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## Planning and Regulatory Services Committee

Tuesday, 21 May 2019

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 21 May 2019** at **09:30**.

### BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests \***
- 3 **Minute of Meeting dated 26 March 2019** 5 - 22
- 4 **Written Questions \*\***
- Guidance Note** 23 - 24
- 5 **Planning Application 19/00100/APP** 25 - 80

Report by Appointed Officer

Application under Section 42 to vary conditions 1, 3, 4, 5, 7, 8, 9, 10, 26, 27, 28, 30 and 31 of planning consent 14/01486/APP altering the phasing plans delivery of affordable units (increased by 2 units) delivery of accessible units (increased by 1 unit) site layout details (altering the position of a SUDS basin landscaping and access/footpaths) which increases the total number of residential units to 265 (from 261) at R1 Sunbank Lossiemouth Moray for Tulloch Of Cummingston Ltd

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|-----------|---|----------------------------|
| <b>6</b>  | <b>Electricity Act 1989 (As Amended) Section 37</b><br><b>Consultation for the proposed North East 400kv</b><br><b>Overhead Line Reinforcement between Blackhillock,</b><br><b>Peterhead and Kintore Electricity Substations, and</b><br><b>Reconfiguration of the Overhead Line at Keith for</b><br><b>Scottish Hydro Electric Transmission Plc</b><br>Report by the Corporate Director (Economic Development, Planning<br>and Infrastructure) | <b>81 -</b><br><b>112</b>  |
| <b>7</b>  | <b>Moray Employment Land Audit 2019</b><br>Report by Corporate Director (Economic Development, Planning and<br>Infrastructure)  | <b>113 -</b><br><b>146</b> |
| <b>8</b>  | <b>Housing Land Audit 2019</b><br>Report by the Corporate Director (Economic Development, Planning<br>and Infrastructure)   | <b>147 -</b><br><b>168</b> |
| <b>9</b>  | <b>Confirmation of Stopping-Up of Section of U123E Moss</b><br><b>of Barmuckity Road, Elgin</b><br>Report by Head of Legal and Democratic Services  | <b>169 -</b><br><b>174</b> |
| <b>10</b> | <b>Question Time ***</b><br>Consider any oral question on matters delegated to the Committee in<br>terms of the Council's Scheme of Administration.   |                            |

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

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

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

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

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

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

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# **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)

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**MORAY COUNCIL****MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES  
COMMITTEE****26 MARCH 2019****COUNCIL CHAMBERS, ELGIN****PRESENT**

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

**APOLOGIES**

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

**IN ATTENDANCE**

The Head of Development Services, the Development Management and Building Standards Manager, Mr MacPherson, Principal Planning Officer, Mr Smith, Principal Planning Officer, Mr Templeton, Principal Planning Officer, the Senior Planning Officer (Development Planning and Facilitation), Mr Killeen, Engineer (Transport Development), Legal Services Manager as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the meeting.

**1. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, the following declarations were made:

- Councillor A McLean declared a personal interest in item 8 on the agenda "Planning Application 18/01117/APP - Erect 12 dwellinghouses and associated roads and landscaping at OPP4 St Leonards Road, Forbes, Moray" as the Applicant's Agent is a close family friend;
- Councillor Divers declared a personal interest in item 7 on the agenda "Planning Application 18/01536/APP - Partial remix of existing consent (ref: 16/00083/APP) to provide 30 affordable homes at R1 Stynie Road, Stynie Road, Mosstodloch, Moray" as his son is employed by the Developer.

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

**2. EXEMPT INFORMATION**

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business

appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<b><u>Paragraph No. of Minute</u></b>	<b><u>Paragraph No. of Schedule 7A</u></b>
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### **3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 29 JANUARY 2019**

Under reference to paragraph 12 of the minute of the meeting of the Planning and Regulatory Services Committee dated 29 January 2019 in relation to the Development Plan Scheme 2019 – Moray Local Development Plan 2020, Councillor Feaver asked that the minute include the timetable for the preparation of the Local Development Plan 2020 and information on the weight given to the policies and designations as the proposed plan emerges.

