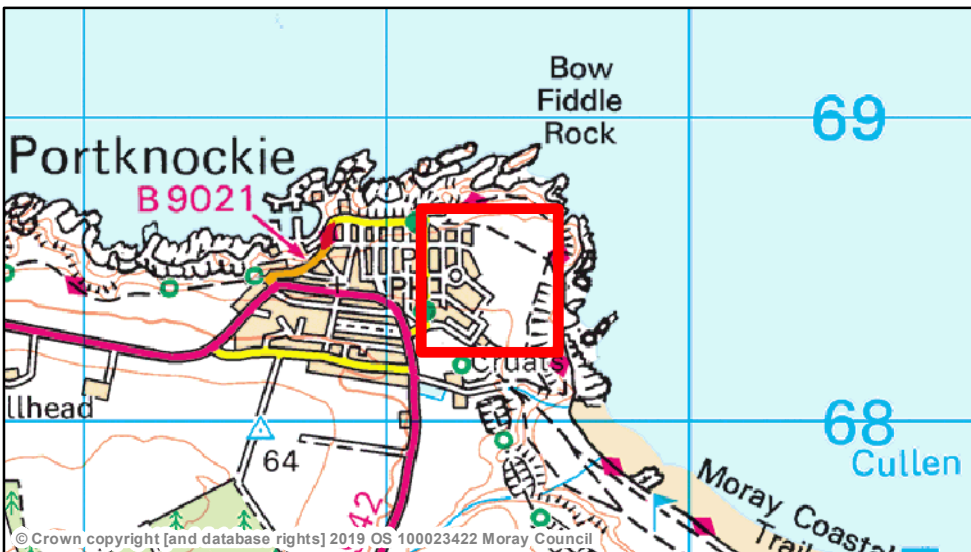


Center X: 344,855
Center Y: 867,350

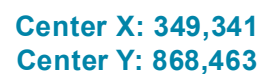
NOT TO SCALE



R1 Seabraes, Portknockie



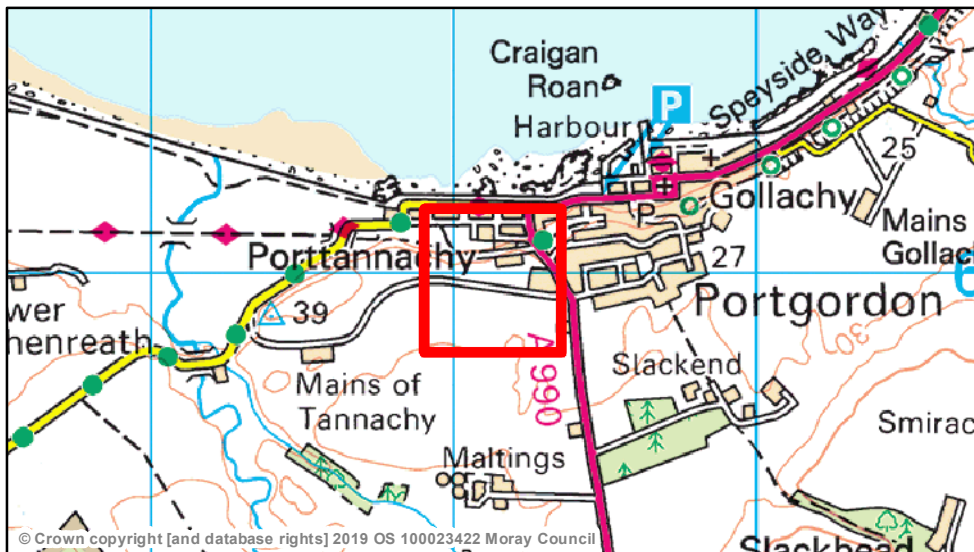
SCHEDULE: 11



NOT TO SCALE



R1 West of Reid Terrace, Portgordon



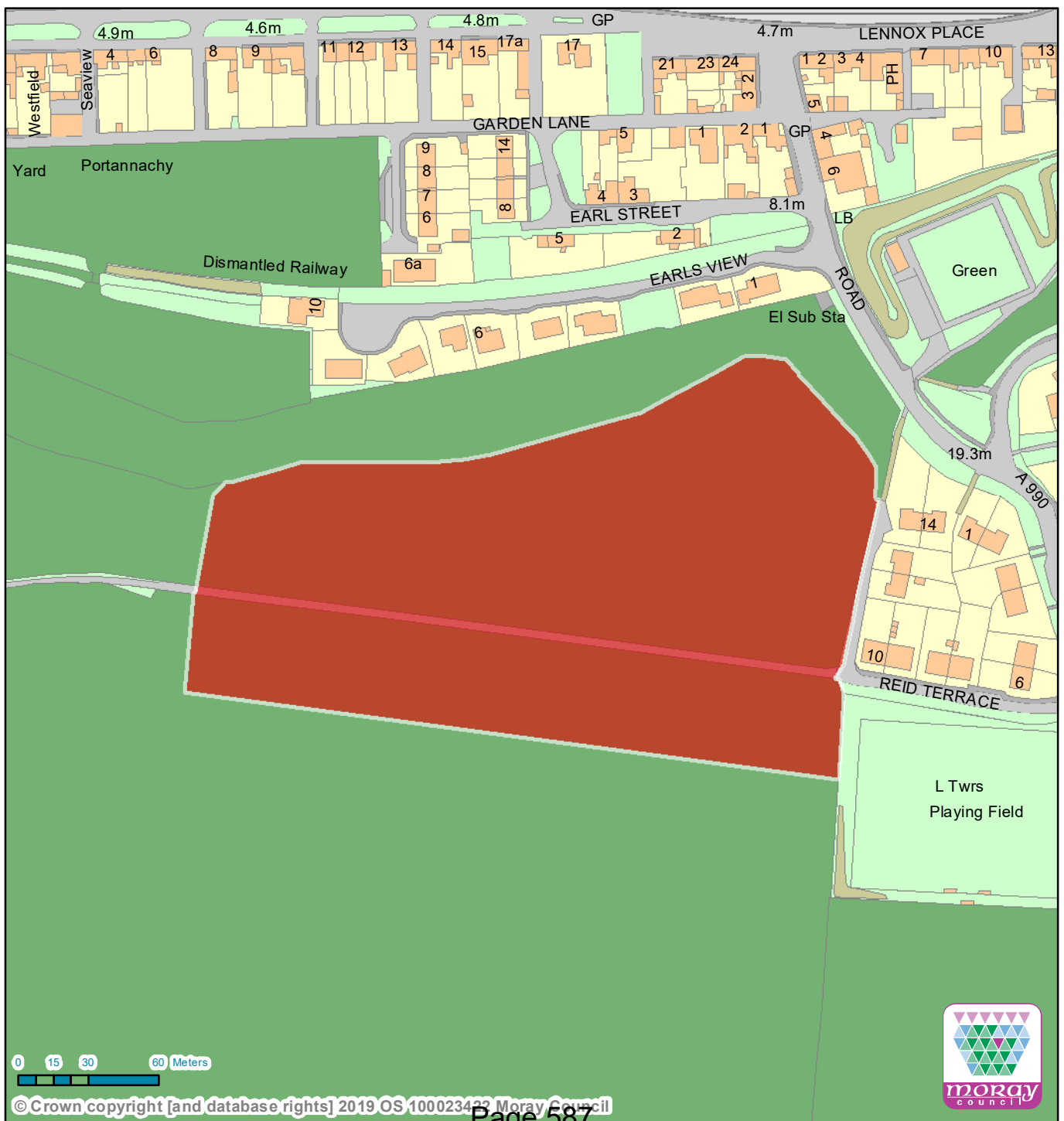
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

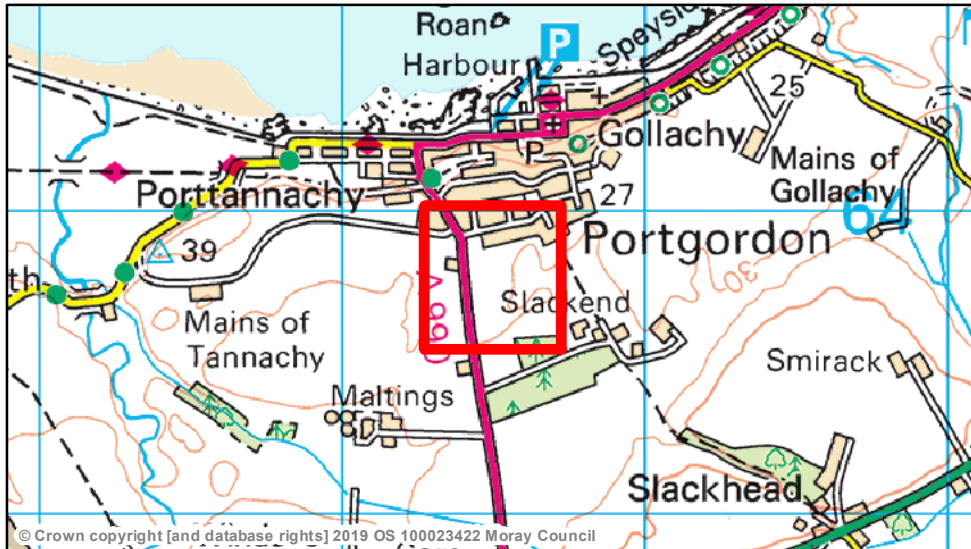


Center X: 339,129
Center Y: 863,974

NOT TO SCALE



R2 Crown Street, Portgordon



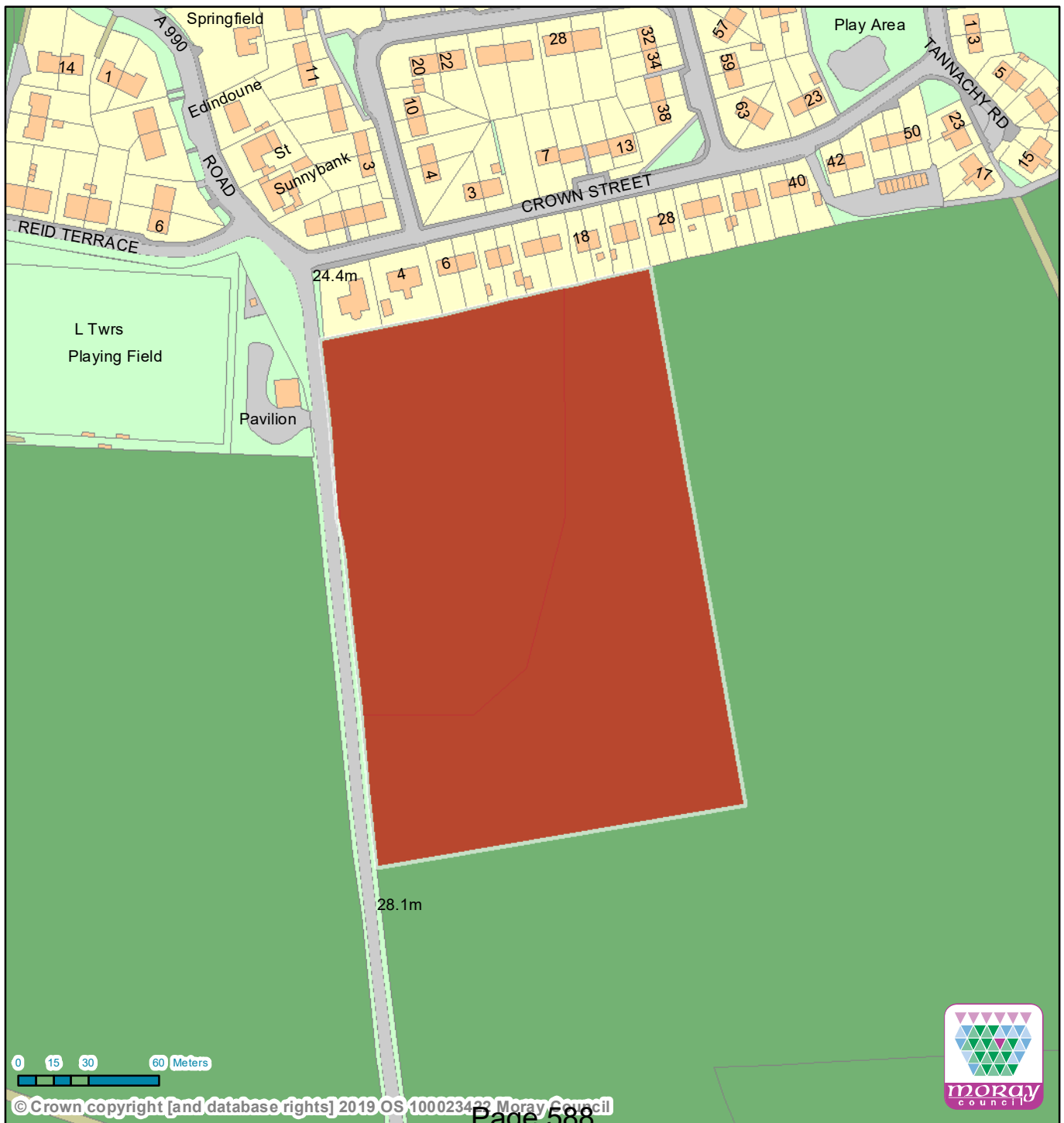
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

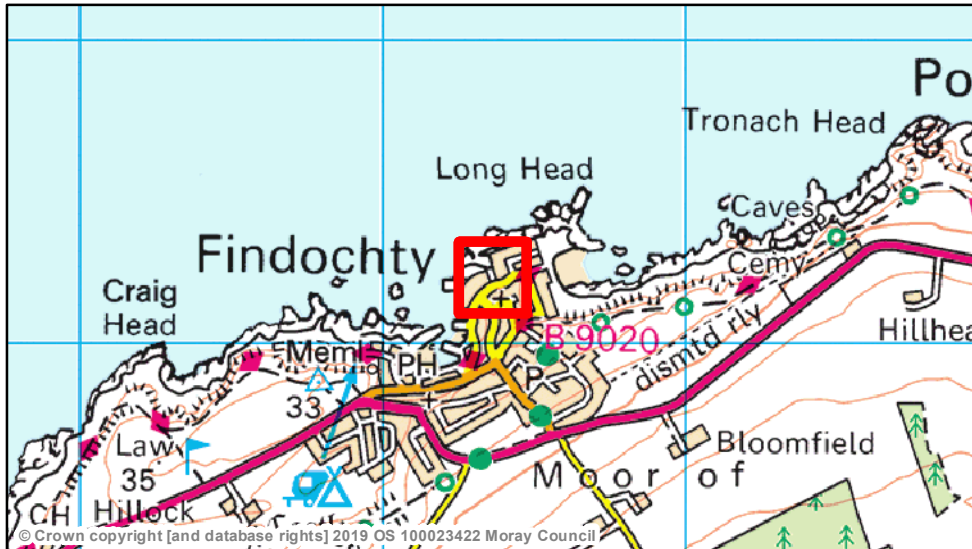


Center X: 339,497
Center Y: 863,779

NOT TO SCALE



OPP1 North Beach, Findochty



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

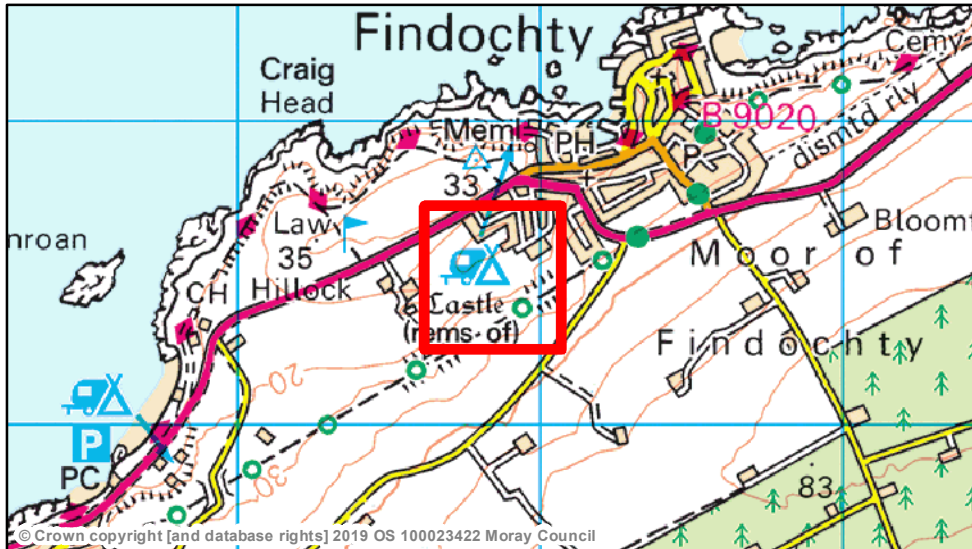


Center X: 346,363
Center Y: 868,217

NOT TO SCALE



R2 West of Primary School, Findochty



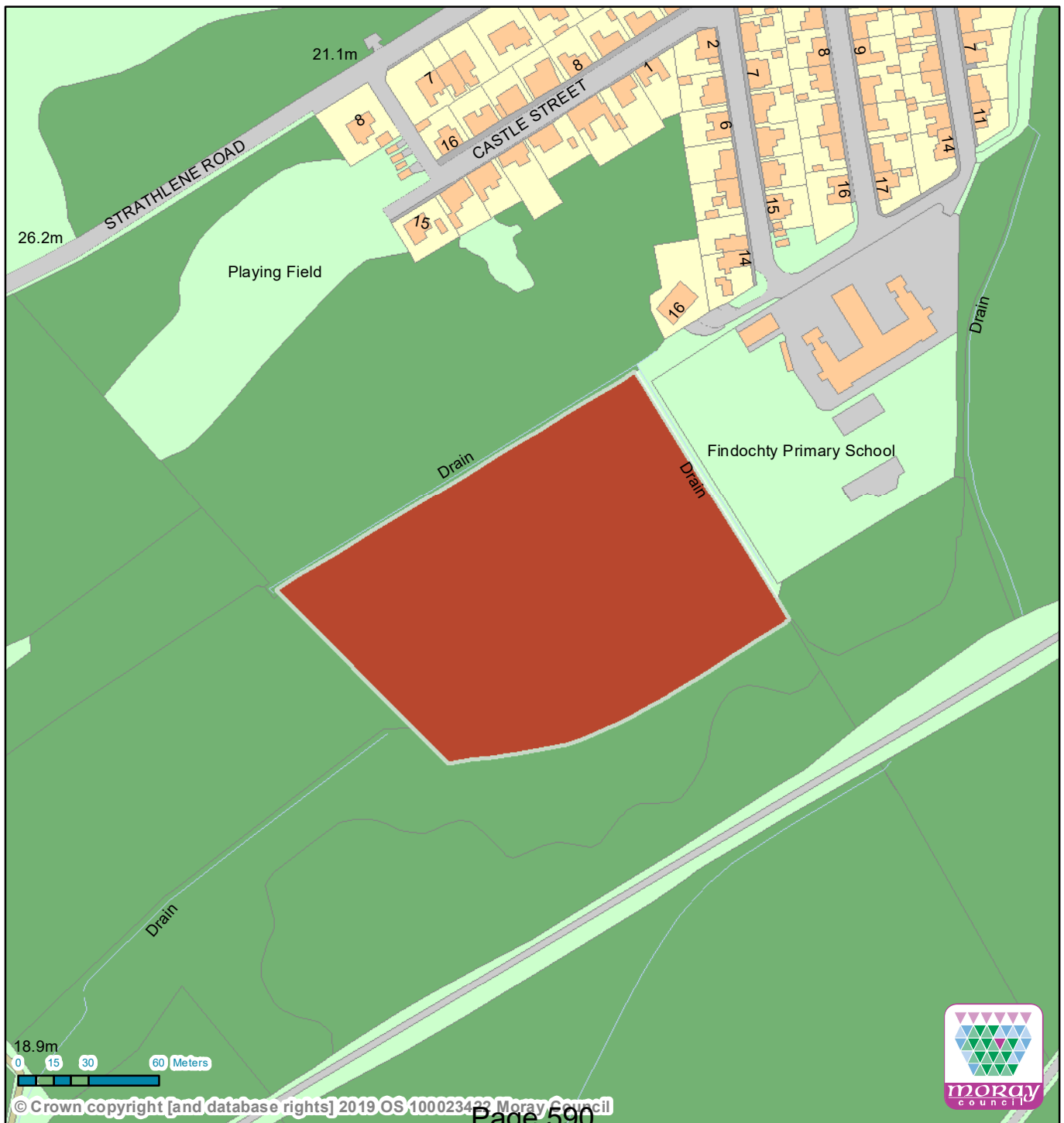
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

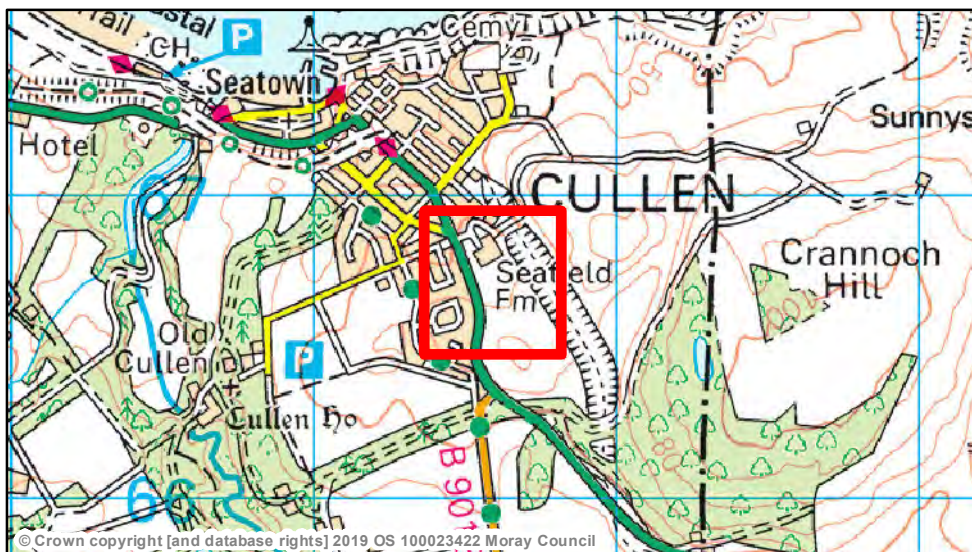


Center X: 345,843
Center Y: 867,485

NOT TO SCALE



R1 Seafeld Road, Cullen



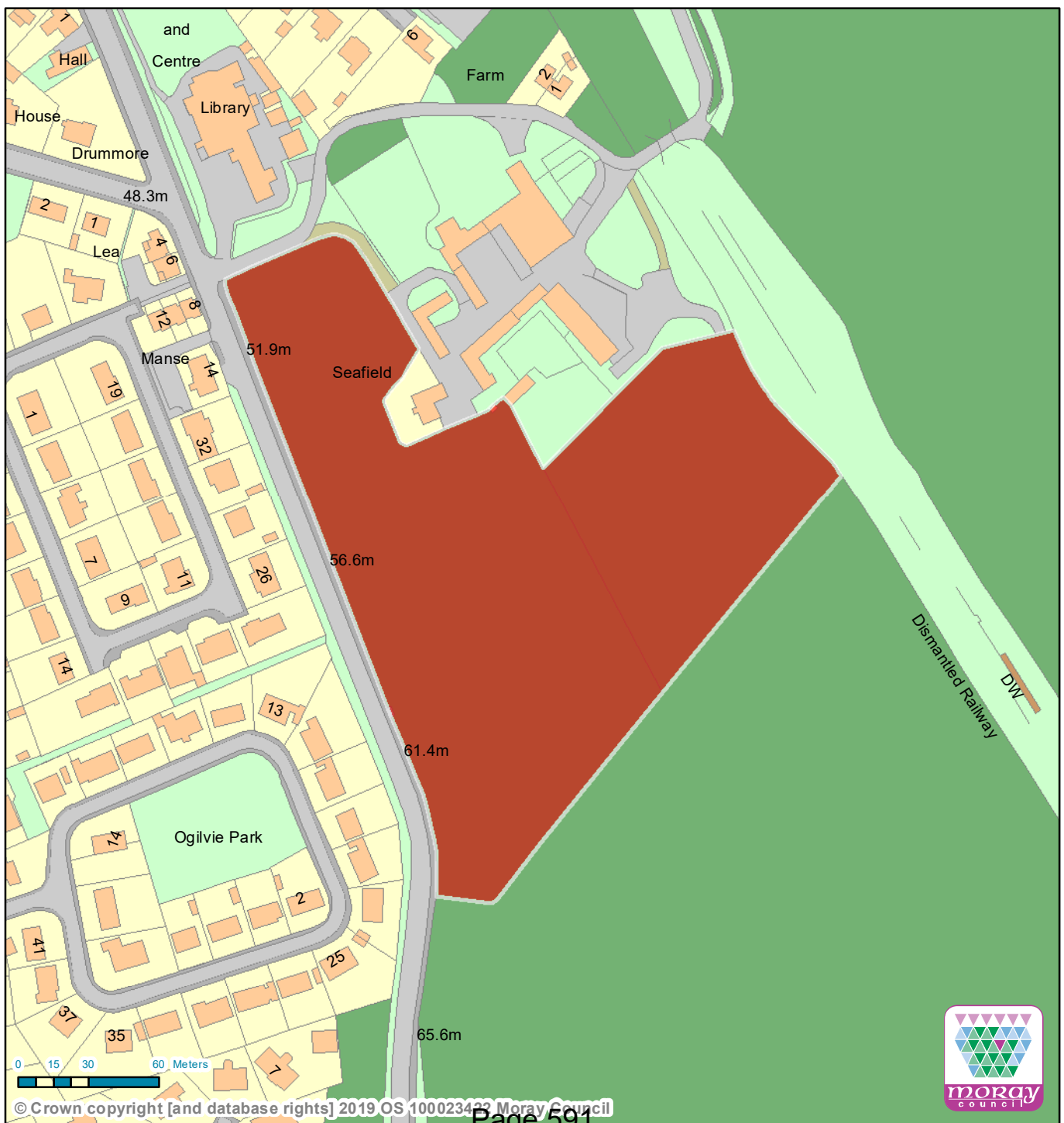
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