In response the Chair advised that the Clerk would review the webcast and amend the minute accordingly if required.

Thereafter, the minute of the meeting of the Planning and Regulatory Services Committee dated 29 January 2019 was approved.

### **4. WRITTEN QUESTIONS**

The Committee noted that no written questions had been submitted.

### **5. PLANNING APPLICATION 18/01561/APP**

#### **Ward 1: Speyside Glenlivet**

#### **Retrospective change of use from agricultural to use for exercising dogs to provide a secure dog walking field at a Site at Rabbit Rock, Craigellachie, Moray for Mr Roger Hull**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted in respect of an application for a retrospective change of use from agricultural to use for exercising dogs to provide a secure dog walking field at a Site at Rabbit Rock, Craigellachie, Moray for Mr Roger Hull.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application falls within the category of “major development” where the overall area of the proposed site exceeds 2 hectares. The report also advised that Members of the Committee visited the site of the application on 22 March 2019.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 18/01561/APP as recommended subject to the following conditions and reasons:

1. Within three months of the date of decision, a detailed landscape plan (drawn to scale) is to be submitted to and approved by the Planning Authority. This Landscape plan shall show details of the numbers, species, position, planting distances and sizes of all planting to be undertaken along the western boundary of the site.

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

**Reason:** In the interest of residential amenity and to aid integration of the development with the surrounding landscape.

## **6. PLANNING APPLICATION 18/01536/APP**

### **Ward 4: Fochabers Lhanbryde**

#### **Partial remix of existing consent (ref: 16/00083/APP) to provide 30 affordable homes R1 Stynie Road, Stynie Road, Mosstodloch, Moray for Springfield Properties PLC**

Councillor Divers, having declared a personal interest in this item, left the meeting at this juncture and took no part in the discussion.

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted in respect of an application for a partial remix of existing consent (ref: 16/00083/APP) to provide 30 affordable homes R1 Stynie Road, Stynie Road, Mosstodloch, Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a departure from the Moray Local Development Plan (MLDP) 2015 and is on a housing site designated for 50 or more dwellings within the MLDP 2015. The report also advised that Members of the Committee visited the site of the application on 22 March 2019.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 18/01536/APP subject to:

- (i) the completion of a legal agreement in order to incorporate developer obligations relating to healthcare provision; and
- (ii) the following conditions and reasons:
  1. Prior to the commencement of any works, a full site Construction Environmental Management Plan, including a dedicated pollution prevention section, shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with SEPA; and thereafter all work shall be carried out in accordance with the approved plan.

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

2. No development shall commence until an amended Landscape Scheme has been submitted to and approved by the Council, as Planning Authority. This shall be based upon the Planning Landscaping Layout drawing number MS01 PL03 Rev N and Landscape Management Plan MS01\_SL\_PL-05, and show and clarify the following:
  - a) details of the numbers, species, position, planting distances and sizes (standard sizes) of all planting to be undertaken; and
  - b) the arrangements for the time-scale(s) for all new planting, seeding and turfing to be undertaken together with the arrangements for the long-term maintenance of all proposed landscaping arrangements.

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

Reason - In order to remove any ambiguity regarding the terms of the landscape scheme, and to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area. (Note: This is required because although the current drawing MS01\_PL03 Rev N contains a Planting Schedule this does not identify which trees are semi mature, heavy standard avenue trees, heavy standard trees or multi stemmed trees on the landscape layout itself. For further advice refer to informative advice below).

3. No work shall commence until scaled drawings of the proposed pumping station have been submitted to and approved in writing by the local 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.

4. 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 Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, which shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site.

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

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

5. Prior to the commencement of development a construction phase surface water management plan shall be submitted to and agreed in writing with the Planning Authority. The plan shall include measures to prevent increased flood risk to neighbouring properties and measures to ensure heavily silted surface water does not enter the River Spey catchment. Thereafter the development shall be carried out in accordance with the agreed details.

Reason - To prevent surface water flooding during the course of the development and minimise risk to the River Spey SAC.

6. Notwithstanding the details submitted on the site layout plan (Drawing MS01\_PL01 Rev K), these are not accepted. Prior to commencement of construction the following details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
  - a) Details (Plan 1:500 min) showing the full extent of the roads intended for adoption to be provided as part of the application/Phase 1 of the development (including roads and verges currently shown out with the red line boundary in front of plots 18-43).
  - b) Parking to plots 15 and 16 shall be set back 2 metres from the edge of the road.
  - c) The road width between plots 16 and 25 shall be widened to 5.5m and the narrowing at the north eastern corner of plot 16 shall be removed.
  - d) The proposed footway connection on the eastern side of plot 16 shall be provided with a raised kerb on its eastern side and a dropped kerb crossing on both sides of the road in front of plot 25.

Reason - To ensure acceptable:-

- a) Provision of information currently lacking from the submission to ensure adequate development infrastructure that does not create any hazard to road users in the interests of road safety.
  - b) Parking provision.
  - c) Development infrastructure that does not create any hazard to road users in the interests of road safety.
  - d) Infrastructure for non-motorised road users, ensuring the provision of routes to schools and local facilities and a sustainable development.
7. Prior to the commencement of construction the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
  - a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 min), proposals to safeguard non-motorised road users;

- b) Details (Plan(s) scale 1:500 min) showing the provision of off-site infrastructure for non-motorised users which comprises the following items including signage and road markings:
- (i) A new 3.0m wide cycleway (approx. 360 metres in length) along the eastern side of the U18E Stynie Road between the northern site access and the back of the bellmouth on the north side of the junction at Mossmill Park (Point A as shown on sketch 10/01267/MC/01 Rev A);
  - (ii) A new 2.0m wide footway (approx 35 metres in length) along the western side of the U18E Stynie Road between a point opposite the site frontage at the southern site boundary to the back of the bellmouth at the car park for Speymouth Hall;
  - (iii) A pedestrian crossing point, including dropped kerbs and tactile paving, on both sides of the U18E Stynie Road at a point to be agreed with the Roads Authority between the site boundary and the footway to Speymouth Hall;
  - (iv) Widening of the existing footway (Approx 55 metres in length) along the eastern side of the U18E Stynie Road to provide a continuous 3.0m wide cycleway from the new 3.0m wide cycleway detailed in item i) above (Point A) and Findlay Road (Point B) as shown on sketch 10/01267/MC/01 Rev A;
  - (v) A pedestrian crossing point, including dropped kerbs and tactile paving, on both sides of the U18E Stynie Road at a point to be agreed with the Roads Authority approximately 10 metres to the north of Glebe Road; and
  - (vi) Provision of cycle route signage to the Moray Council standards and specification from the development to the B9015 (Main Street).
- c) Details (Plan scale 1:1000 min) for the widening of the U18E Stynie Road to 5.5 metres along the full extent of the site frontage (approx. 250 metres) onto Stynie Road, to the Moray Council standards and specification, including the extension of street lighting and road drainage.
- d) Details (Plan(s) scale 1:500 min) of a 4.5m x 120m visibility splay in both directions at the northern access and a 4.5m x 90m visibility splay in both directions at the southern access.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) and c) above shall be completed in accordance with the approved details prior to the commencement of the 5th house or flat.

Reason - To ensure acceptable:-

- a) Development that does not create any hazard to road users in the interests of road safety.
- b) Infrastructure for non-motorised road users, ensuring the provision of routes to schools and local facilities and a sustainable development.