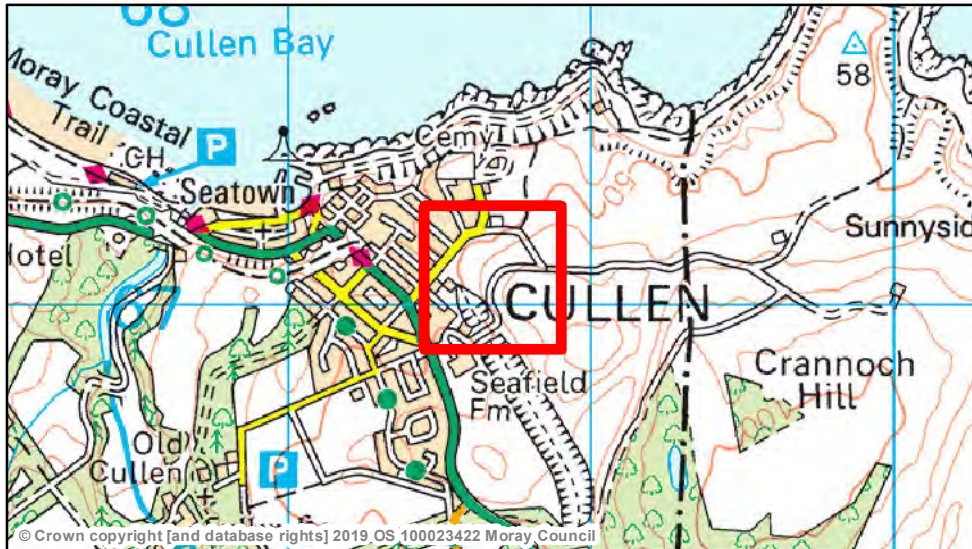


Center X: 351,591
Center Y: 866,711

NOT TO SCALE



R1 Seafield Place, Cullen



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 11

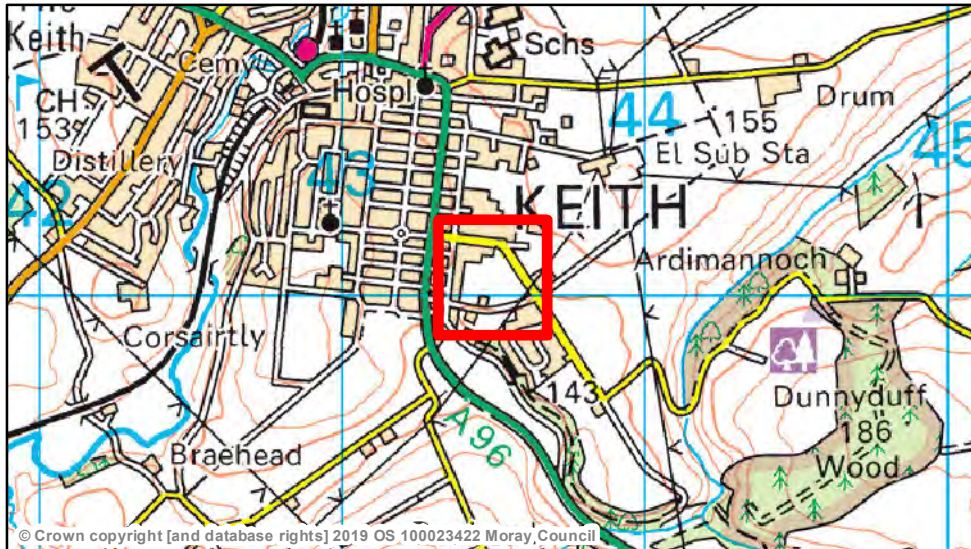


Center X: 351,675
Center Y: 867,090

NOT TO SCALE



R2 Dunnyduff Road, Keith



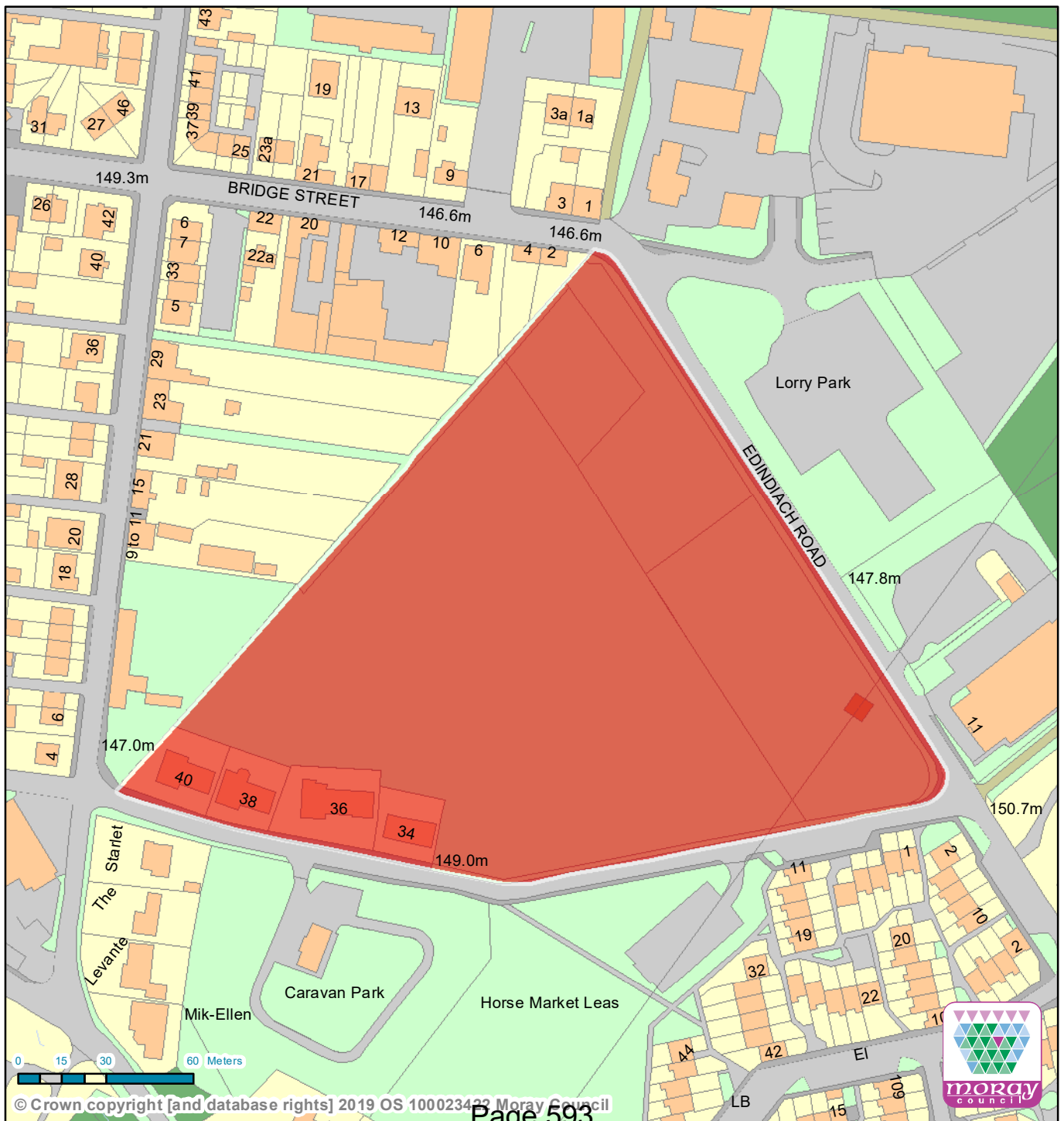
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 12

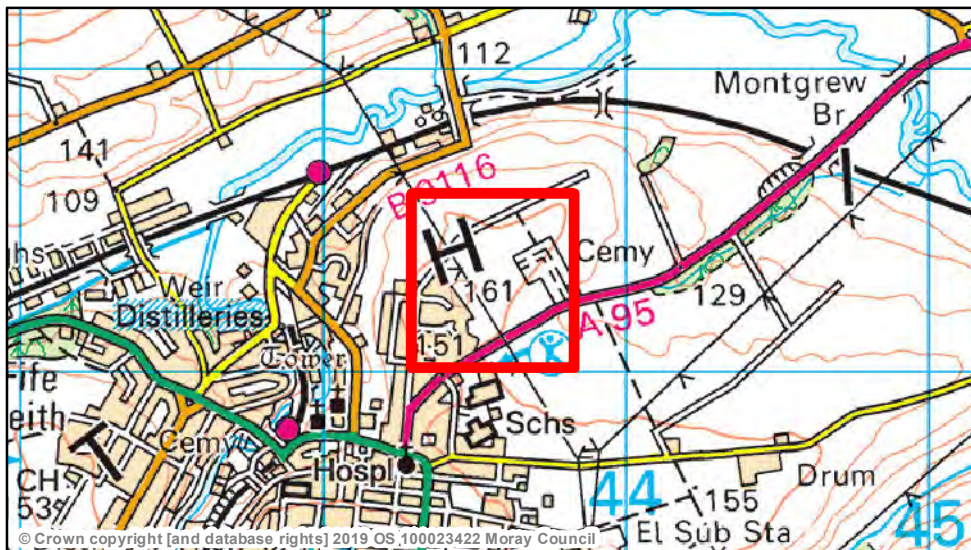


Center X: 343,497
Center Y: 850,059

NOT TO SCALE



R4 Banff Road North, Keith



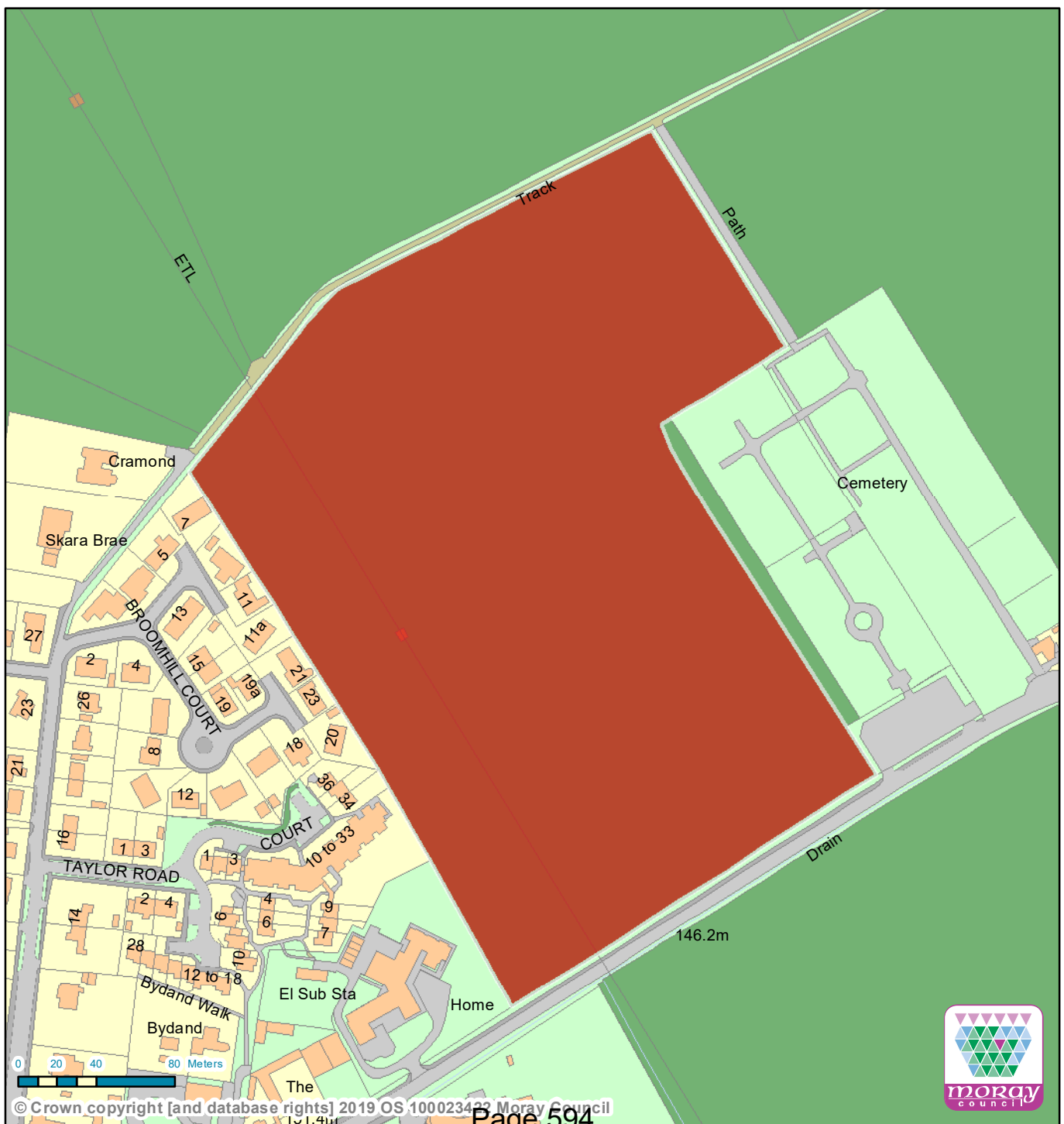
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 12



Center X: 343,560
Center Y: 851,301

NOT TO SCALE



R7 Jessiemans Brae, Keith



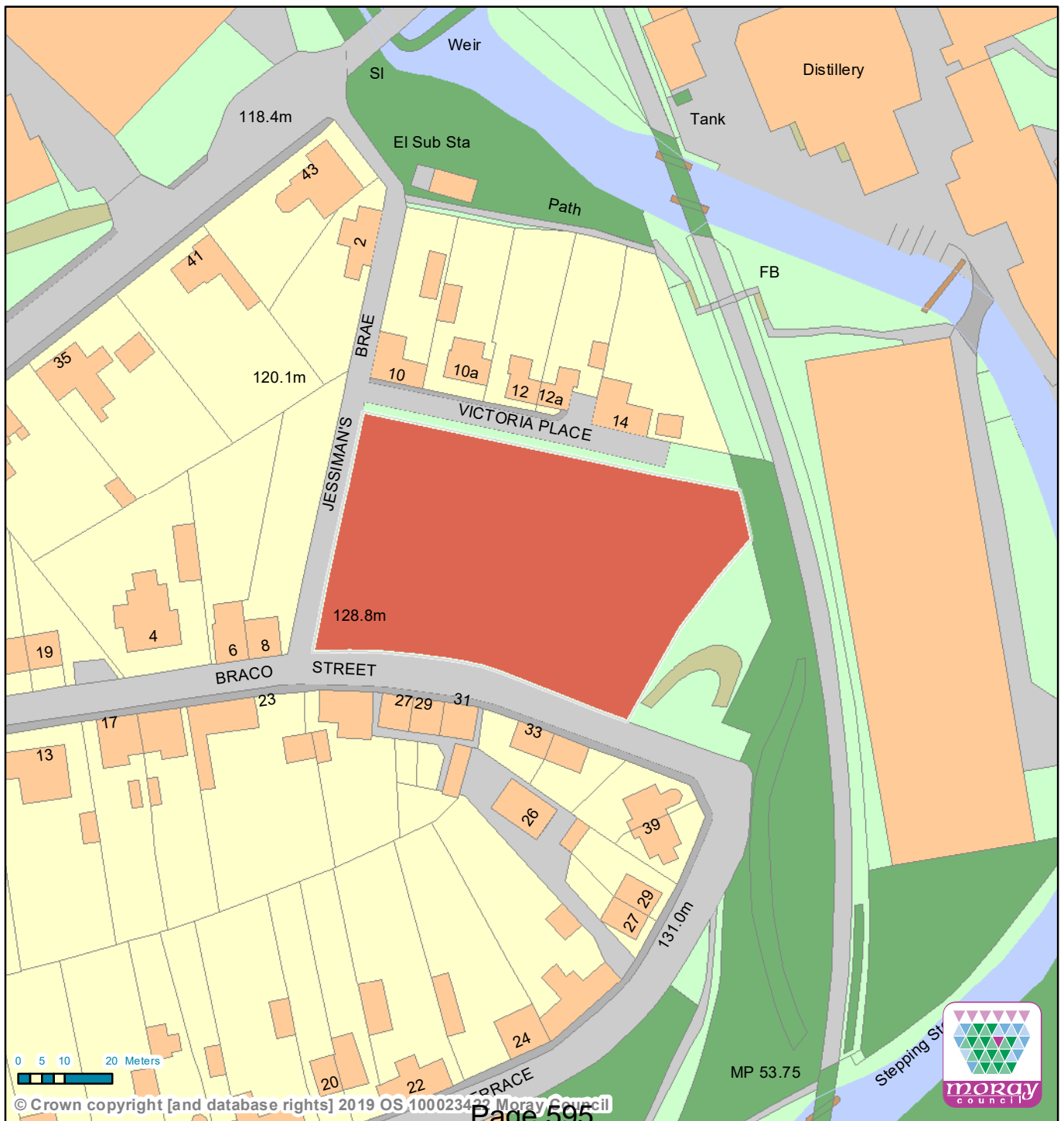
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 12



Center X: 342,877
Center Y: 851,031

NOT TO SCALE



R1 Isla Road, Newmill



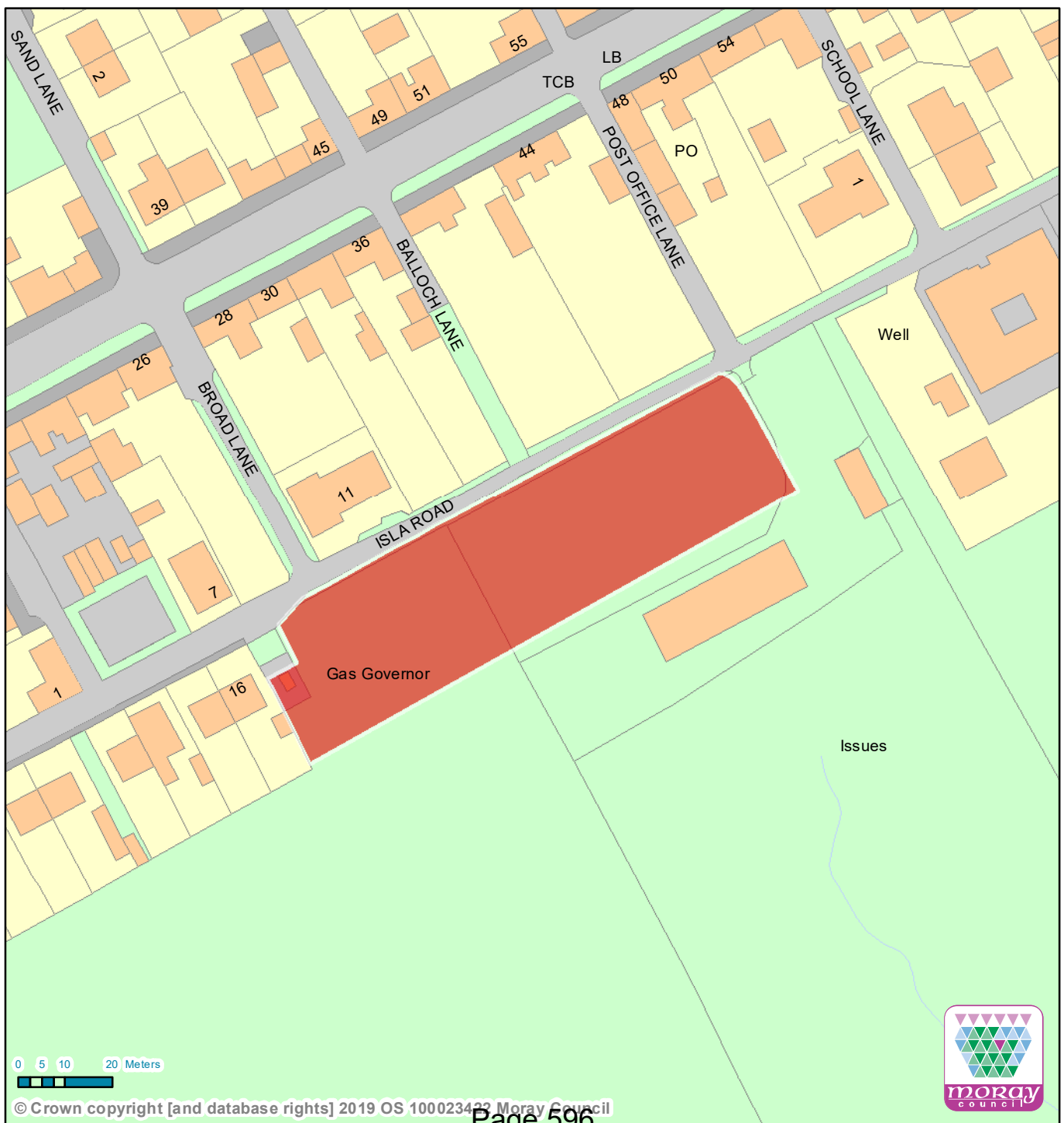
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 12

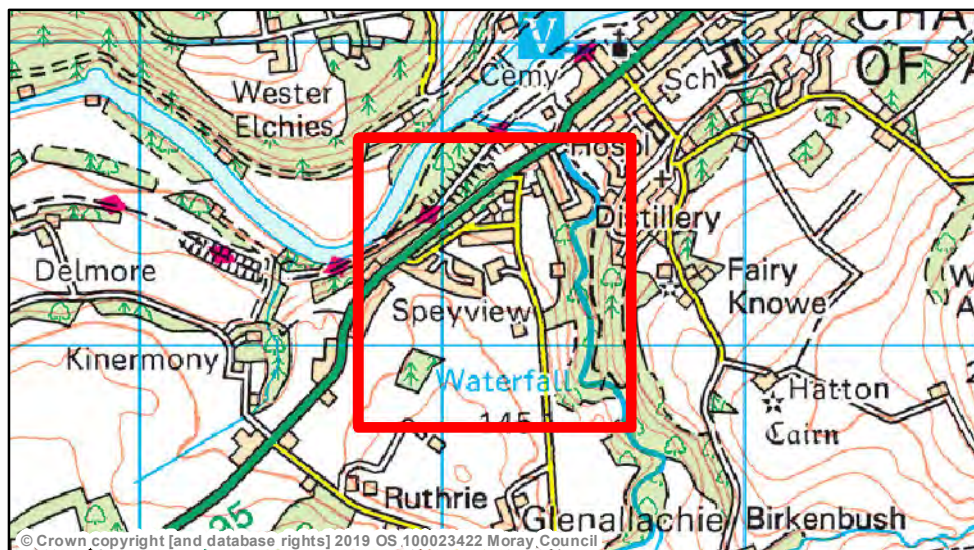


Center X: 343,414
Center Y: 852,365

NOT TO SCALE



Not Taken Forward - AB1 Tombain Farm, Aberlour



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 13

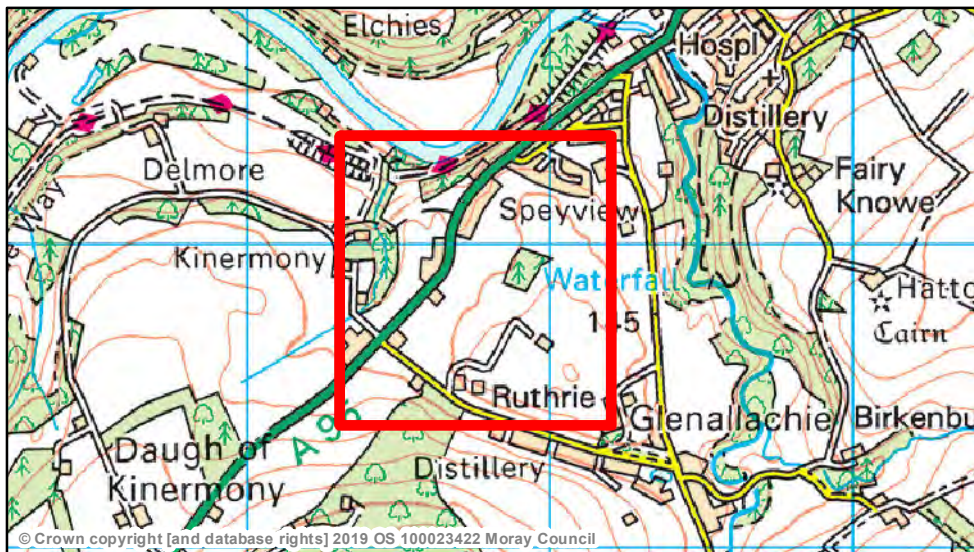


Center X: 326,174
Center Y: 842,207

NOT TO SCALE



R2 Speyview, Aberlour



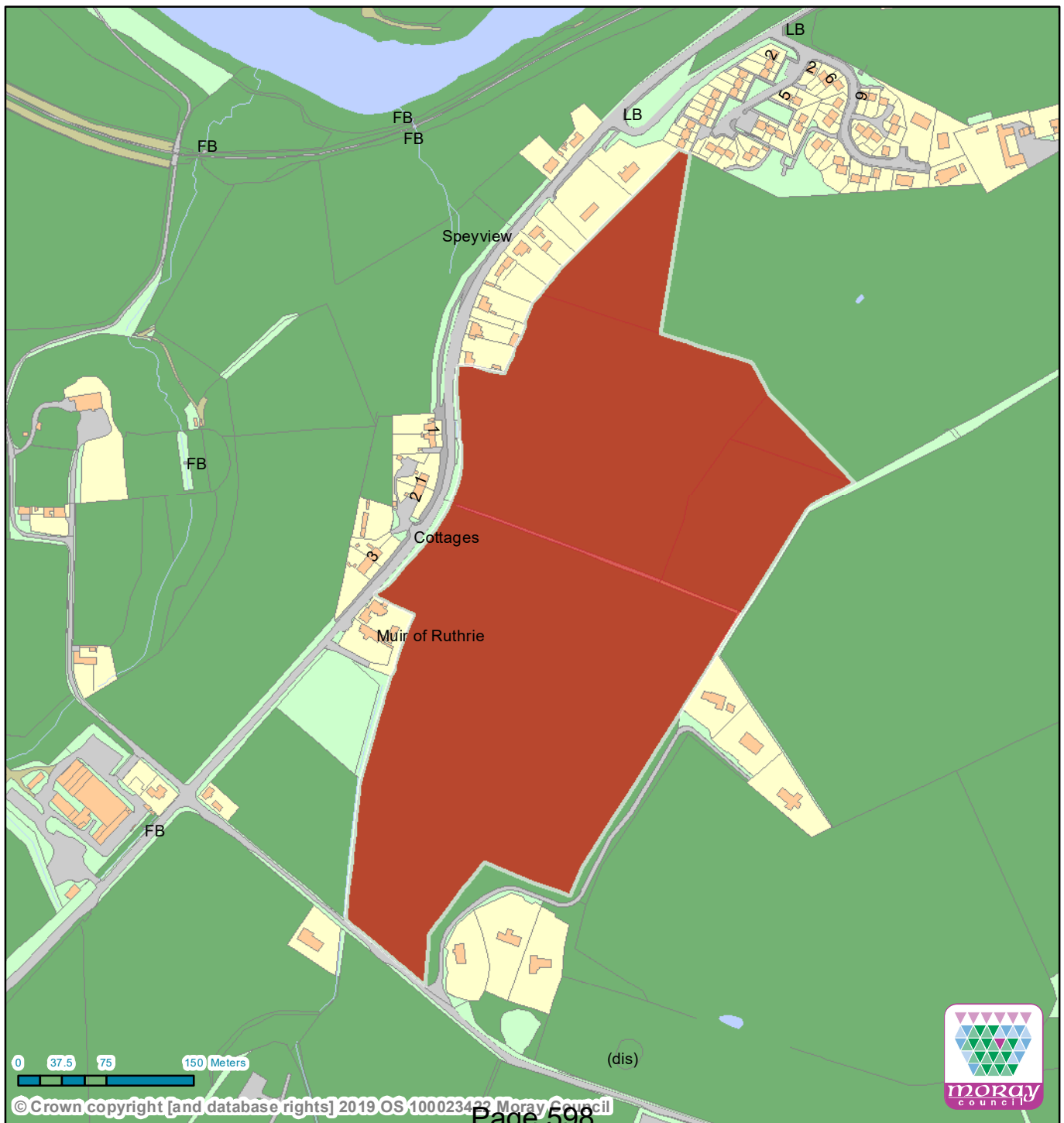
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 10