- c) Infrastructure at the development access and to cater for additional traffic generated by the development.
  - d) To ensure acceptable access and visibility in the interest of road safety for the proposed development and other road users.
8. No work shall commence until details and a scaled plan (1:1000) have been submitted showing the exact route of the new pedestrian footpath linking the site to Mossmill Park and the timing for its implementation. Thereafter the footpath shall be implemented in accordance with the approved details and completed prior to commencement of works to construct plot 25.

Reason - To ensure connectivity between the development and the adjacent housing, in accordance with Designing Streets policy.

9. Parking provision shall be provided and maintained for use in accordance with the approved site layout plan (Drawing No. MS01\_PL01 Rev K) unless otherwise agreed in writing with Moray Council Transportation.

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.

10. The visibility splays at the northern and southern site access junctions as detailed in the approved drawings (Condition 7(d) refers) are to be maintained clear of any obstructions at all times. All boundary fences shall be set back behind the visibility splay which will become part of the adopted public road.

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

11. New boundary walls/fences/planting shall be set back from the edge of the prospective public carriageway at a distance of 2.0m. No fences, walls, planting or obstructions in or along the front/rear of service verges.

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

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

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

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

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

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

Reason - To ensure acceptable infrastructure at the individual development accesses.

15. Unless otherwise agreed in writing with the planning authority, the equipped play area and surrounding area of open space shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan MS01\_SL\_PL-05 for the lifetime of the development.

Reason – To ensure the timeous provision of the play area and surrounding open space.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any order revoking and re-enacting that order) no windows shall be installed on the south facing (side) elevations of the house on plot 1 or flats on plots 7-10.

Reason - In order to preserve the privacy levels of the neighbouring existing houses.

17. For the avoidance of doubt, the approved position of flats on plots 7-14 is as shown on the approved site layout drawing no. MS01\_PL01.

Reason – To avoid any ambiguity between the site plan and the position of the flats shown on some supporting layout plans relating to drainage and levels details.

18. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved 'Drainage Strategy Report' and associated drainage drawings MS01\_ENG-635, MS01-ENG-206, MS01-ENG-625, MS01-ENG-205, MS01-ENG-630, MS01-ENG-207 and MS01-ENG-640. Unless otherwise agreed in writing with the planning authority, this drainage infrastructure will be completed prior to the first occupation of any housing unit in the development and thereafter maintained for the lifetime of the development in accordance with the approved 'Drainage Strategy Report'.

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

19. Prior to the commencement of development a manufacturers specification for the Air Source Heat Pumps including noise output levels shall be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these details.

Reason – To ensure a satisfactory form of development which protects



residential amenity against noise disturbance, and as these details are currently lacking from the application.

## **7. PLANNING APPLICATION 18/01117/APP**

### **Ward 8: Forbes**

#### **Erect 12 dwellinghouses and associated roads and landscaping at OPP4 St Leonards Road, Forbes, Moray for Mr Ray McDonald**

Councillor Divers re-joined the meeting at this juncture.

Councillor A McLean, having declared a personal interest in this item, left the meeting at this juncture and took no part in the discussion.

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted in respect of an application to erect 12 dwellinghouses and associated roads and landscaping at OPP4 St Leonards Road, Forbes, Moray for Mr Ray McDonald.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application falls within the category of “major development” as defined within the approved delegation scheme, where the overall area of the proposed site exceeds 2 hectares. The report also advised that Members of the Committee visited the site of the application on 22 March 2019.

During discussion, clarification was sought as to whether the application was being determined using the Moray Local Development Plan (MLDP) 2015 or the proposed MLDP 2020.

In response, the Legal Adviser advised that whilst the MLDP 2020 was agreed as the settled view of the Council at the meeting of this Committee on 18 December 2018, at this point the MLDP 2020 holds very little weight and that Officers and the Committee must determine planning applications based on the adopted MLDP 2015 and relevant material considerations until such time as the MLDP 2015 is replaced by the MLDP 2020. This was noted.