Center X: 325,753
Center Y: 841,880

NOT TO SCALE



R2 South Lane, Archiestown



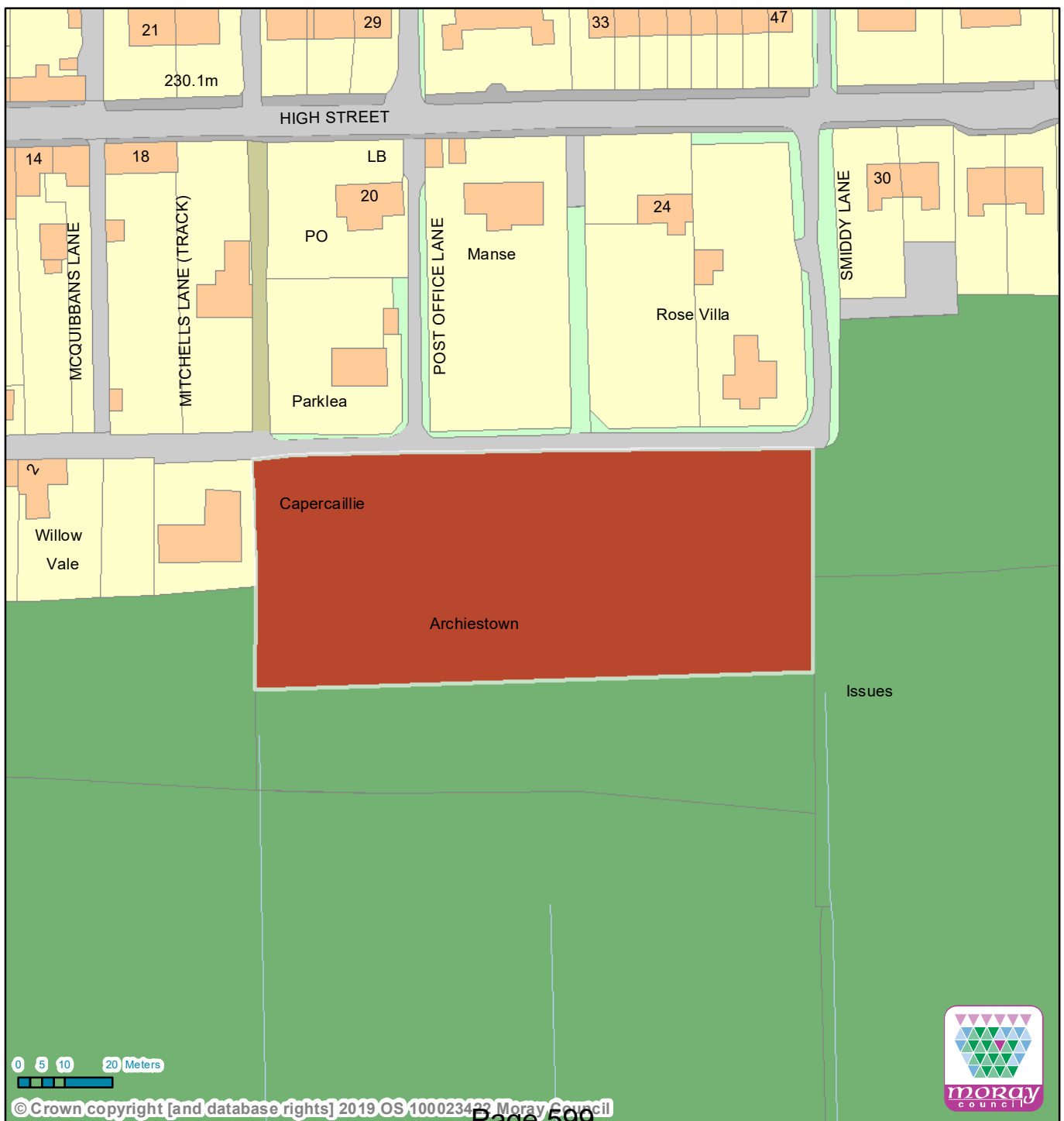
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 13

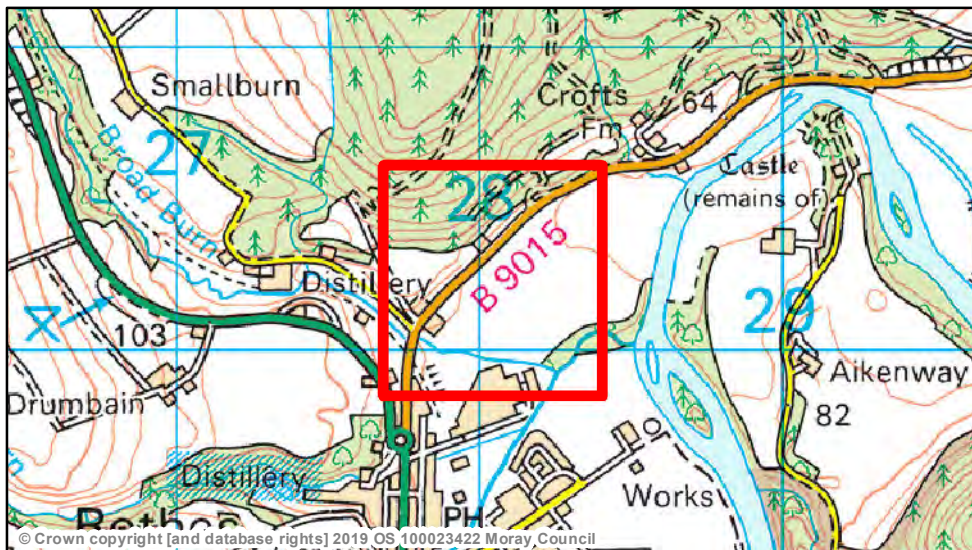


Center X: 323,201
Center Y: 844,078

NOT TO SCALE



15 Greens of Rothes, Rothes



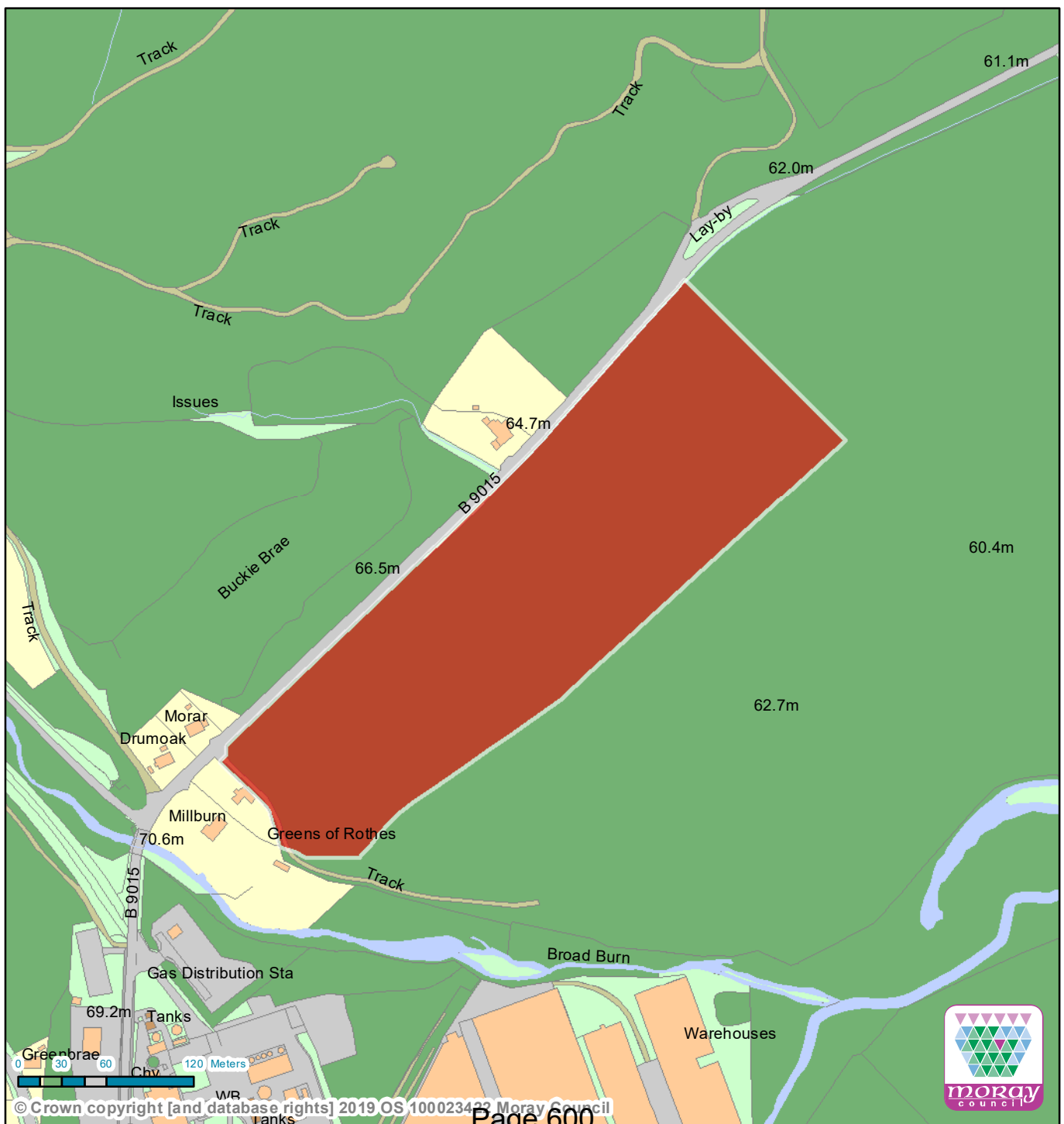
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 13

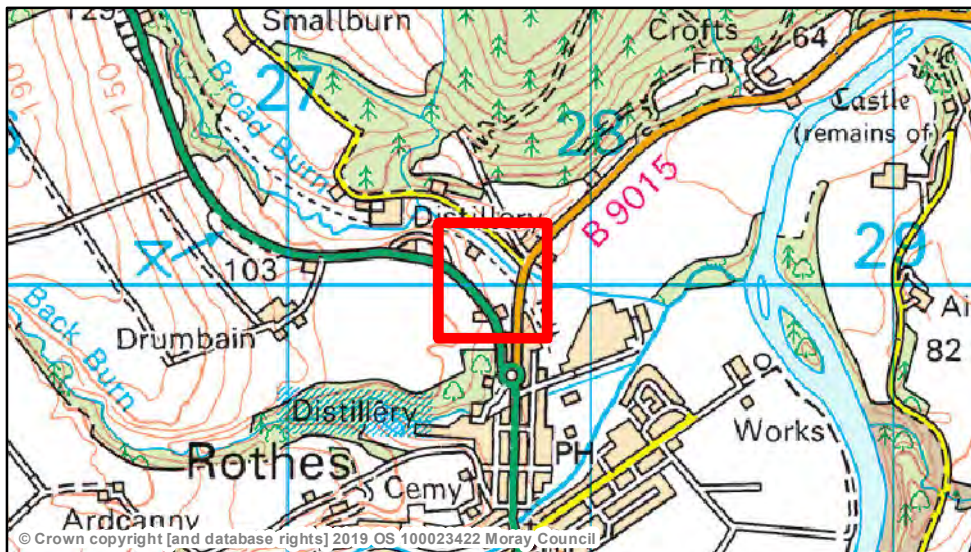


Center X: 328,043
Center Y: 850,230

NOT TO SCALE

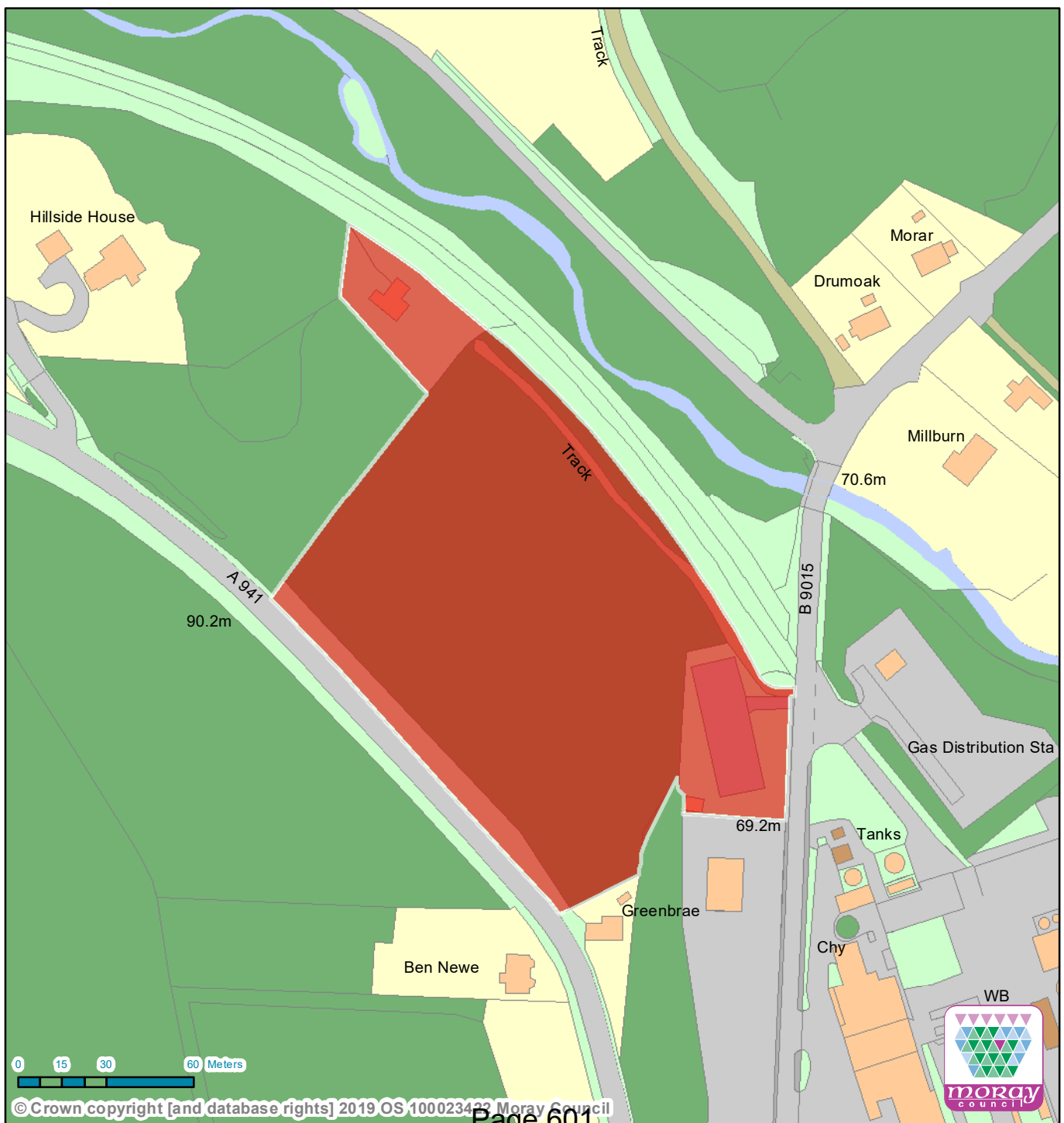


OPP1 North Street, Rothes

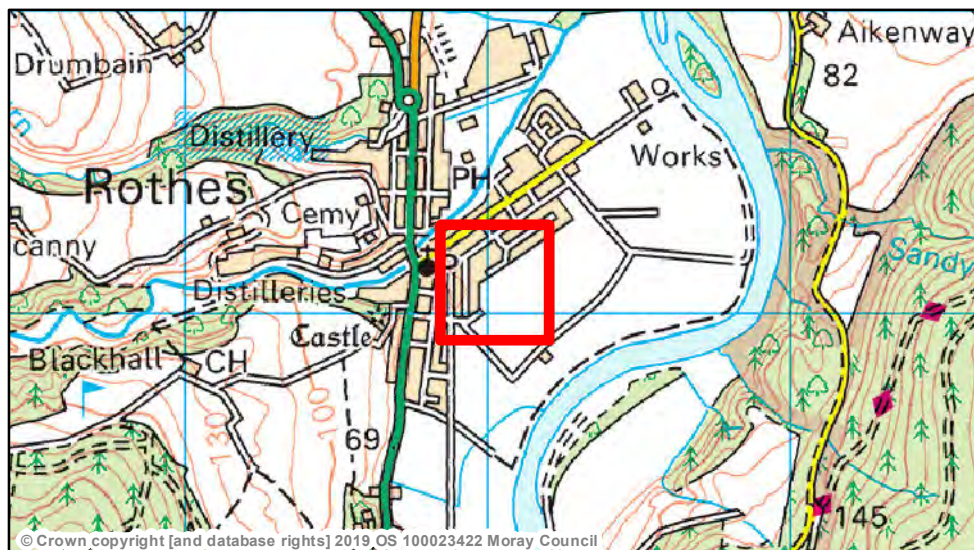


Center X: 327,677
Center Y: 850,015

NOT TO SCALE



R1 Spey Street, Rothés



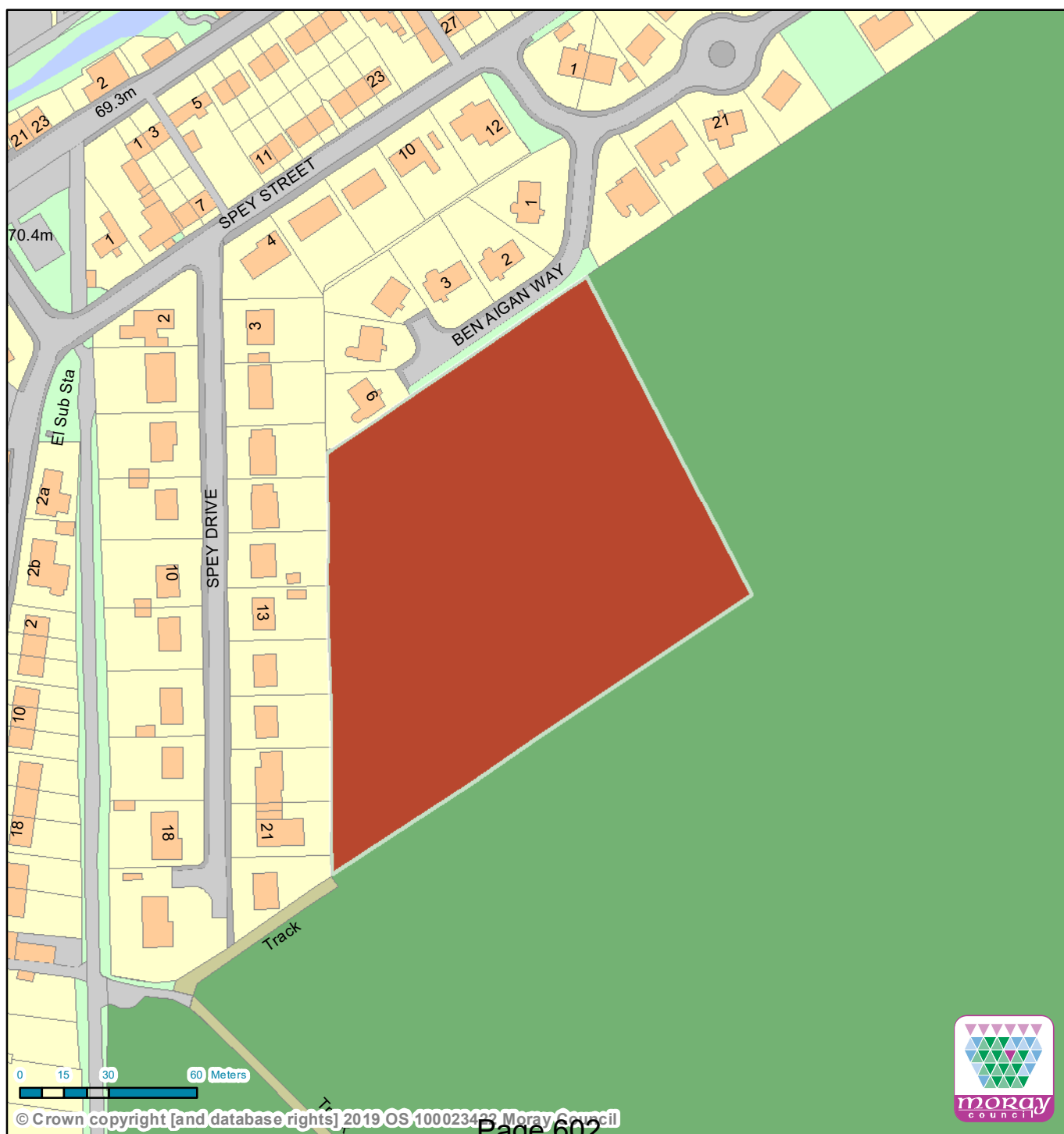
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 13