With regard to the provision of affordable housing, Councillor Coy raised concern that that the Developer proposed to make a payment towards affordable housing out with the development site as she was of the view that the Council’s preference was to integrate affordable housing within development sites.

In response, the Appointed Officer advised that, in small development sites, it was often impractical to provide affordable housing within the development site and that, in these circumstances, it was deemed acceptable for Developers to make a payment towards larger, off site affordable housing.

Councillor Divers left the meeting at this juncture.

During discussion surrounding the required pedestrian/cycle connection from the development to St Leonards Road, it was queried whether the Developer owned the land required to build this connection.

In response, the Appointed Officer advised that the Applicant had identified the pedestrian/cycle connection within his submitted plan and that connection from the site to St Leonards Road would lead through land owned by the Council and that the Transportation Service had not raised any potential issues.

The Legal Adviser further advised that, any additional work required to be undertaken to build the pedestrian/cycle connection and agreement with any relevant land owner would be considered as a separate matter however it would still be appropriate to impose a condition regarding connectivity to St Leonards Road to that effect.

Further concern was expressed in relation to drainage as the development site was situated in an area that had experienced significant drainage problems as the sewers in St Leonards Road could not cope with foul drainage at times of heavy rain and whilst it was noted that Scottish Water had not raised any objection and stated that there was capacity within the sewers, confirmation was sought that the sewers could cope with the additional sewage from the development.

In response, the Appointed Officer confirmed that the assurance sought from the Committee was not available at the time of discussion however reiterated that Scottish Water had not objected to the proposal.

Councillor Feaver was of the opinion that the development did not follow the Scottish Government's Control of Woodland Removal Policy and would not be permitted if considered in conjunction with the proposed MLDP 2020. The proposal also contravened the MLDP 2015 policies E4, ER2, E2 and E3 as the MLDP 2015 specifically says that "Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value". Councillor Feaver further stated that the loss of ancient woodland as a result of the development is contrary to the Council's Corporate Plan which emphasises the need to maintain and promote Moray's landscape and biodiversity. Councillor Feaver shared the concern of other members of the Committee in terms of the issues raised regarding affordable housing and capacity of the sewage system therefore, taking into consideration all of the above, moved that the planning application be refused. This was seconded by Councillor Taylor.

In response, the Legal Adviser advised that, as previously stated, the application had to be determined in conjunction with the MLDP 2015 therefore any reference in Councillor Feaver's motion to the MLDP 2020 plan should be disregarded. This was noted.

Councillor R McLean was of the view that the application complied with MLDP 2015 policies in terms of low density housing and noted that the Applicant had worked with the Appointed Officer to comply with all that had been asked of him and moved that the Committee agree to grant planning permission in respect of Planning Application 18/01117/APP, as recommended. On failing to find a seconder, Councillor R McLean's motion fell.

There being no-one otherwise minded, the Committee agreed to refuse planning permission in respect of Planning Application 18/01117/APP as the proposal contravenes both national and local planning policy as it:

- does not follow the Scottish Government's Control of Woodland Removal Policy;
- contravenes Moray Local Development Plan 2015 policies E4; ER2; E2; and E3 as the MLDP 2015 specifically says that "Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value";
- does not demonstrate how the loss of this area of ancient woodland and its unique biodiversity can be reconciled with the Council's Corporate Plan, which emphasises the need to maintain and promote Moray's landscape and biodiversity;
- does not fully address the sewage/pipework issues; and
- does not fully address affordable housing policy as an exception.

**8. 18/01591/S36 - ERECT 48 WIND TURBINES WITH BLADE TIP HEIGHT BETWEEN 136 AND 176 METRES WITH INSTALLED CAPACITY IN EXCESS OF 50MW AT CLASH GOUR WIND FARM, MORAY**

Councillor A McLean re-joined the meeting at this juncture.

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider the consultation received from the Energy Consents Unit of the Scottish Government in relation to an Electricity Act 1989 Section 36 application (which includes deemed planning permission) for a new windfarm. This Section of the Electricity Act relates to consenting onshore electricity generation.

Councillor A McLean agreed with the view of the Appointed Officer in that the proposed windfarm development, by virtue of the size and location of the turbines, would have a detrimental impact upon the landscape and tourism industry of Moray. He accepted that the Council was a consultee and the decision would rest with the Energy Consents Unit (ECU) however sought clarification as to whether the recommendation in the report was enough to clearly state that the Council objected to any windfarm development in that area however should the ECU grant planning permission for the windfarm development, the Council's preferred option would be that the height of the wind turbines not exceed 149.5 metres (Scenario B put forward by the Developer).

In response, the Legal Adviser advised that, even if the Council objected to the proposal, they would still be consulted on conditions to be attached to the consent and advised that the Committee could object to the proposal as it is contrary to the MLDP 2015 policies outlined within the report with a caveat that, should the application be approved by the ECU, the Council's preference would be that the turbines not exceed 149.5 metres in height.

On hearing the advice from the Legal Adviser, Councillor A McLean moved the recommendations as printed within the report with a caveat that, should the application be approved by the ECU, the Council's preference would be that the turbines not exceed 149.5 metres in height. This was seconded by Councillor Laing.

Councillor Feaver was content that the recommendations to object to the proposal detailed within the report were sufficient as the Legal Adviser had advised that the Council would be consulted on any conditions to be imposed should consent be

given to the development and moved an amendment in those terms. This was seconded by Councillor R McLean.

Councillor Coy, having visited the proposed development site and considered the grounds for objection agreed with the opinion of the Appointed Officer that the larger wind turbines at 176 metres would be detrimental to the landscape due to their size however was of the opinion that the smaller wind turbines at 149.5 meters did comply with MLDP (2015) policies PP1 sustainable economic growth, ED7 rural business proposals, ER1 renewable energy proposals, E7 areas of great landscape value and impact upon the wider landscape, IMP1 developer requirements, Moray Onshore Wind Energy 2017 policy guidance and the Moray Wind Energy Landscape Capacity Study 2017. She was of the view that the smaller wind turbines would not create a windfarm landscape or provide unacceptable cumulative views and moved that the Committee object to the 176 metre wind turbines however agree to the 149.5 metre wind turbines. This was seconded by Councillor Taylor.

The Head of Development Services advised that, should Councillor Coy's amendment be successful, he would ask that the Committee agree that delegated authority be given to officers to draft the conditions supporting the smaller turbines. This was noted.

Prior to continuing with the debate, the Chair sought the agreement of the Committee to Suspend Standing Order 74 to allow the meeting to continue beyond 12.45 pm. This was unanimously agreed.

Thereafter, in terms of Standing Order 62(c) following summing up by relevant members at the appropriate points, there being more than one amendment proposed against the motion, the Clerk advised that the second amendment proposed by Councillor Coy would be taken against the first amendment proposed by Councillor Feaver and thereafter the successful amendment would be taken against the motion proposed by Councillor A McLean.

On a division between the second and first amendments there voted:

For the first Amendment (7):	Councillors Feaver, R McLean, A McLean, Alexander, Cowe, Cowie and Laing.
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For the second Amendment (3):	Councillors Coy, Taylor and Bremner
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Abstentions (0):	Nil
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The Clerk confirmed that, in accordance with Standing Order 62 (c), the first amendment would now be taken against the motion.