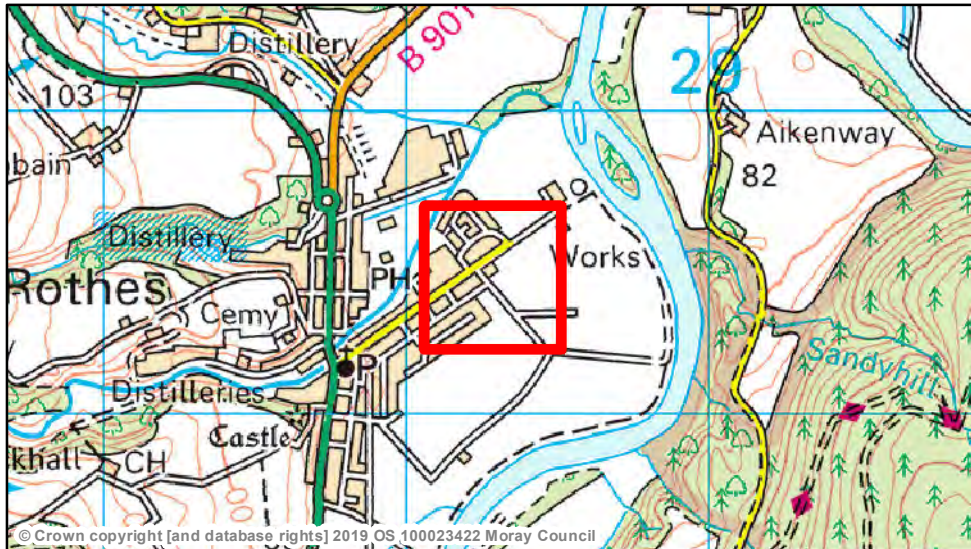


Center X: 328,023
Center Y: 849,101

NOT TO SCALE



R2 Green Street, Rothies



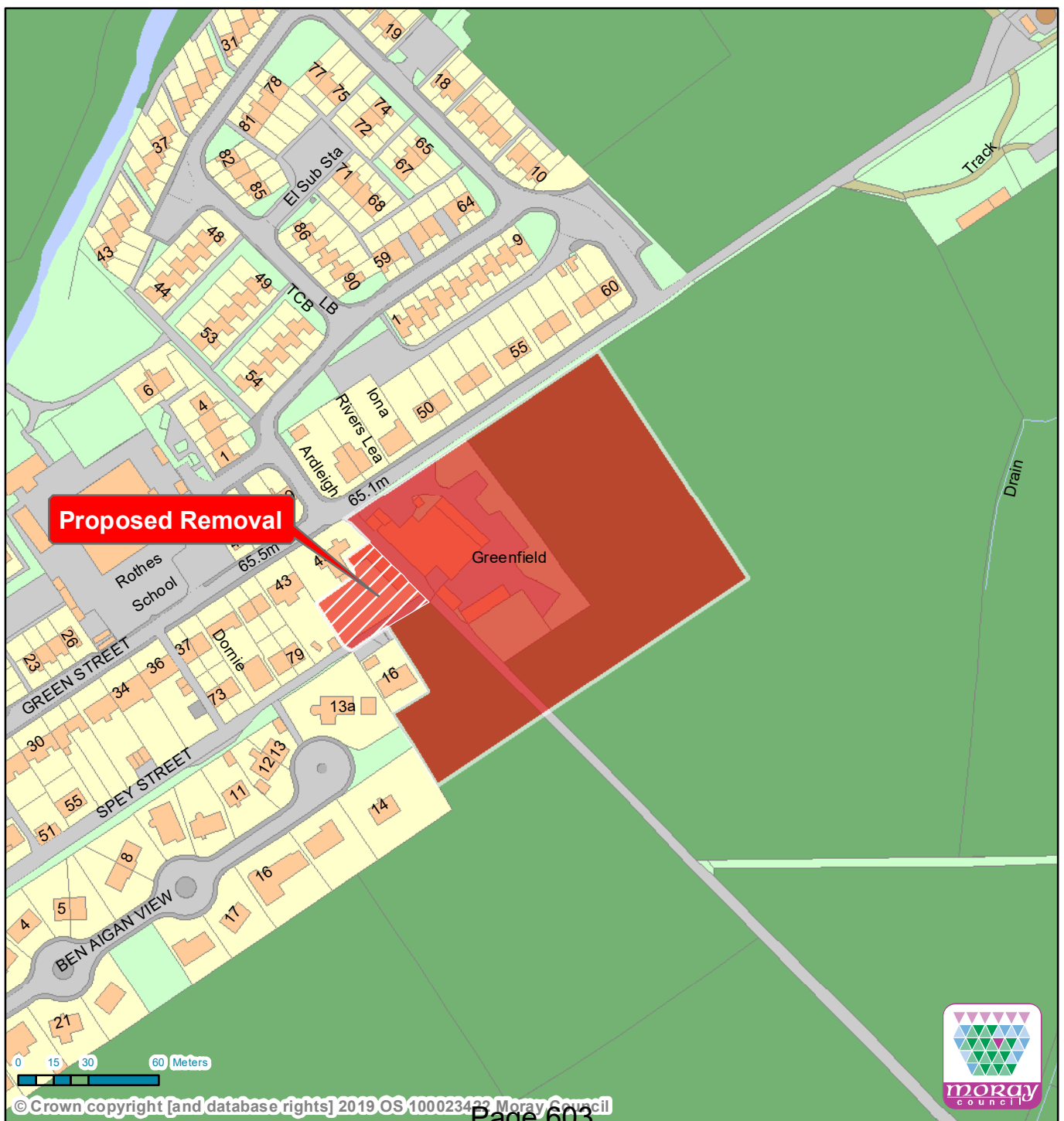
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 13

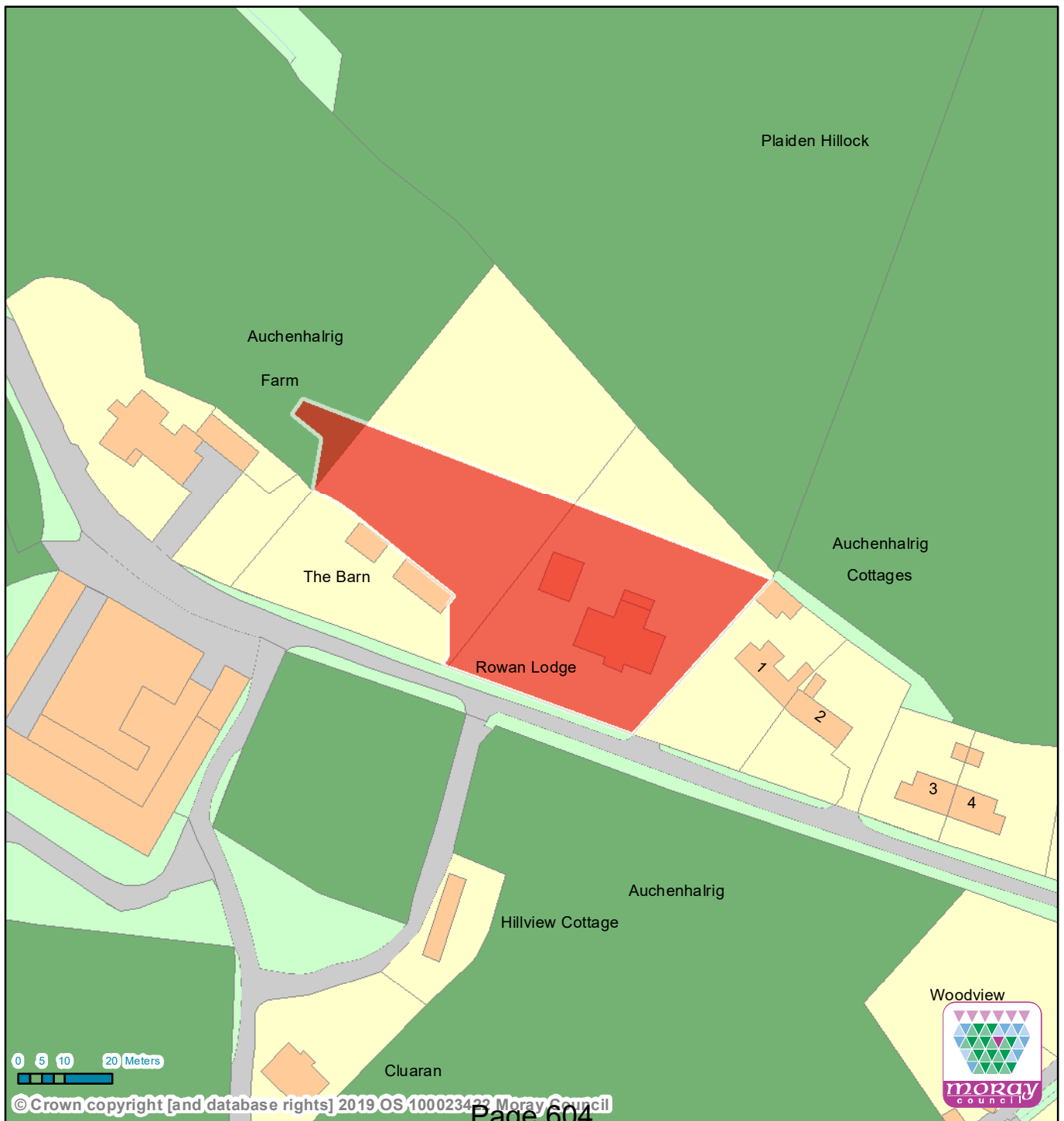
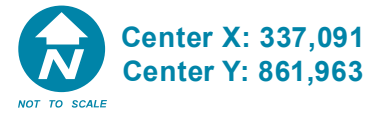


Center X: 328,285
Center Y: 849,449

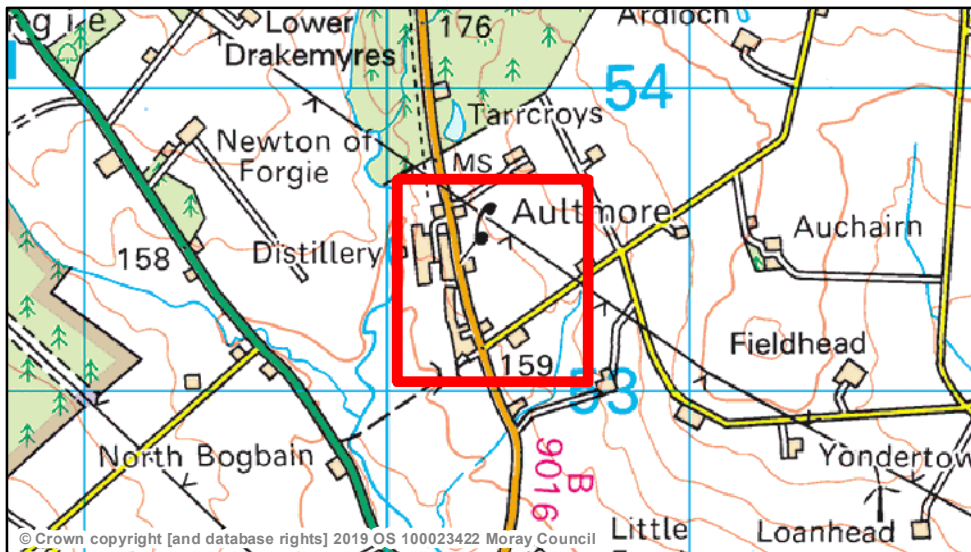
NOT TO SCALE



Site A Auchbreck



Sites A, B & C Aultmore



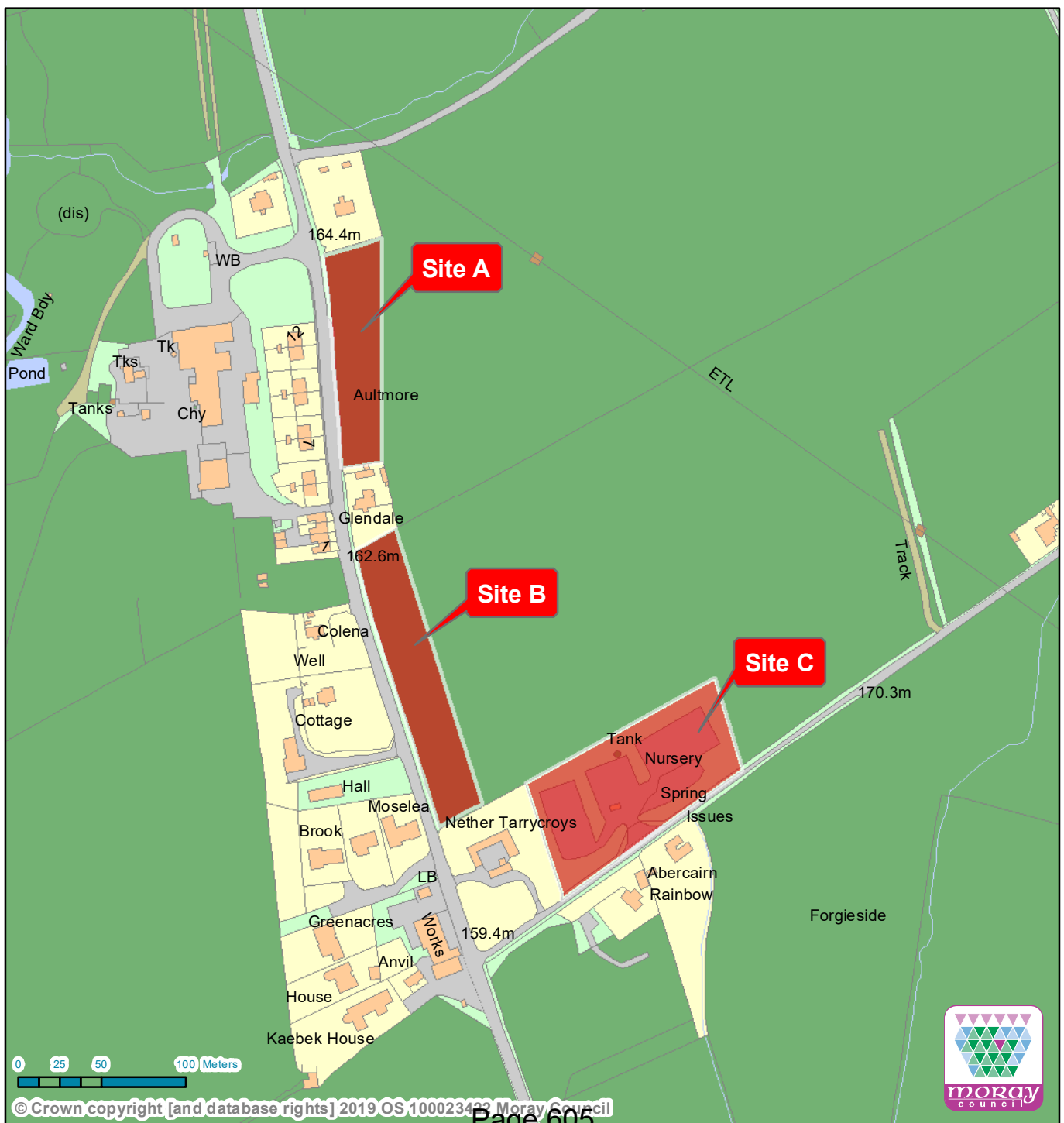
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

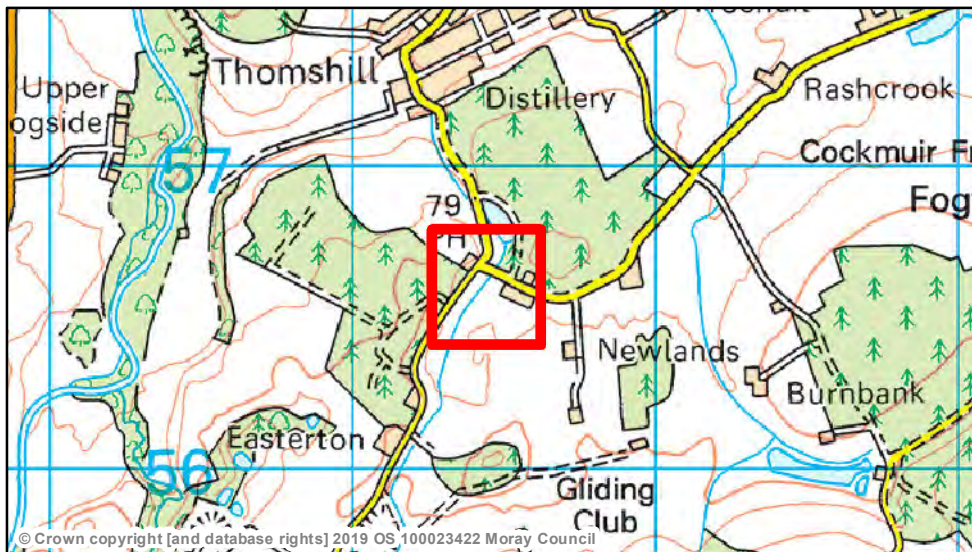


Center X: 340,349
Center Y: 853,365

NOT TO SCALE



Site A Birnie



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

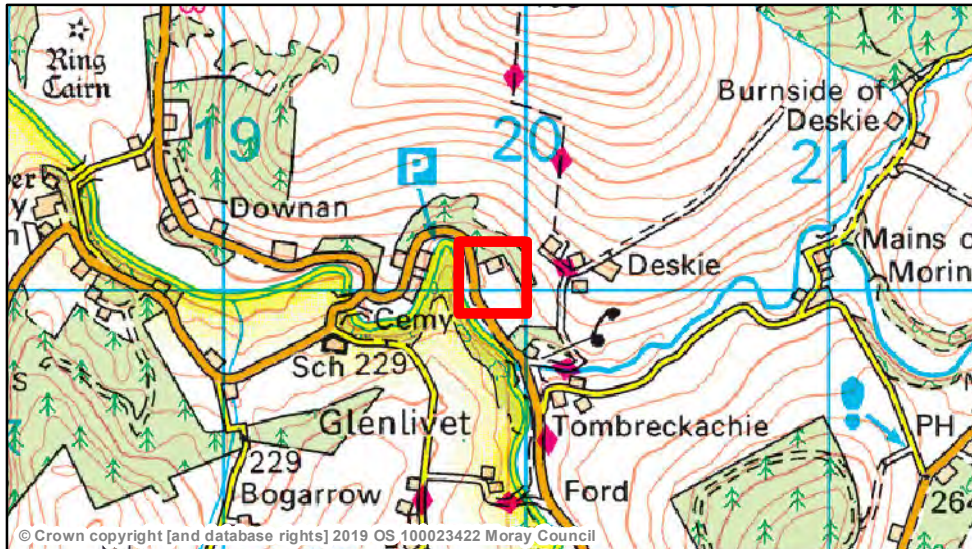


Center X: 321,440
Center Y: 856,600

NOT TO SCALE

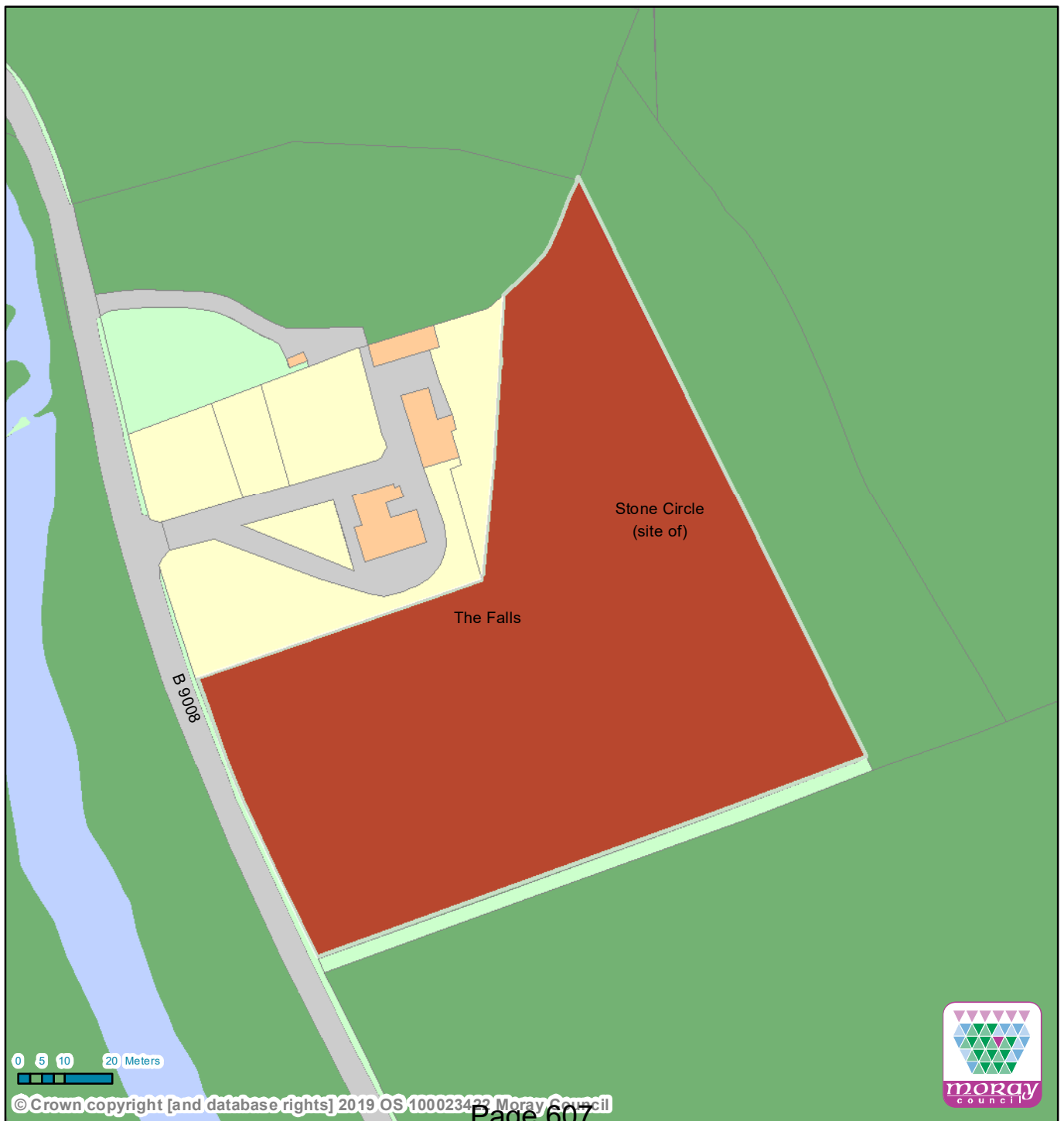


Site A Bridgend of Glenlivet



Center X: 319,890
Center Y: 830,042

NOT TO SCALE

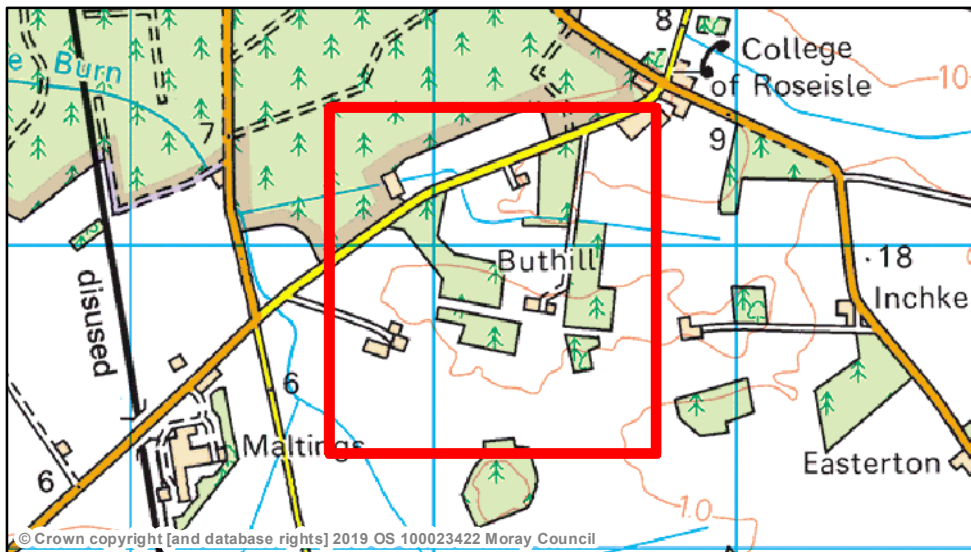


0 5 10 20 Meters

© Crown copyright [and database rights] 2019 OS 100023422 Moray Council

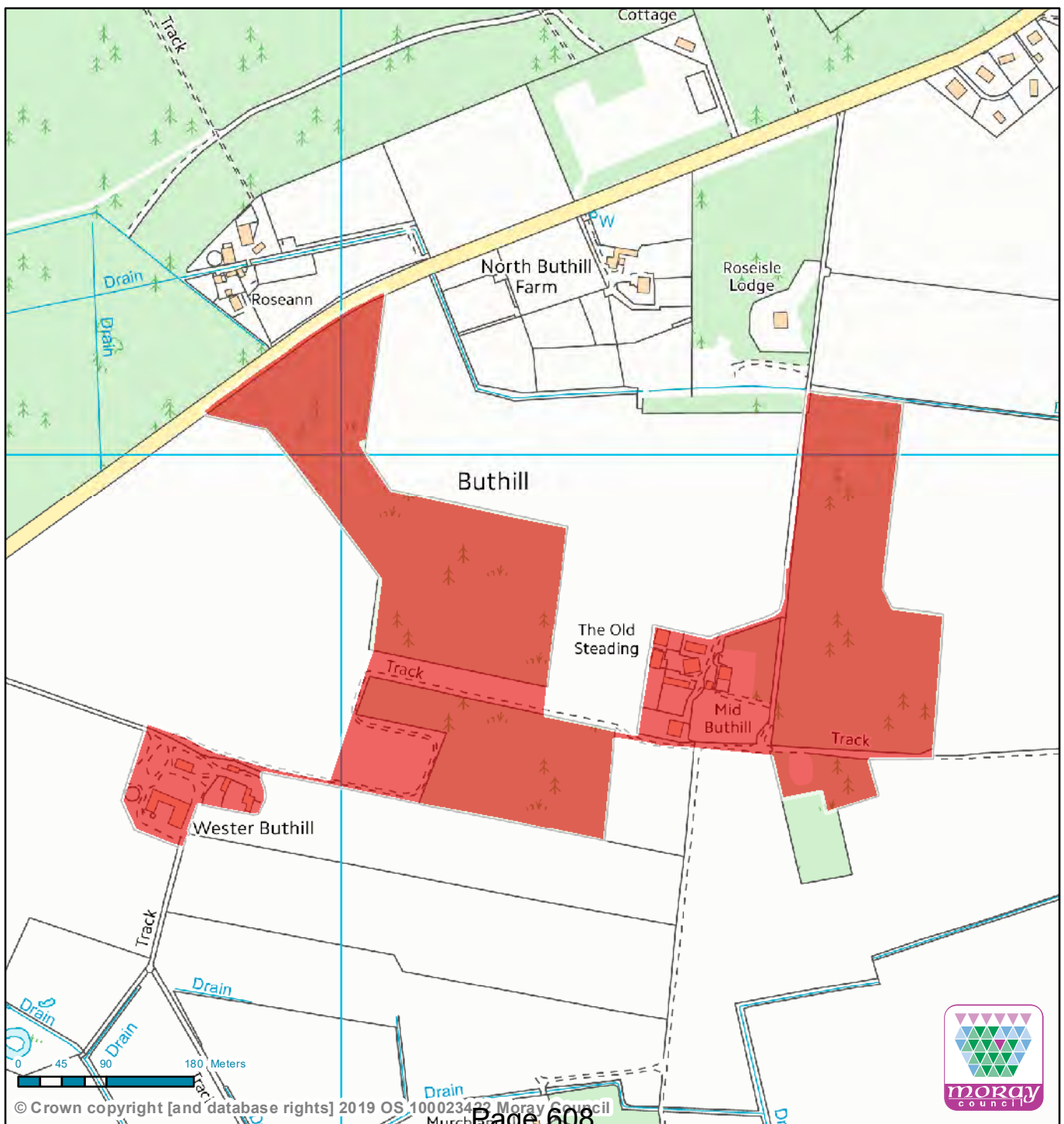


Buthill Rural Grouping

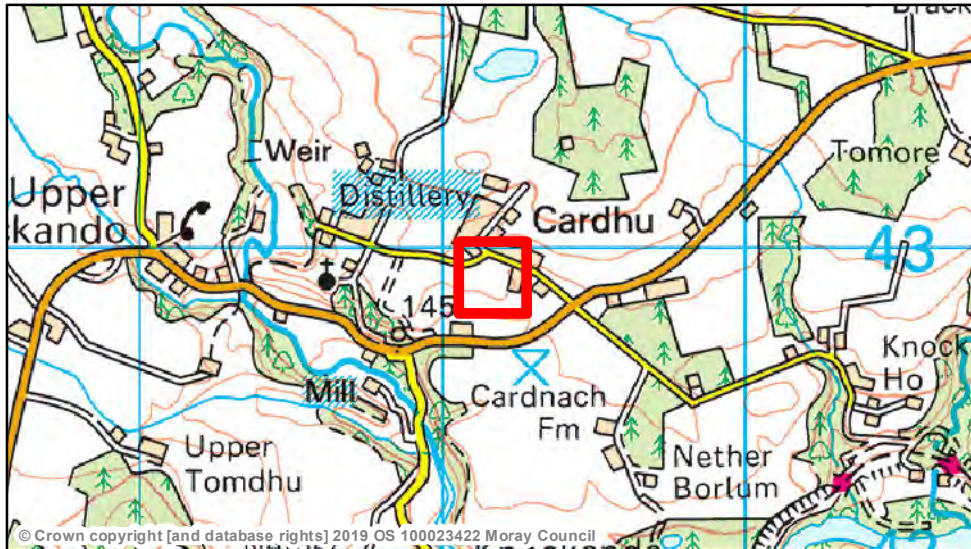


Center X: 313,195
Center Y: 865,883

NOT TO SCALE



Site A Cardhu



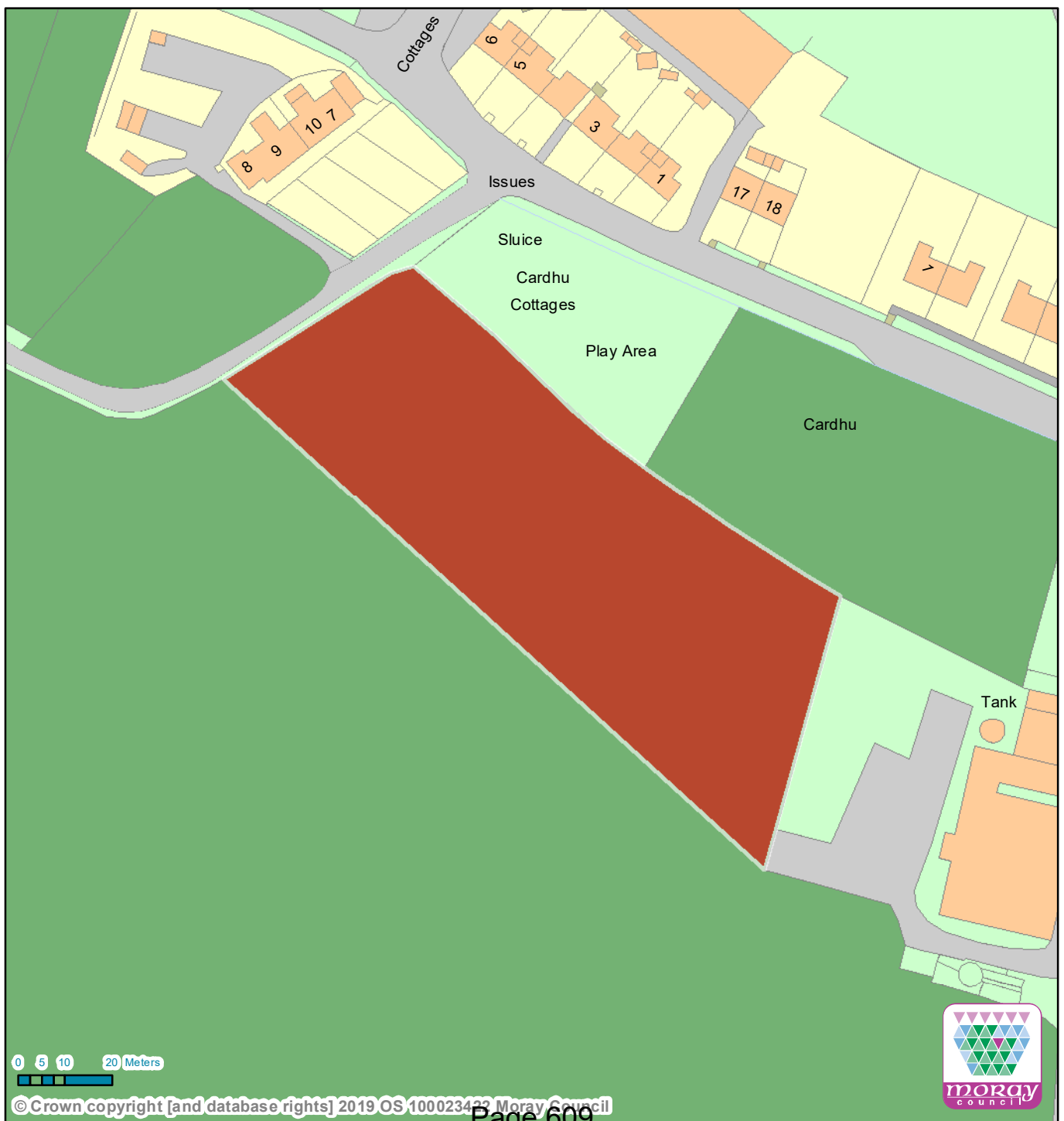
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

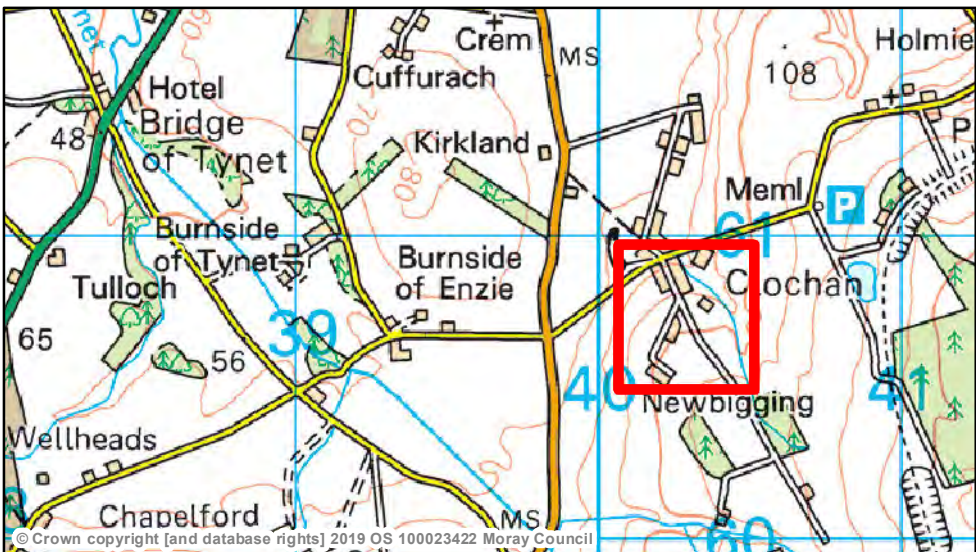


Center X: 319,166
Center Y: 842,901

NOT TO SCALE

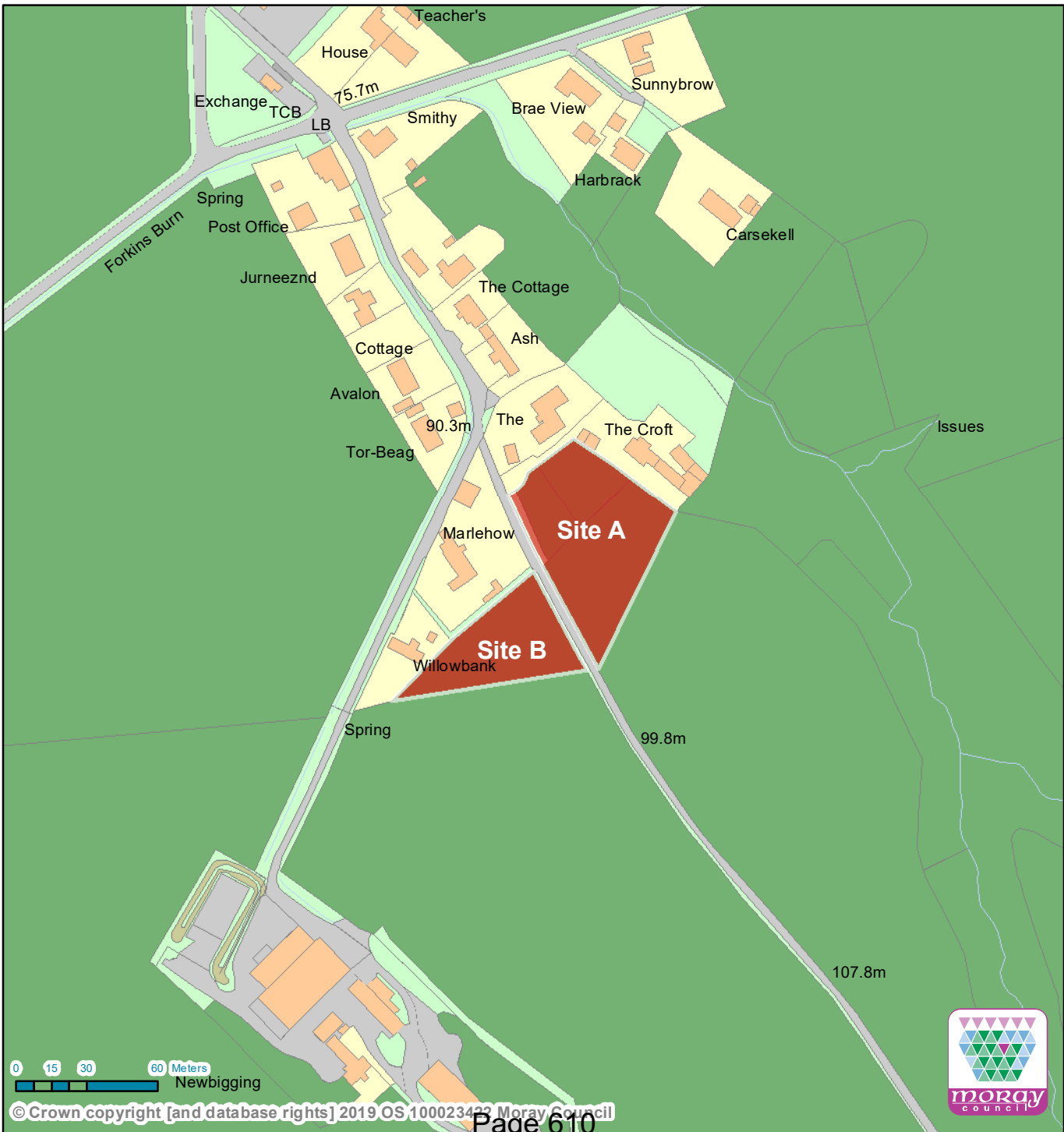


Sites A & B Clochan

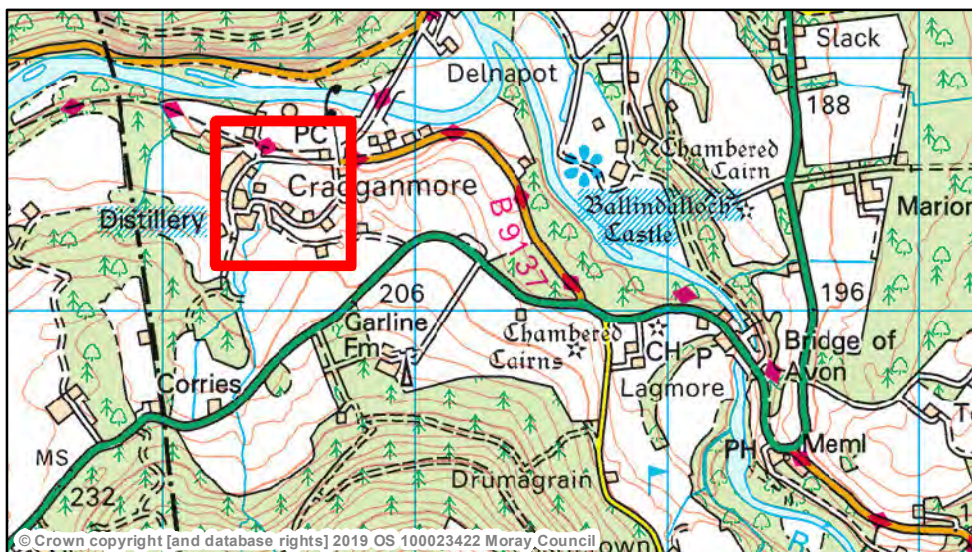


Center Y: 860,731

NOT TO SCALE



Sites A & B Cragganmore



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14



Center X: 316,477
Center Y: 836,462

NOT TO SCALE



Craighead Rural Grouping



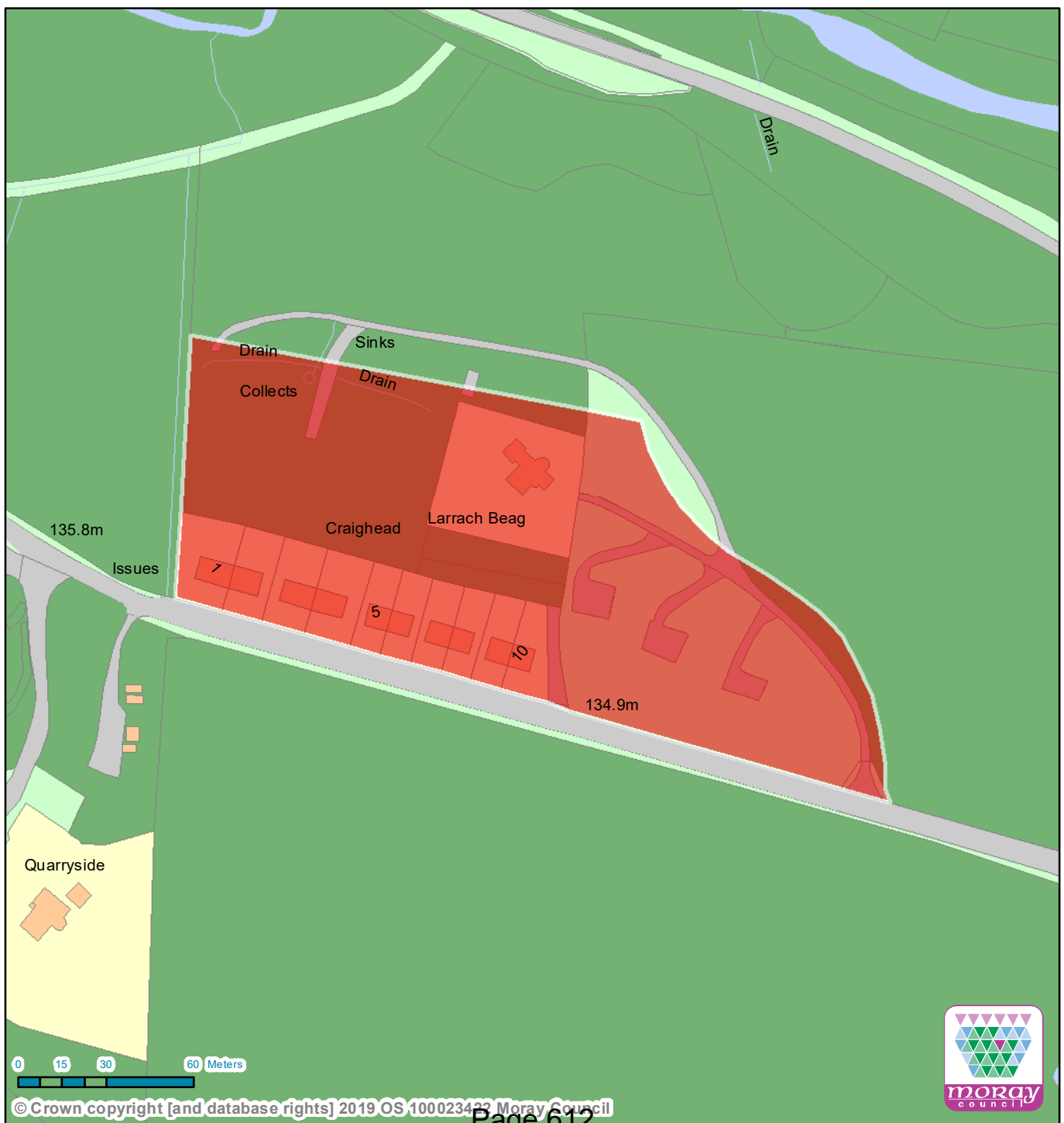
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

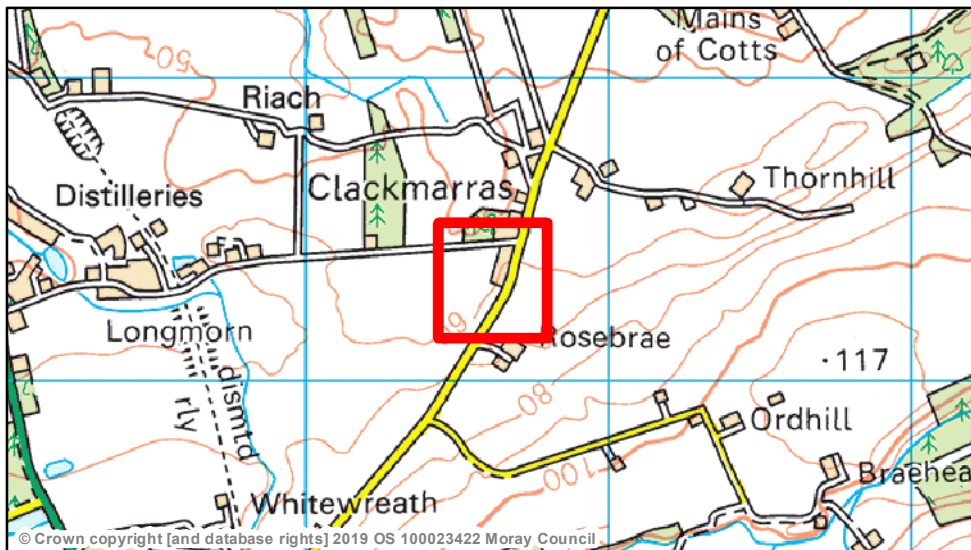


Center X: 334,783
Center Y: 851,177

NOT TO SCALE



Site A Clackmarras



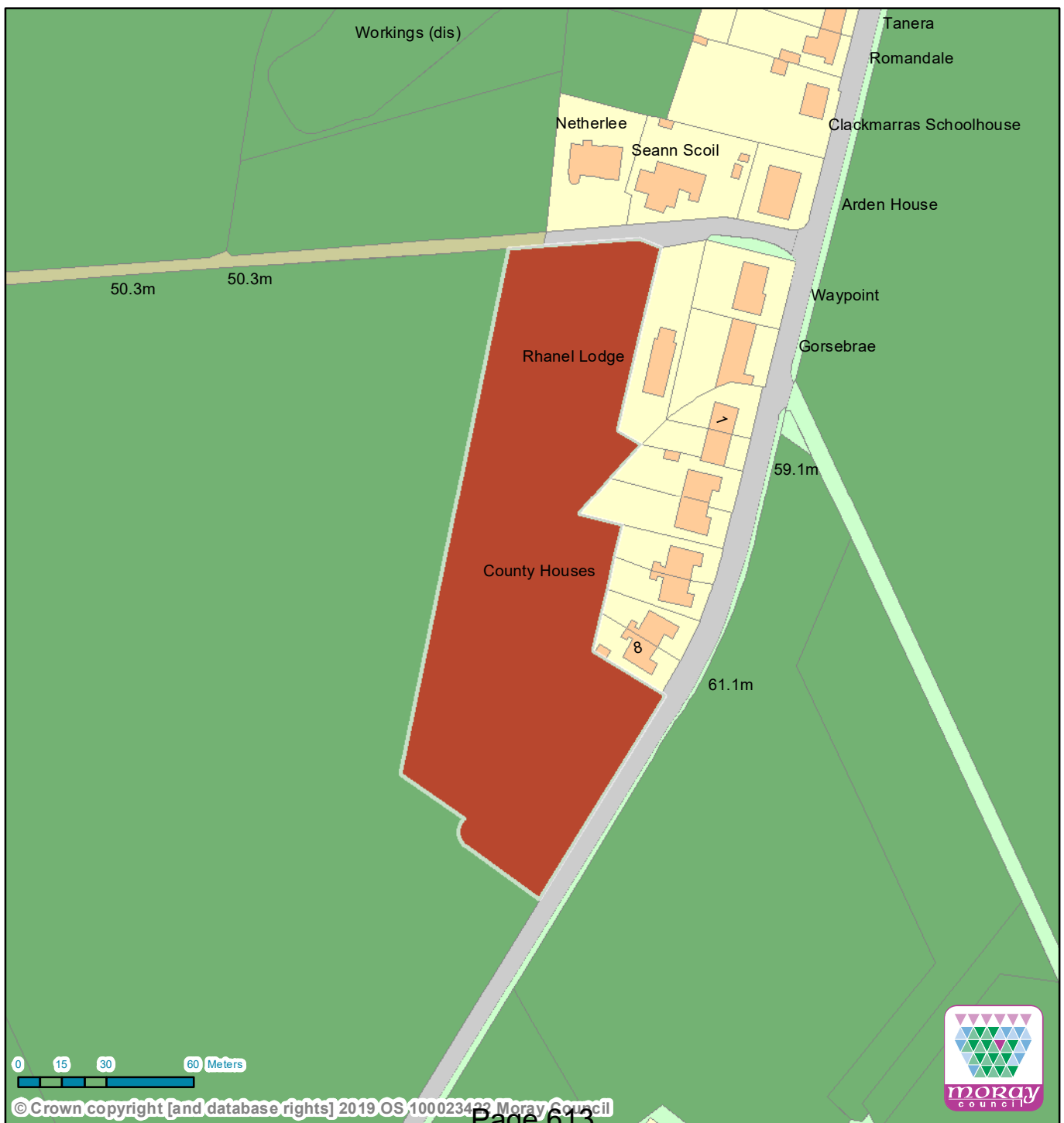
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14



Center X: 324,618
Center Y: 858,331

NOT TO SCALE



Darklass Rural Grouping




MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

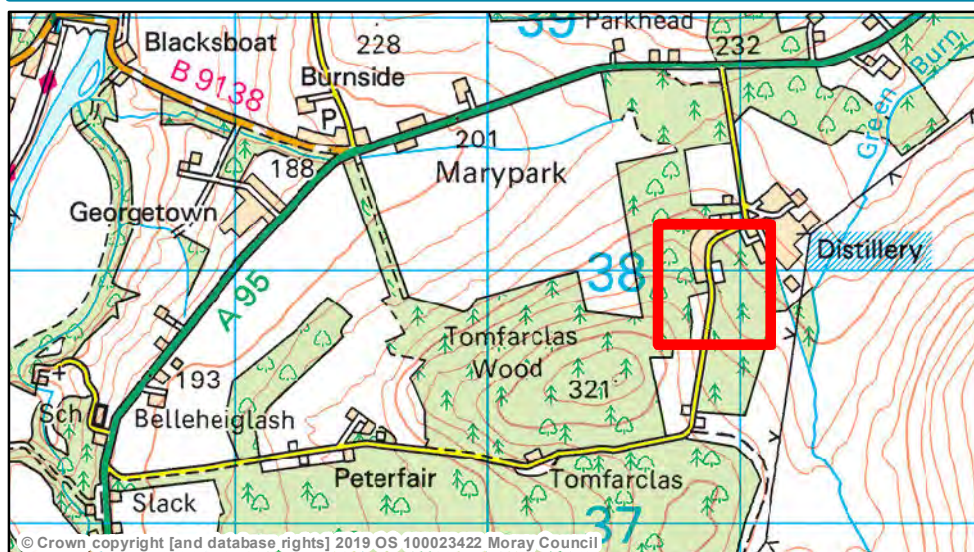


Center X: 298,128
Center Y: 858,694

NOT TO SCALE



Sites A & B Glenfarclas



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

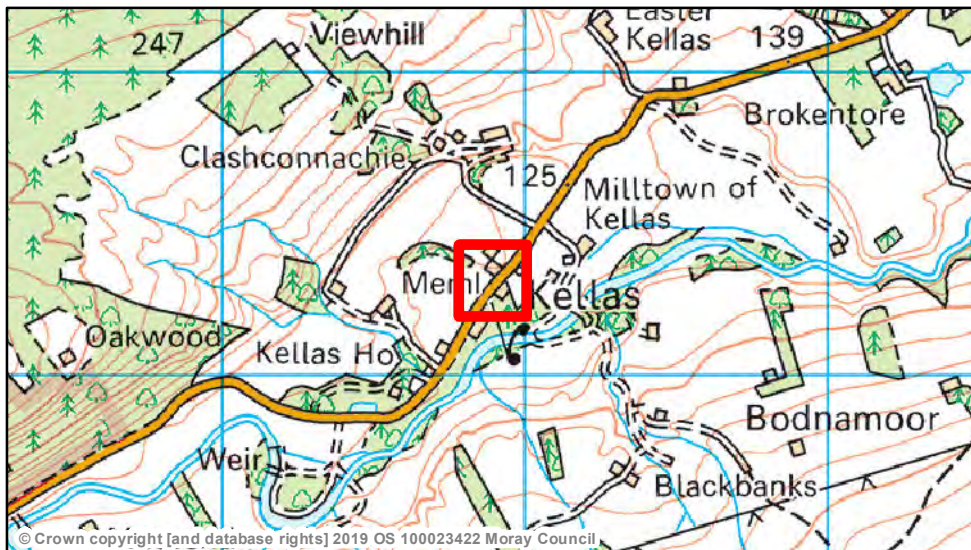


Center X: 320,899
Center Y: 837,944

NOT TO SCALE



Site B Kellas



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

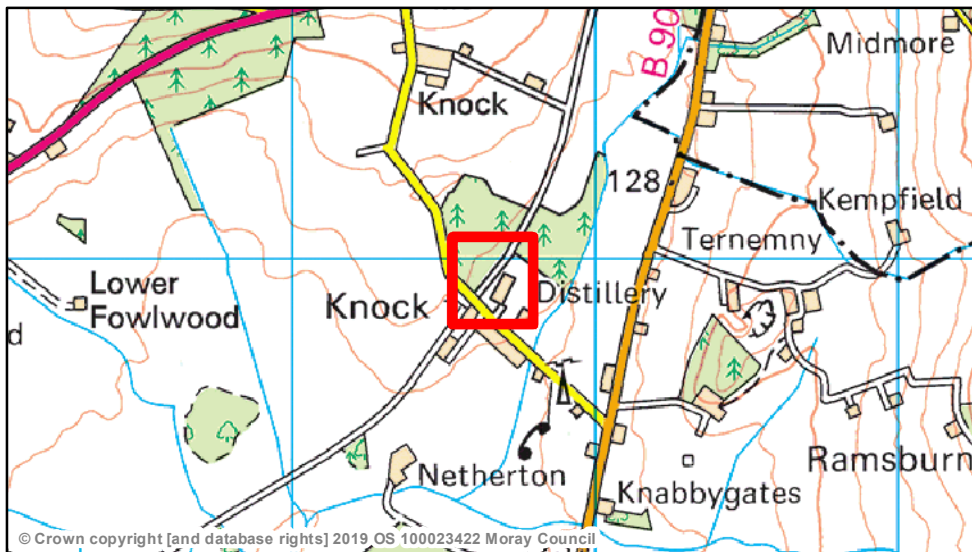


Center X: 316,894
Center Y: 854,311

NOT TO SCALE



Site A Knock



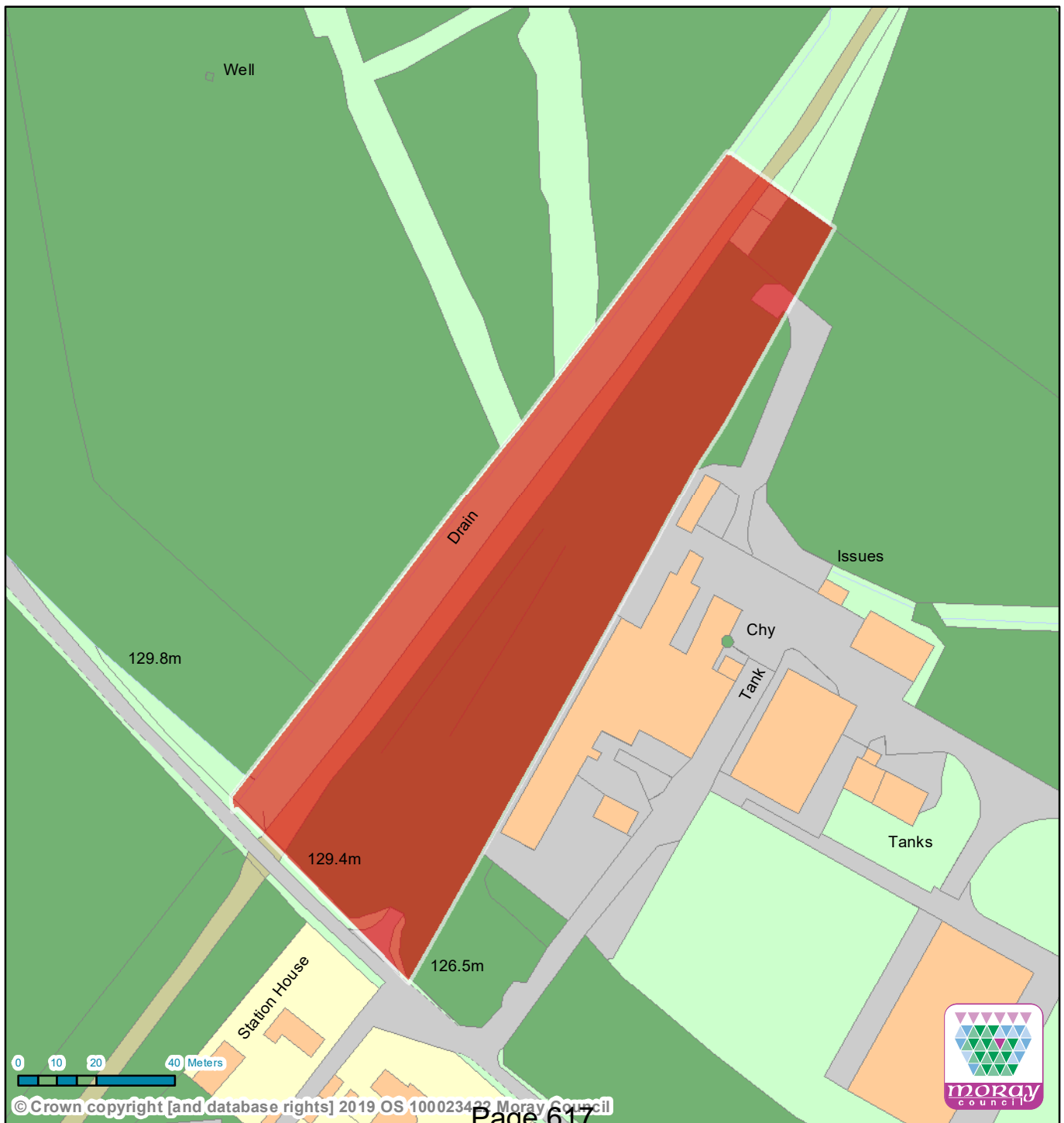
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

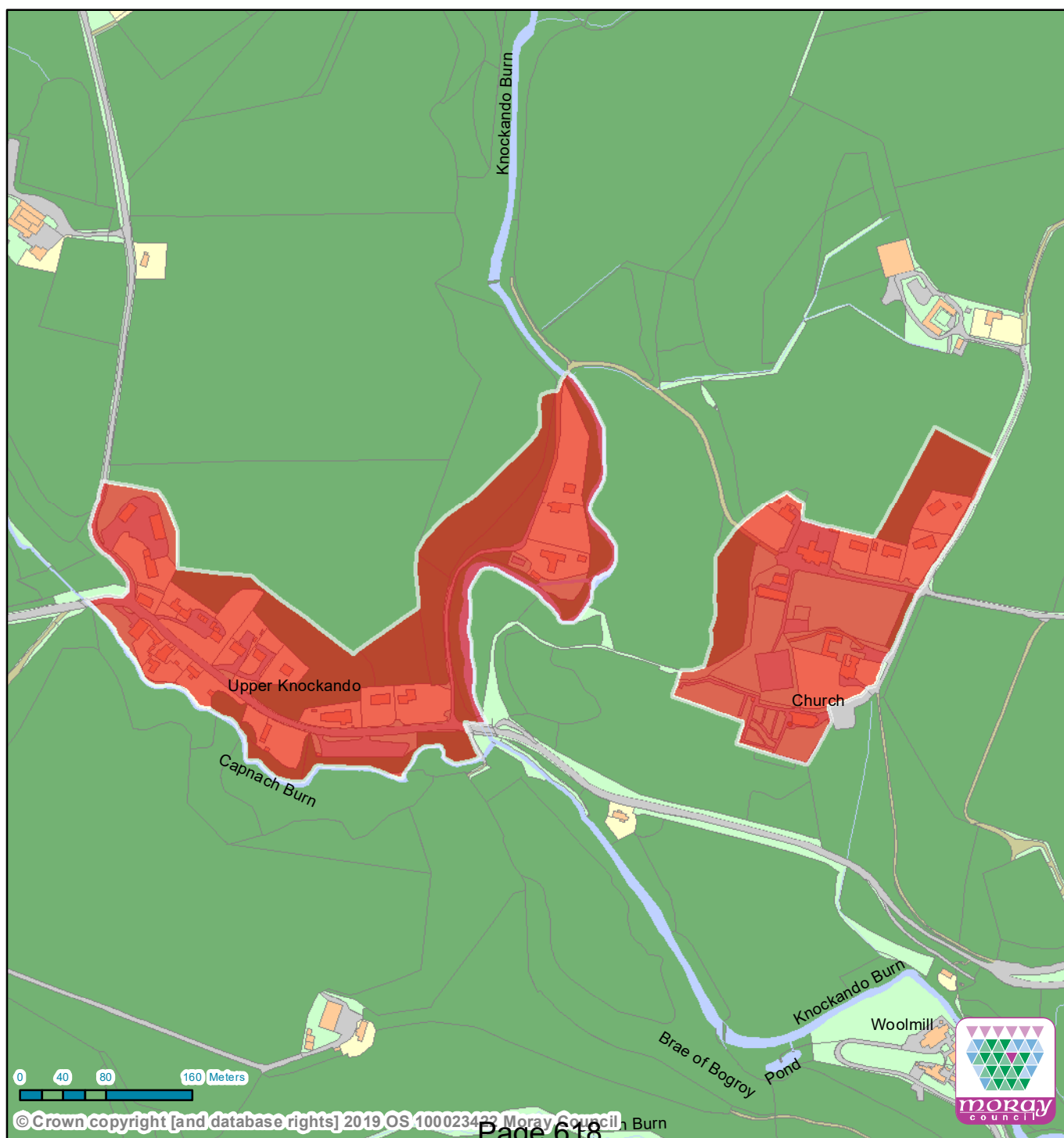
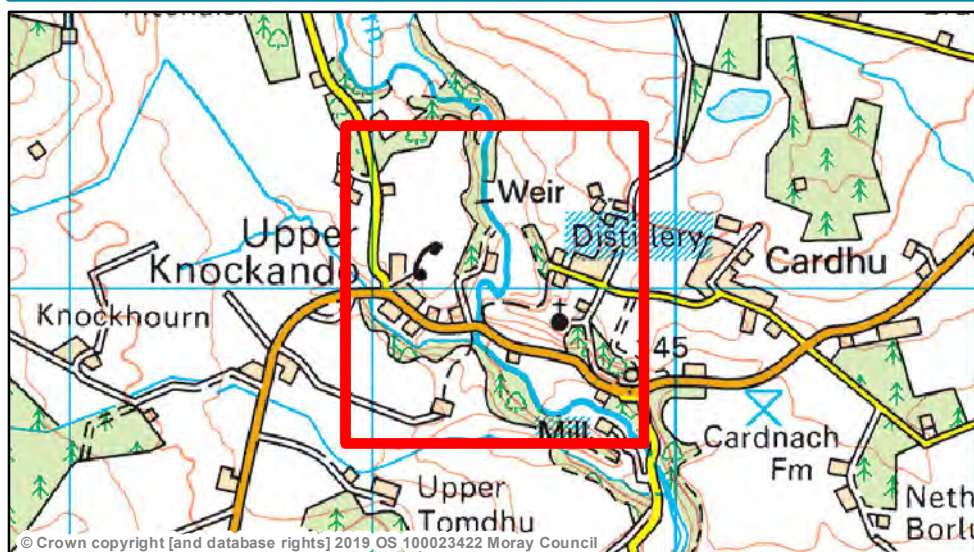


Center X: 354,662
Center Y: 852,927

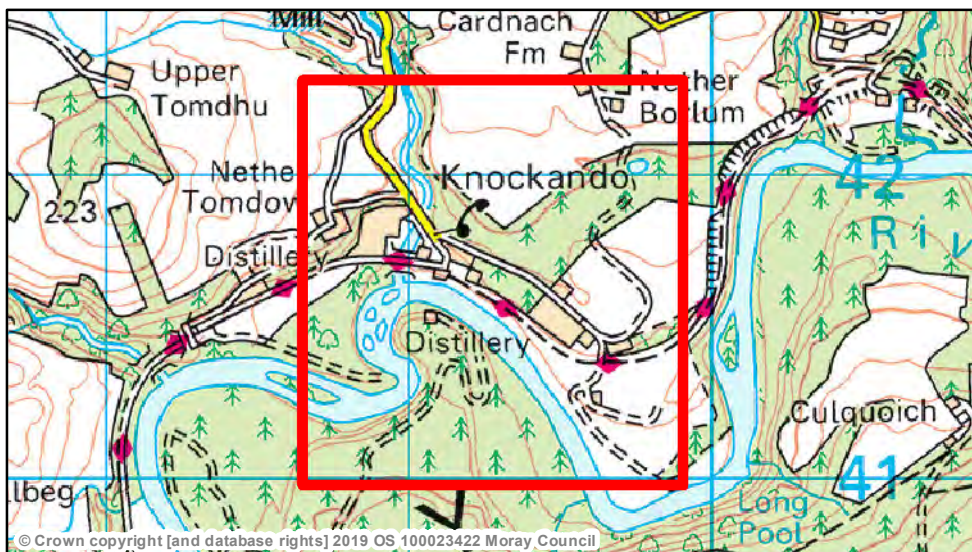
NOT TO SCALE



Knockando (Upper) Rural Grouping



Knockando (Lower) Rural Grouping



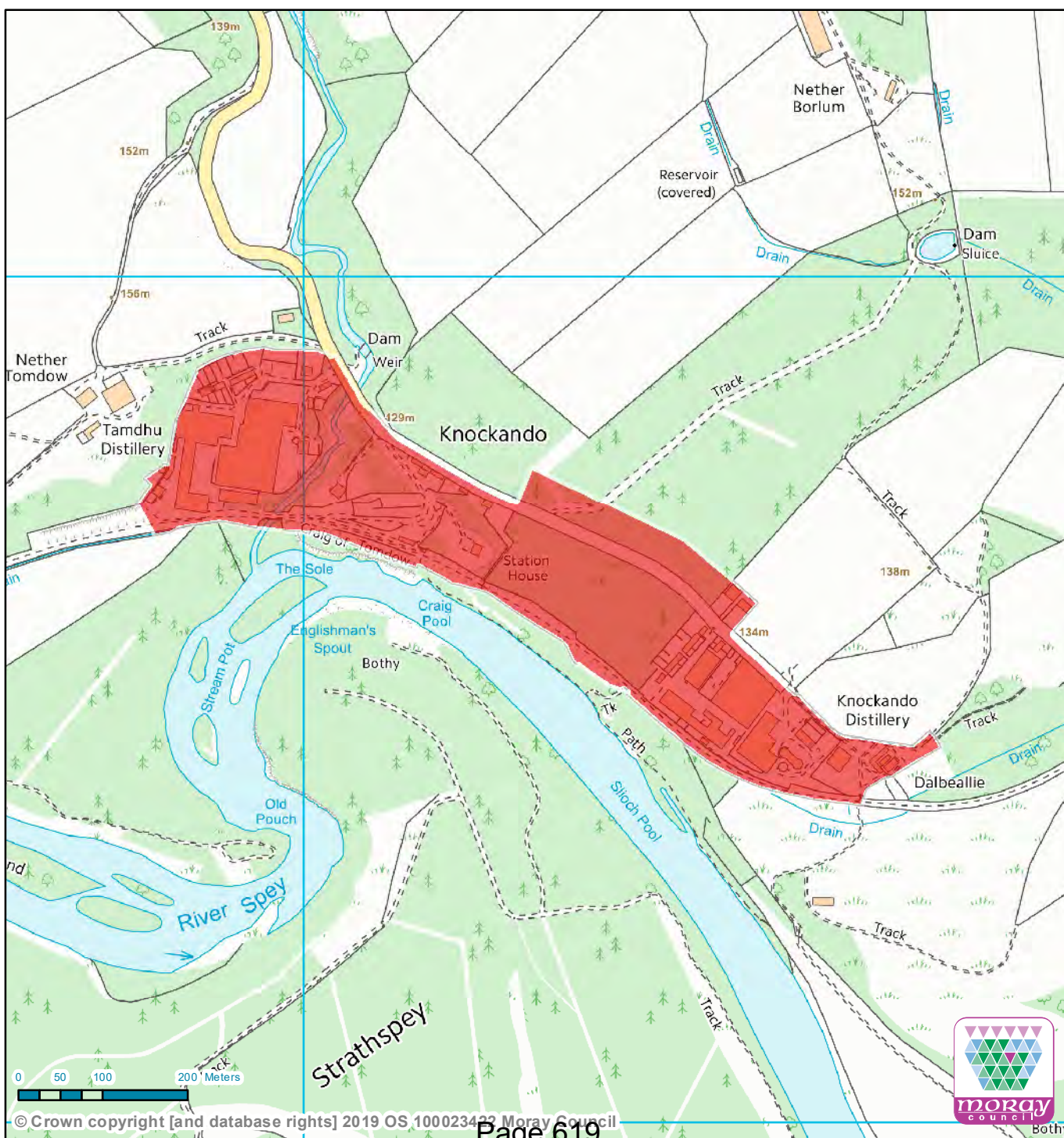
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

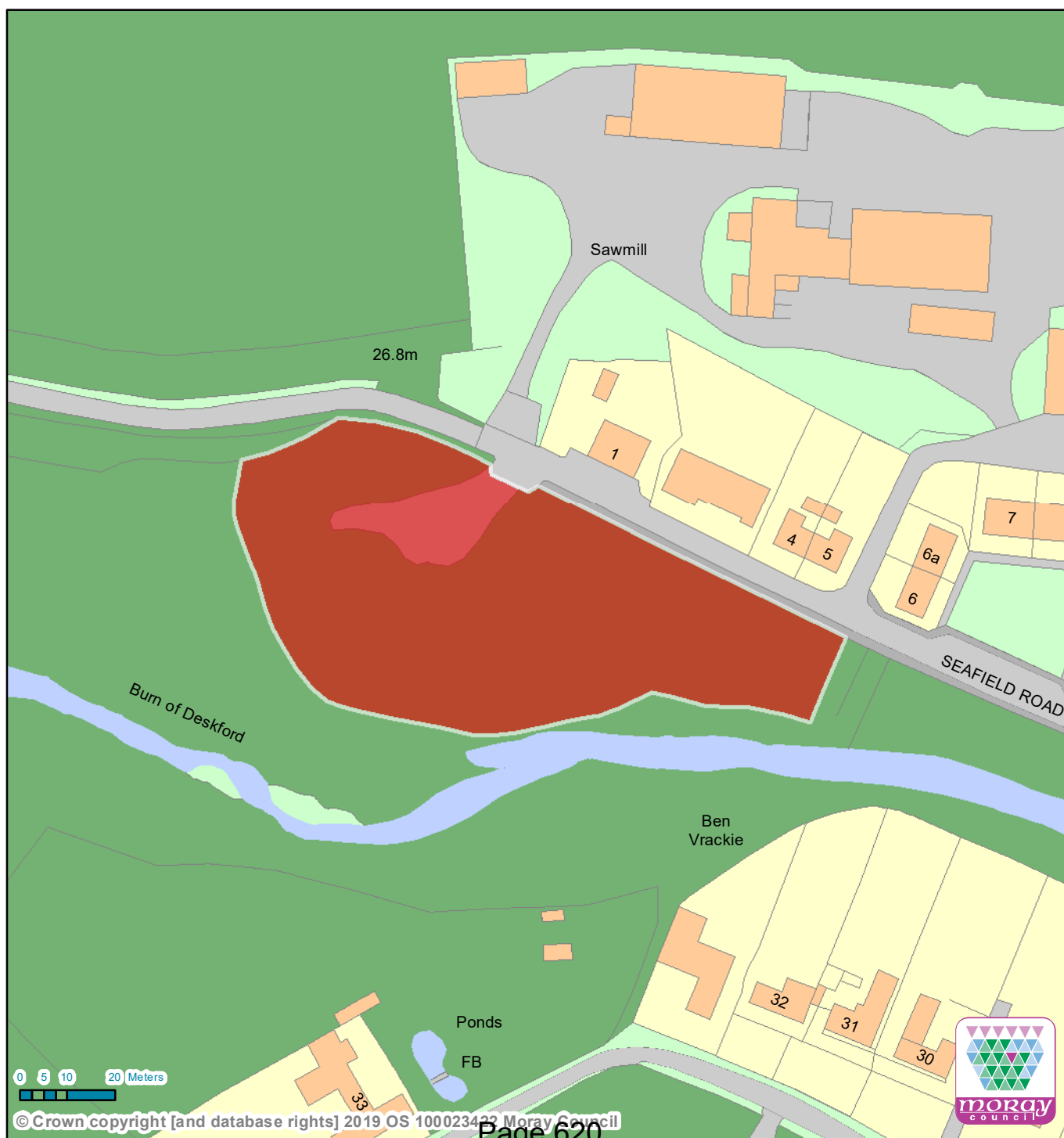
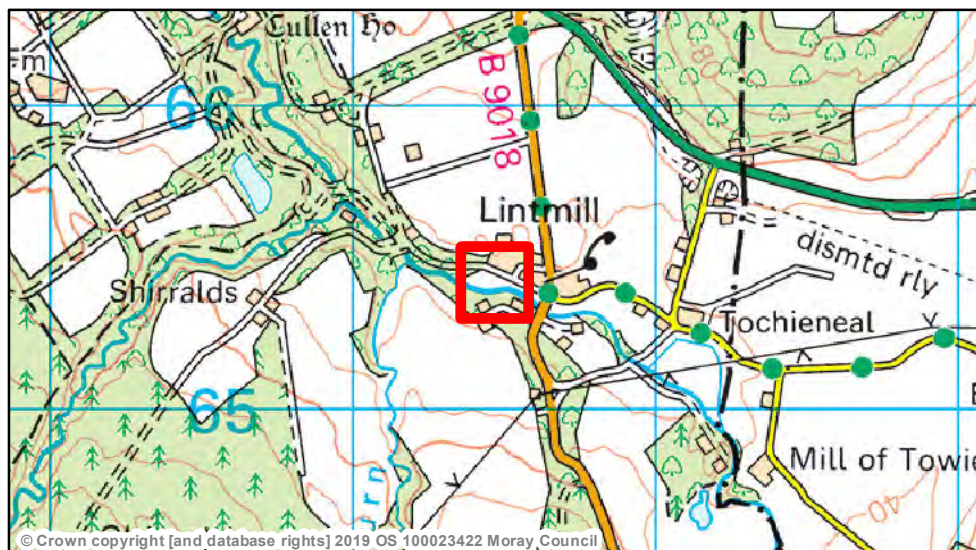


Center X: 319,277
Center Y: 841,646

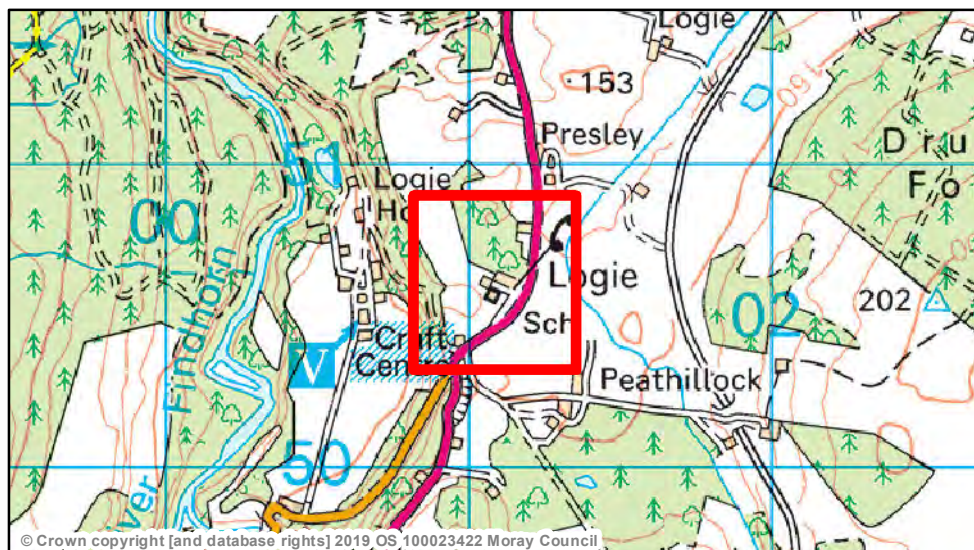
NOT TO SCALE



Site A Lintmill



Logie Rural Grouping



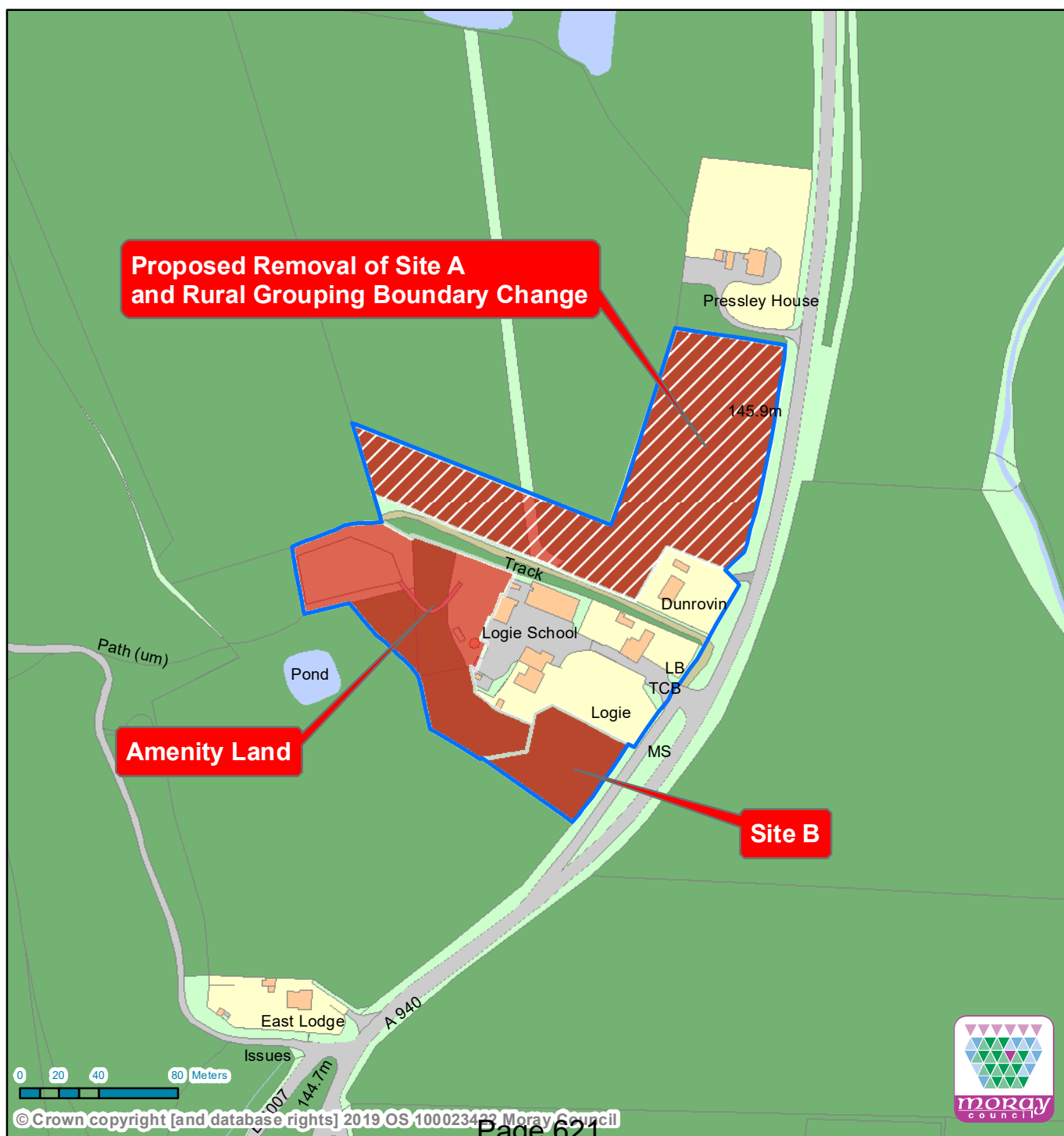
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

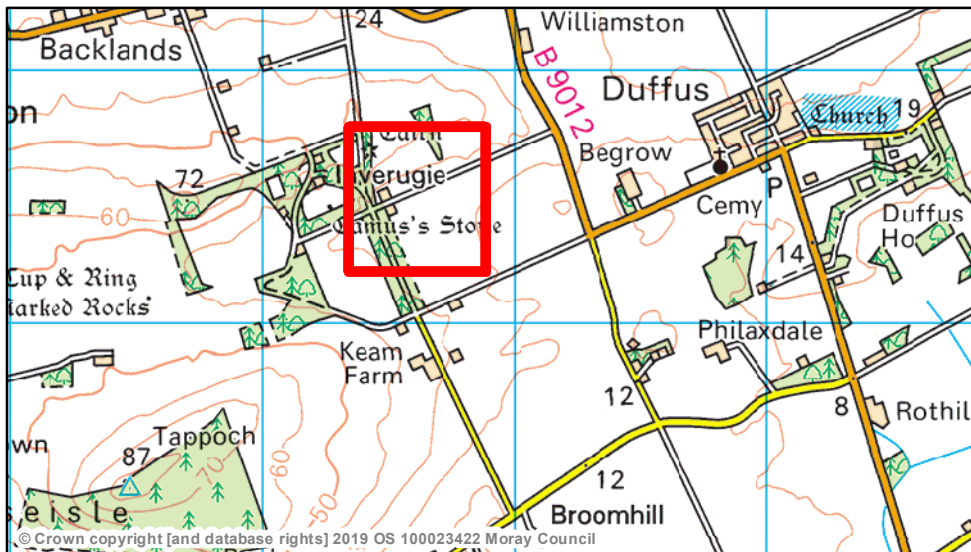


Center X: 301,085
Center Y: 850,609

NOT TO SCALE



Sites A & B Mains of Inverugie



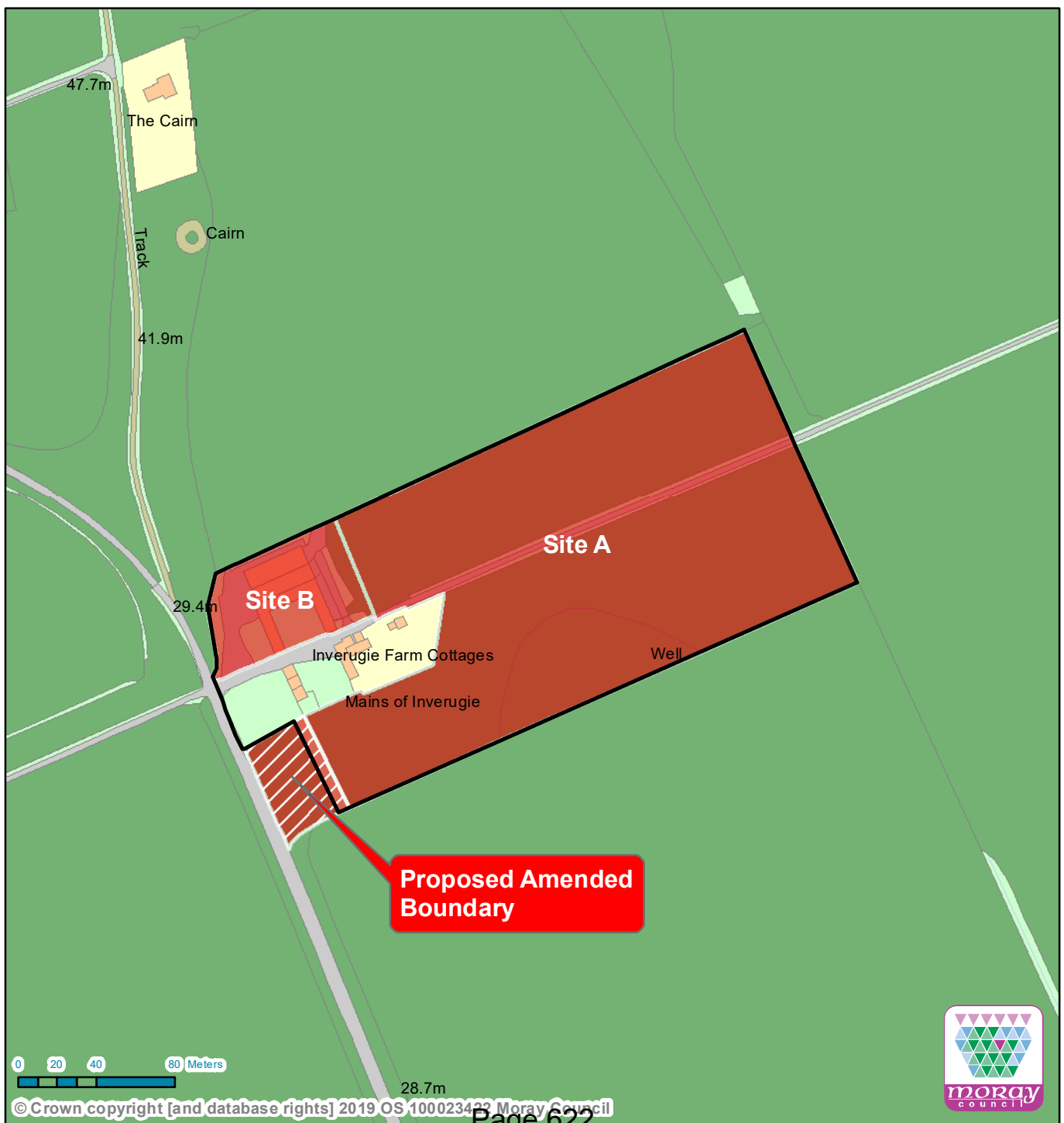
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

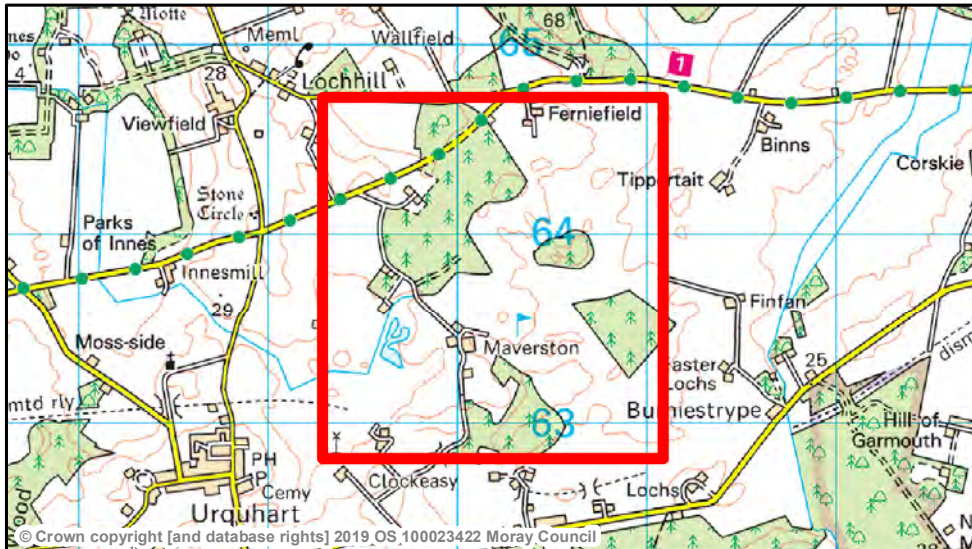


Center X: 315,614
Center Y: 868,490

NOT TO SCALE



Maverston Rural Grouping



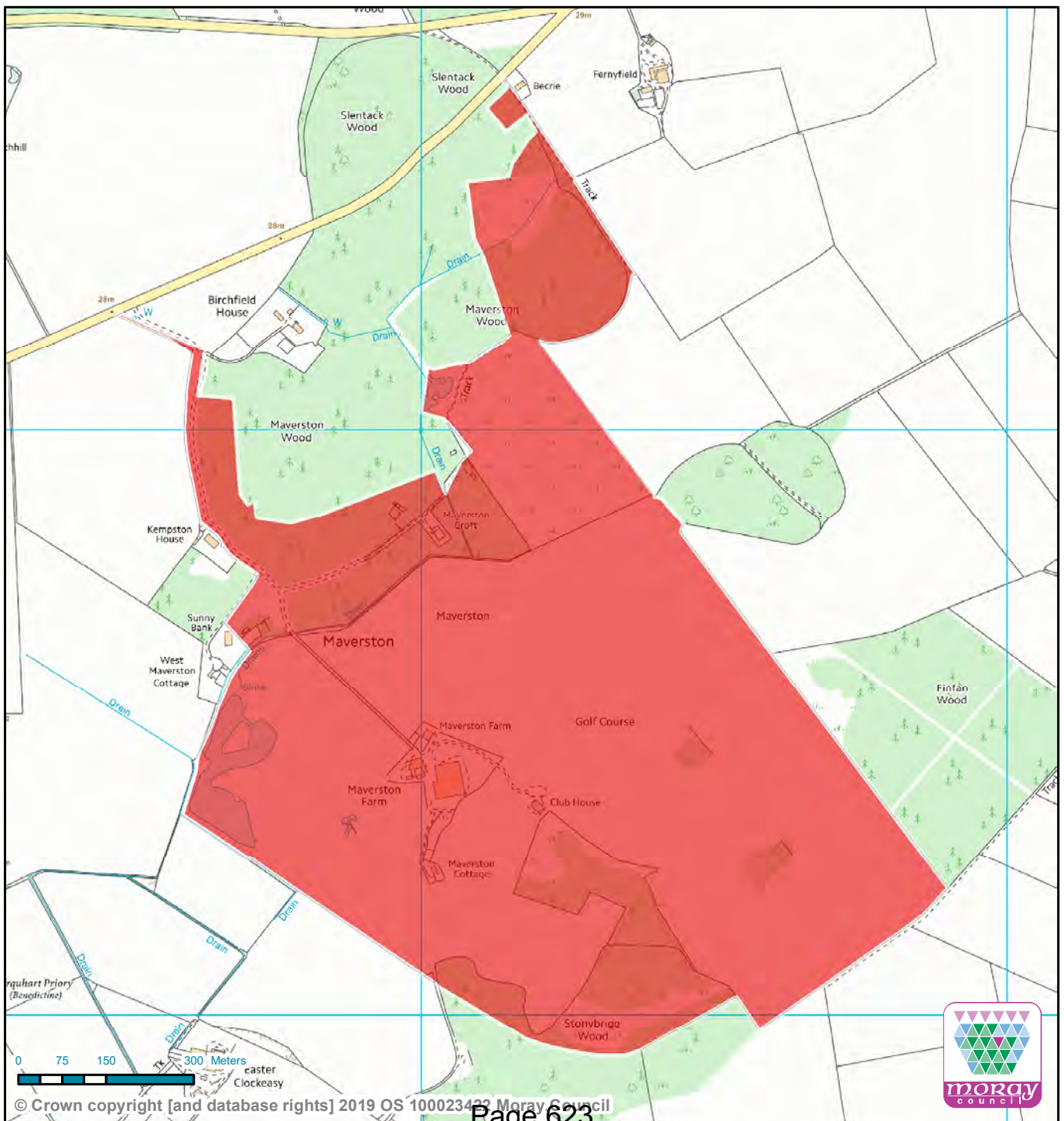
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

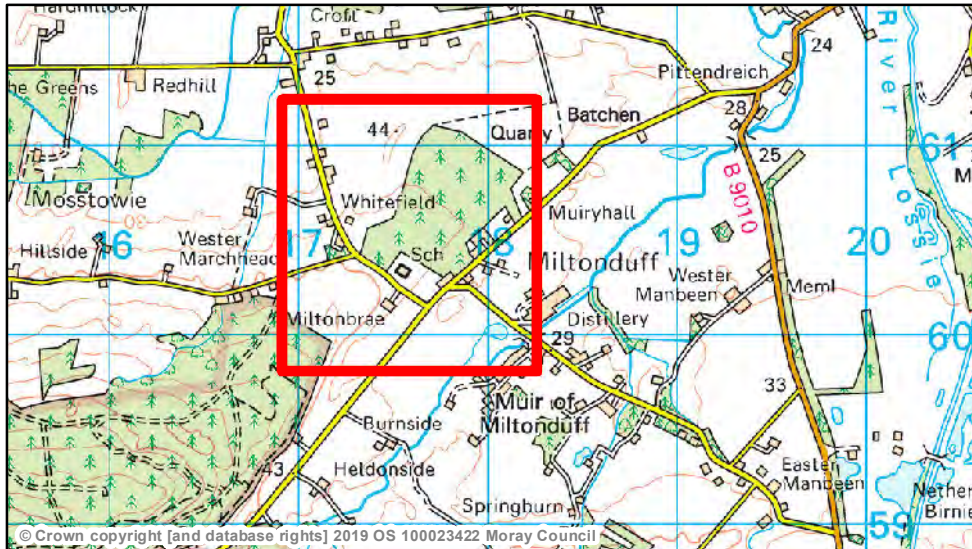


Center X: 330,188
Center Y: 863,767

NOT TO SCALE



Site A Miltonduff (North)



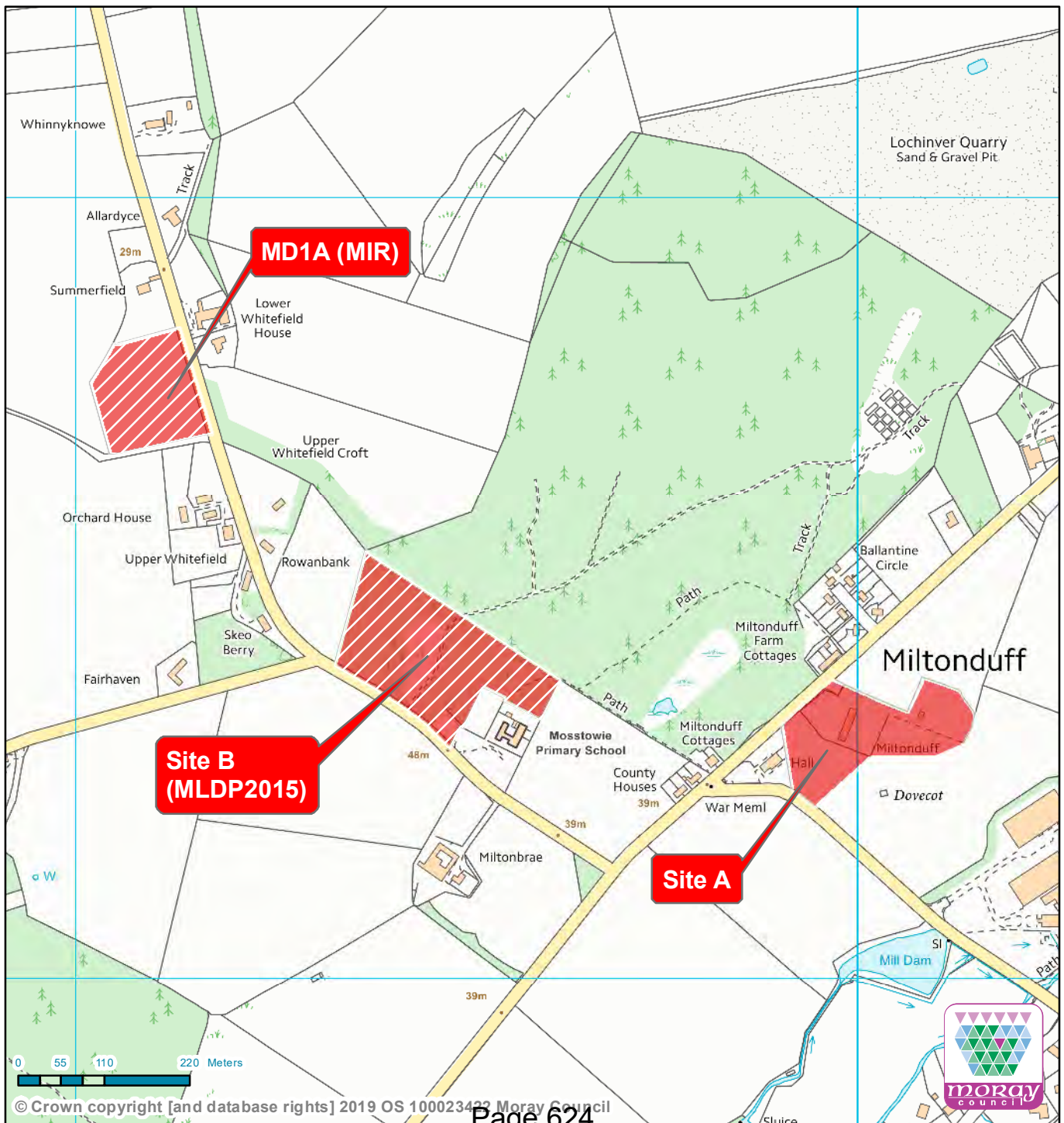
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

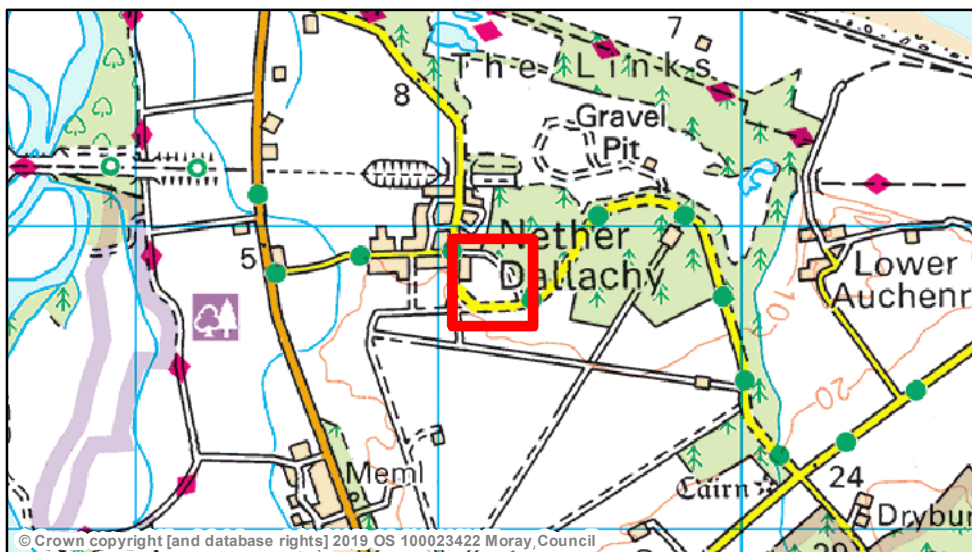


Center X: 317,583
Center Y: 860,527

NOT TO SCALE



Site A Nether Dallachy



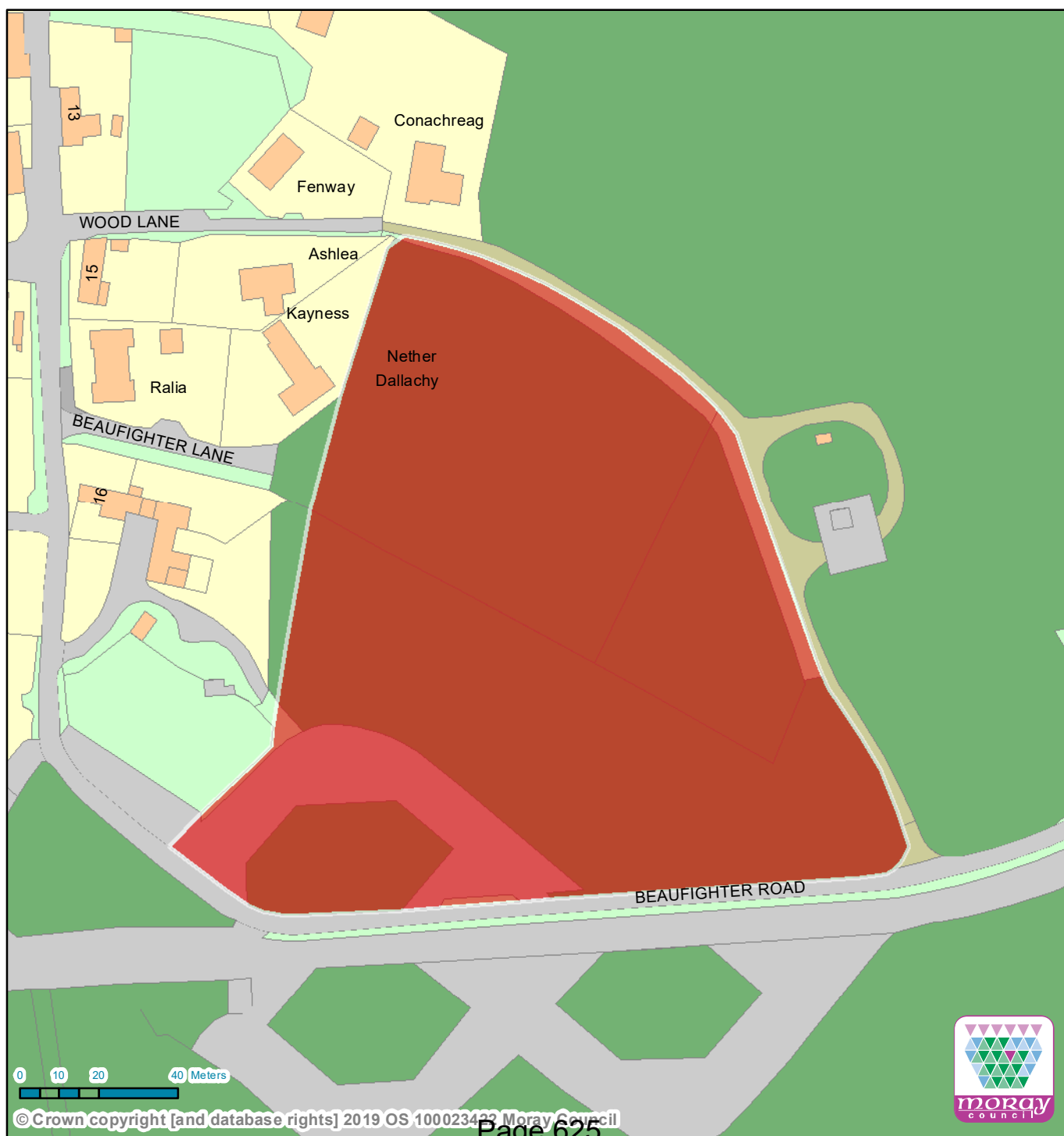
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

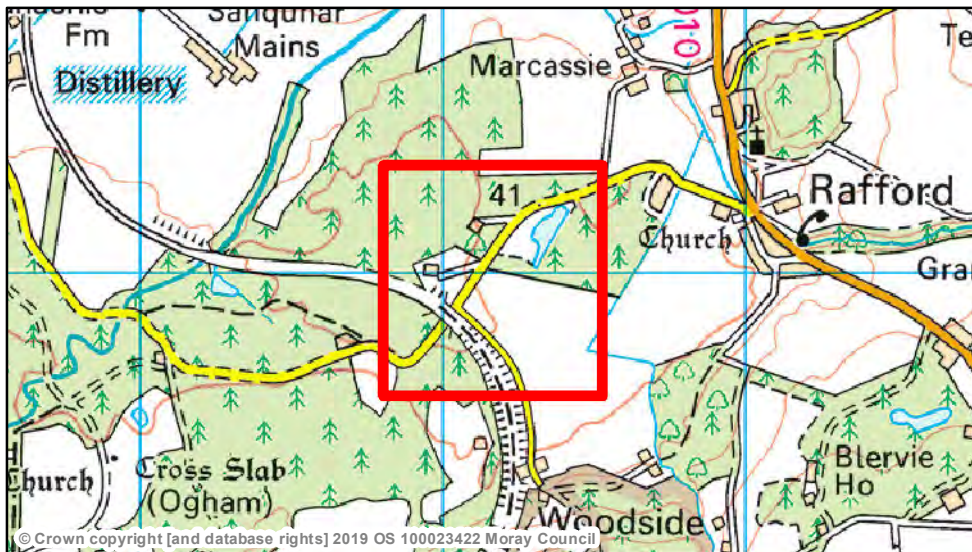


Center X: 336,179
Center Y: 863,814

NOT TO SCALE



Rafford Station Rural Grouping



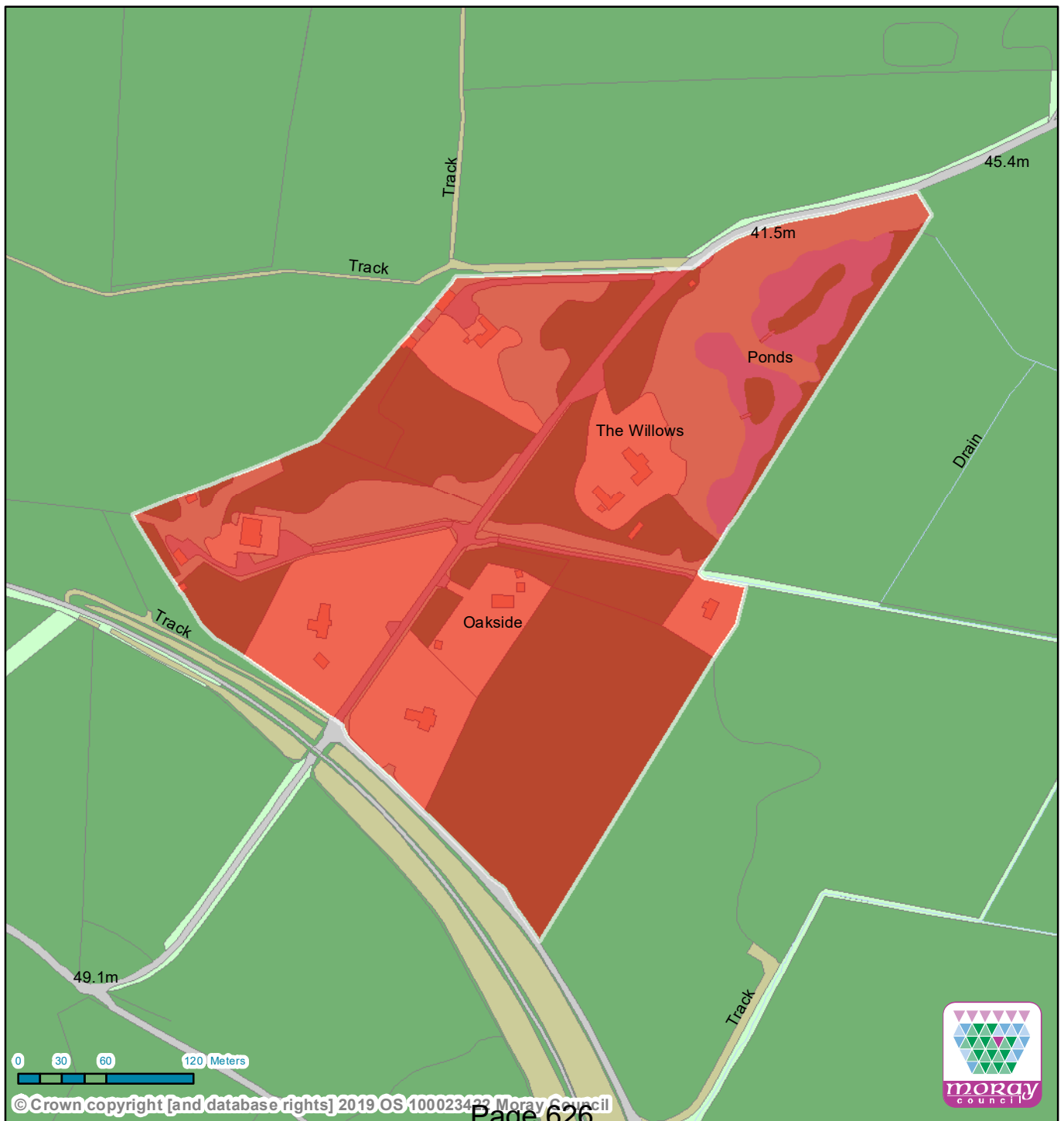
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

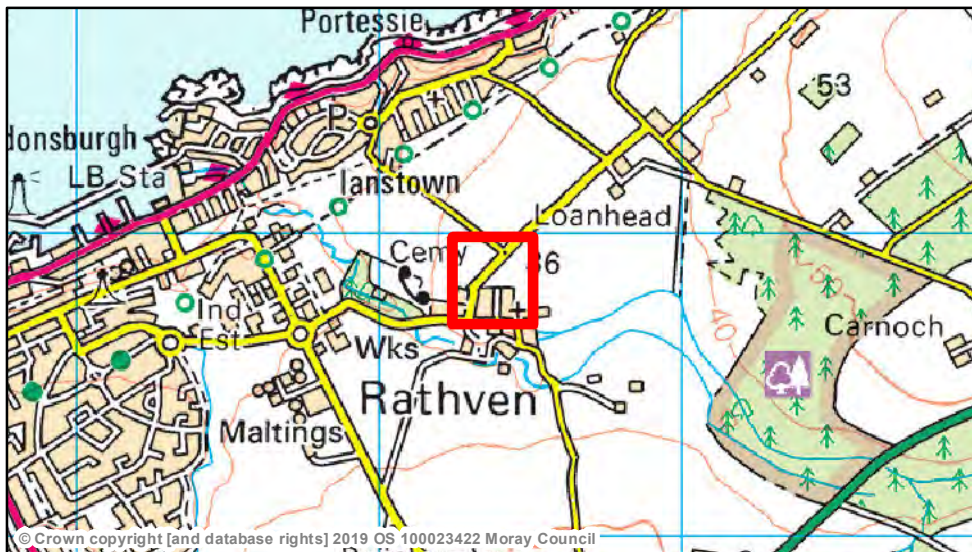


Center X: 305,165
Center Y: 855,974

NOT TO SCALE



Site A Rathven



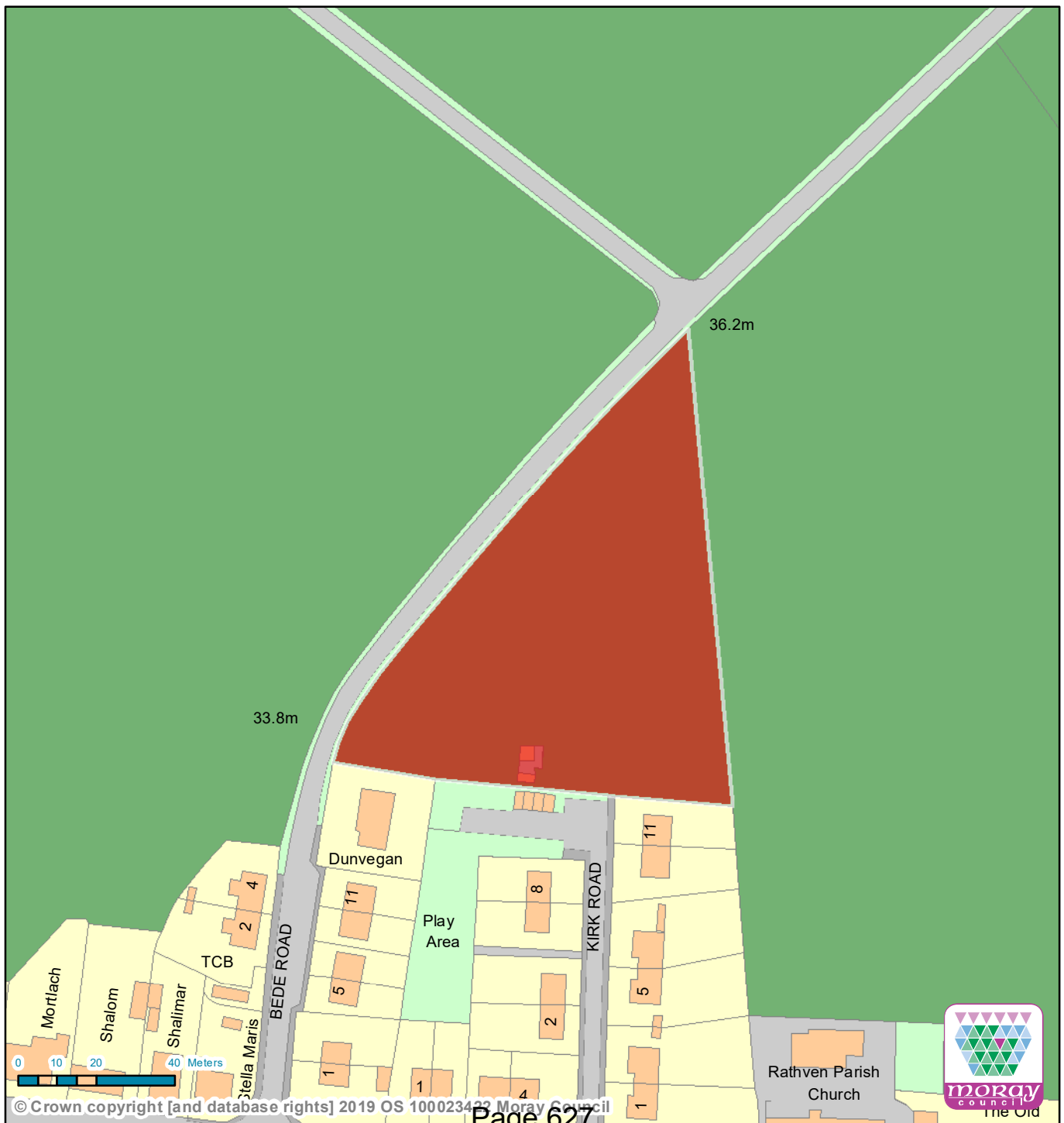
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

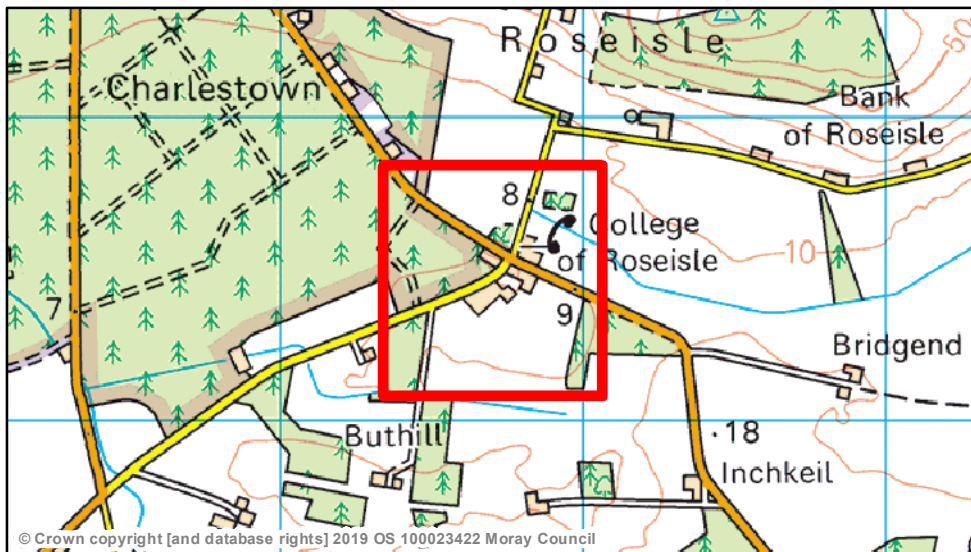


Center X: 344,375
Center Y: 865,844

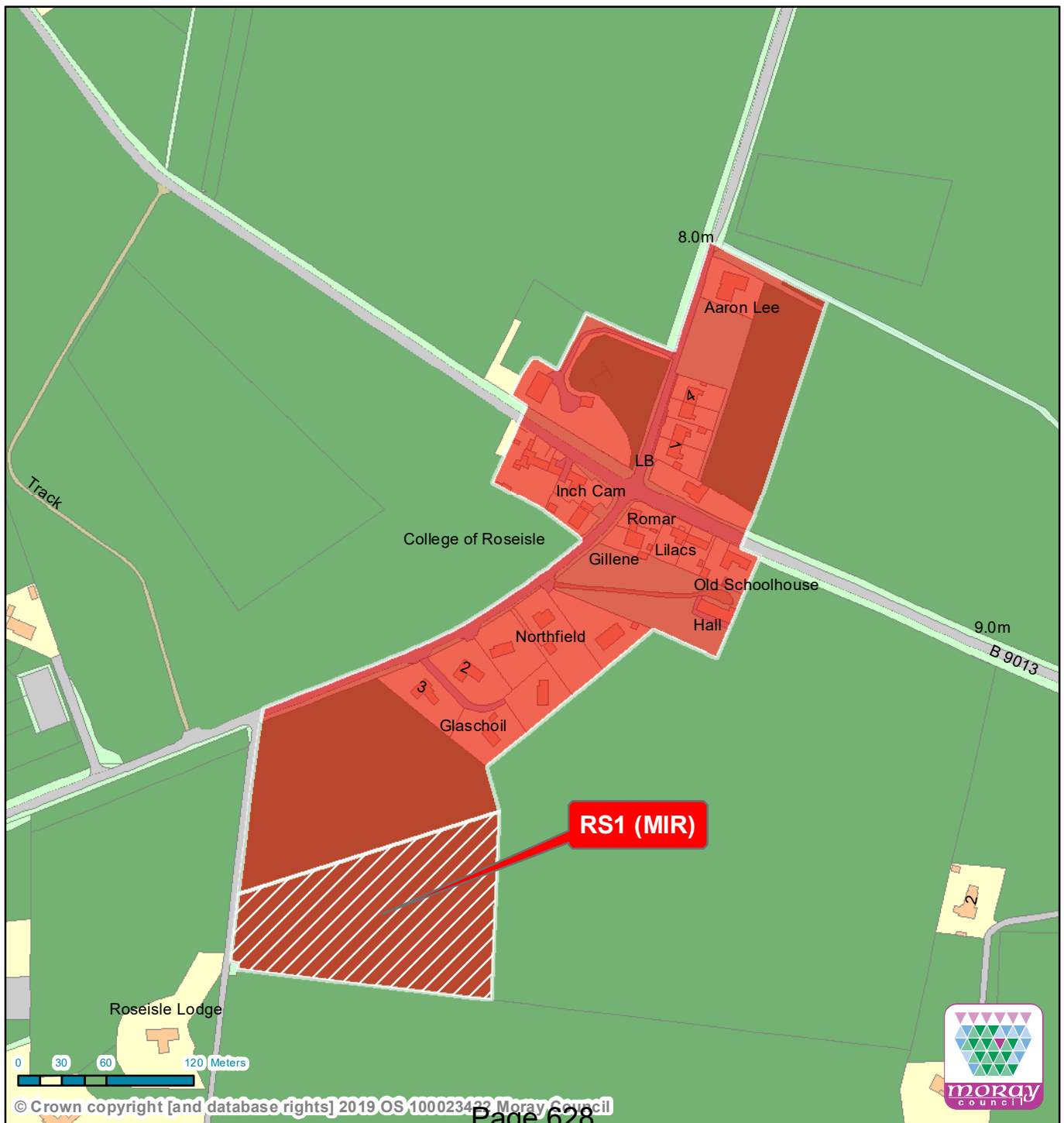
NOT TO SCALE



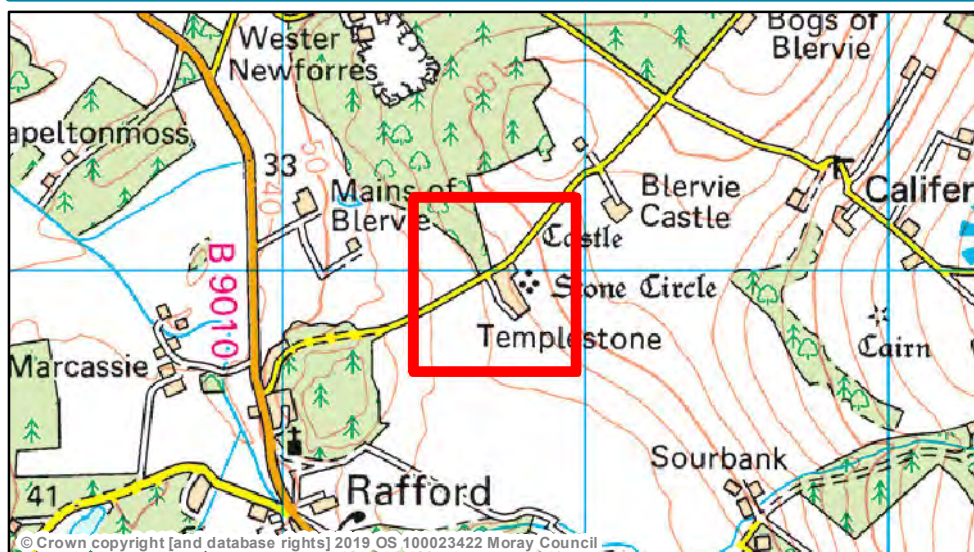
Roseisle Rural Grouping



Center X: 313,702
Center Y: 866,461



Templestones Rural Grouping



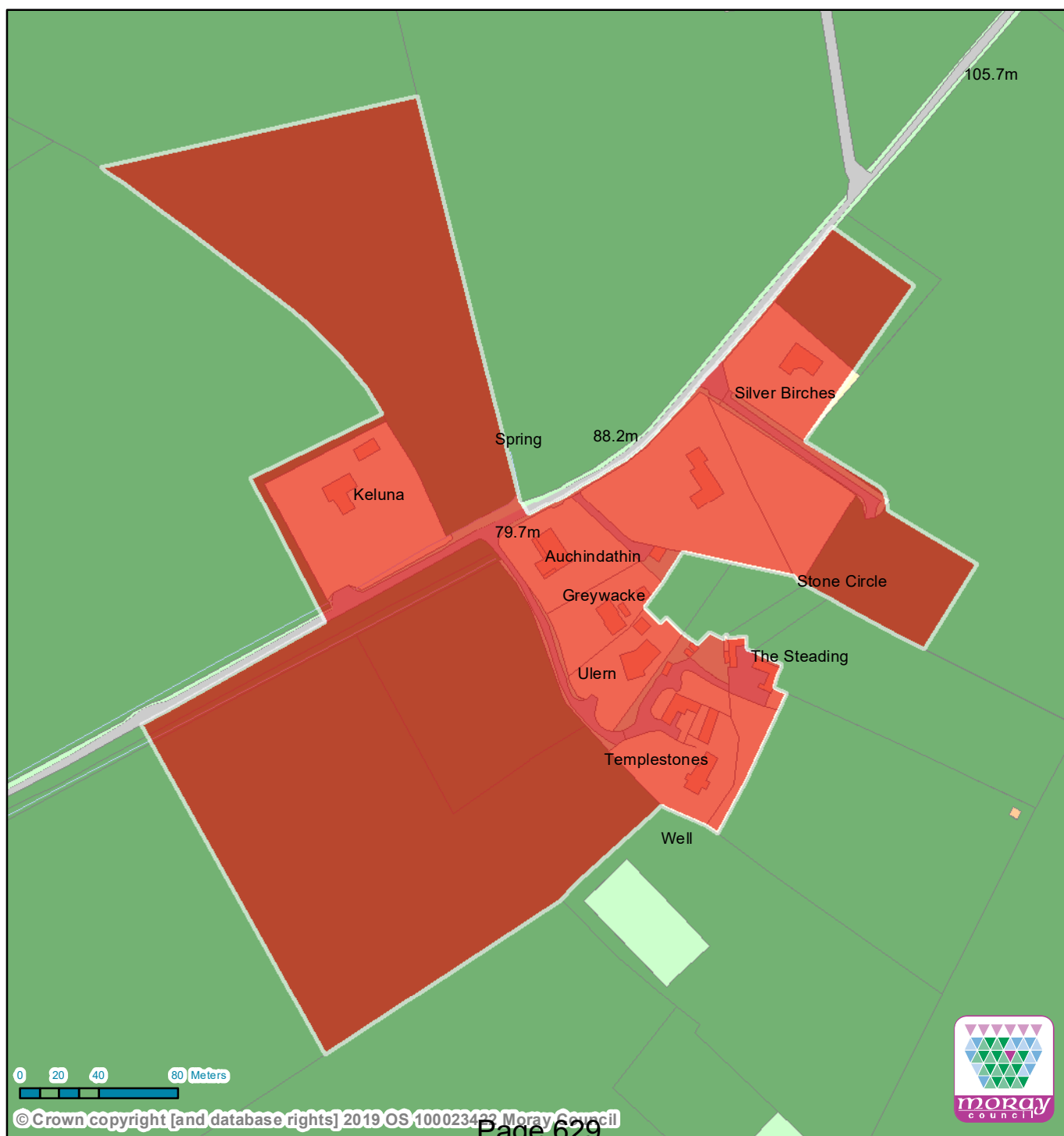
MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14

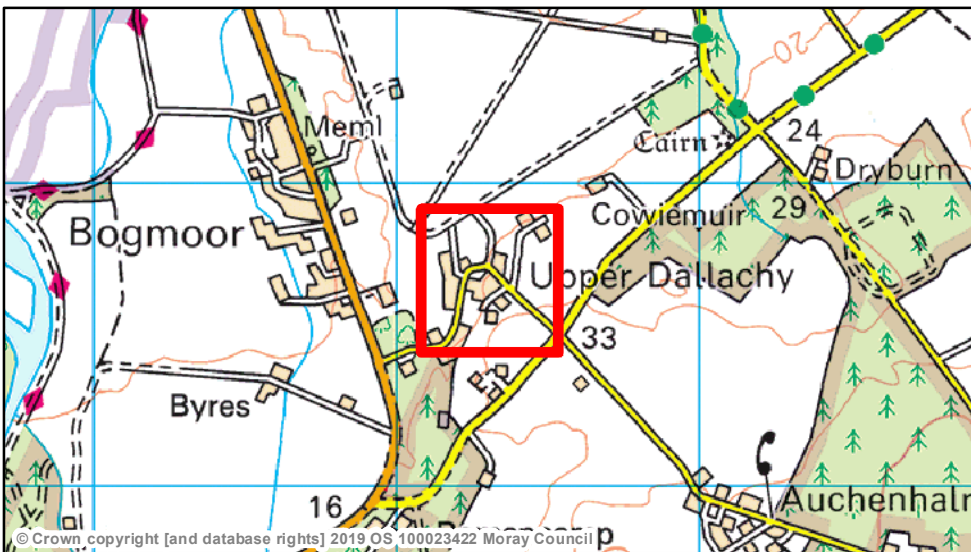


Center X: 306,700
Center Y: 856,953

NOT TO SCALE



Sites A & B Upper Dallachy



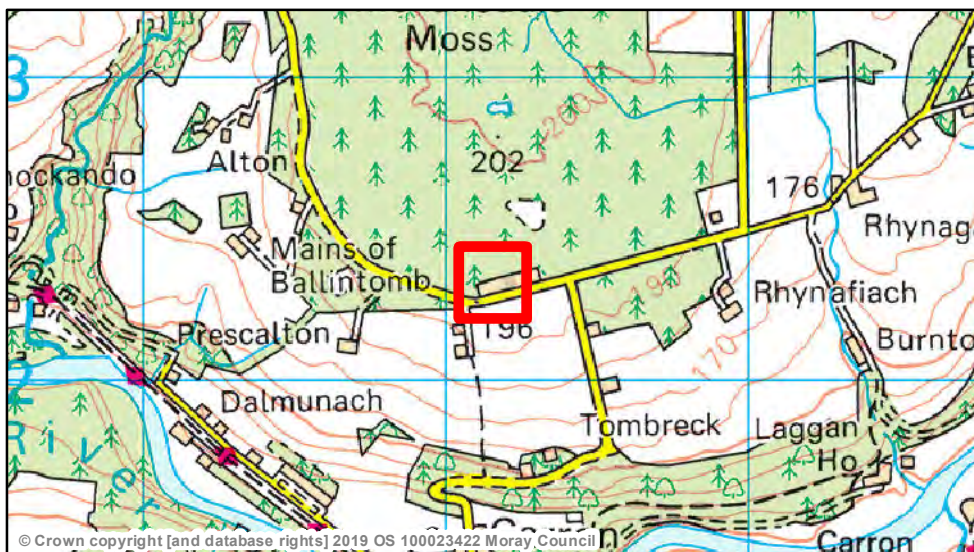
SCHEDULE: 14



Center Y: 862,678



Site A Woodside of Ballintomb



MORAY PROPOSED LOCAL
DEVELOPMENT PLAN 2020

SCHEDULE: 14



Center X: 322,155
Center Y: 842,323

NOT TO SCALE