On a division between the first amendment and the motion there voted:

For the Motion (3):	Councillors A McLean, Laing and Bremner
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For the First Amendment (5):	Councillors Feaver, R McLean, Alexander, Cowe and Cowie.
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Abstentions (2):	Councillors Coy and Taylor
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Accordingly, the first amendment became the finding of the Committee and it was agreed:

- i) to note the contents of the report, as set out in Appendix 1 of the report, including the conclusions regarding the planning merits of the development which take into account the Moray Local Development Plan 2015 and all material considerations including the presence of existing neighbouring windfarms;
- ii) to respond to the consultation request from the Scottish Government, lodging an objection to the proposed development on the basis of the recommendations set out in Appendix 1 of the report, in particular in terms of the considered unacceptable significant landscape and visual impacts that would arise from the position and height of proposed turbines on the site (including cumulative impact) and the impact on tourism and recreational interests;
- iii) that in the event of approval and prior to determination, the Council request it be consulted on proposed conditions to be attached to any consent.

#### **9. 19/00105/PAN - PROPOSAL OF APPLICATION NOTICE - AFFORDABLE HOUSING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT BAIN AVENUE, ELGIN**

Under reference to paragraph 4 of the Minute of this Committee dated 11 November 2014, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 31 January 2019 by Springfield Properties PLC relating to a proposal for affordable housing, landscaping and associated infrastructure on parkland at Bain Avenue, Elgin.

Prior to discussion, the Legal Adviser advised that, as Councillor Divers could not be present for the discussion, his comments would be emailed to the Planning Officer following the meeting. This was noted.

During discussion concern was raised that the proposed development was on a designated ENV site that was widely used by children and young people and should be left open for the amenity of nearby residents.

In response, Mr Smith, Principal Planning Officer agreed to feed the concerns of the Committee back to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the developer note that the proposed development is on a designated ENV site and should be left open for the amenity of nearby residents;
- (ii) to note that, as Councillor Divers could not be present for the discussion, his comments would be emailed to the Planning Officer following the meeting; and

- (iii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

## **ADJOURNMENT OF MEETING**

In terms of Standing Order 25, the Meeting agreed to adjourn at 13.15 pm for lunch and reconvene at 2.00 pm.

## **RESUMPTION OF MEETING**

### **PRESENT**

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

### **APOLOGIES**

Apologies were intimated on behalf of Councillors Edwards and Macrae

### **IN ATTENDANCE**

The Manager (Development Management), Mr Templeton, Principal Planning Officer, the Senior Planning Officer, Development Planning and Facilitation), Legal Services Manager as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the meeting.

## **10. PLACEMAKING**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to note the steps taken in promoting better Placemaking in Moray and approve a revised Quality Audit 2 to replace the existing Quality Audit on adoption of the new Local Development Plan.

Following consideration, the Committee agreed:

- (i) to note the steps being taken to promote better Placemaking in Moray;
- (ii) to note the role of good Placemaking in preventative planning and in supporting Scotland's public health challenges;
- (iii) the content of the Quality Audit 2 as set out in Appendix 1 of the report;
- (iv) that Quality Audit 2 replace the current Quality Audit on adoption of the new Local Development Plan, with delegated authority given to the Head of Development Services to make any changes to the Audit as a result of the Local Development Plan Examination;
- (v) that Quality Audit 2 is applied to relevant applications submitted after adoption of the new Local Development Plan;

- (vi) that Quality Audits are a material consideration in the development management process when the new Local Development Plan is adopted and that Quality Audits form part of the report of Handling and Committee Reports, as appropriate; and
- (vii) that training for elected members be organised on Placemaking and Quality Auditing.

## **11. COMPENSATORY PLANTING**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to agree a draft list of sites suitable for compensatory planting, to carry out public consultation on the list and to identify any additional planting sites.

Following consideration, the Committee agreed:

- (i) to note the draft list of sites suitable for compensatory planting, as set out in Appendix 1 to the report;
- (ii) that public consultation is carried out on the draft list of sites and to identify additional planting sites;
- (iii) that reports will be submitted to future meetings of this Committee to approve a finalised list of suitable sites for compensatory planting and a priority system for implementation; and
- (iv) that a policy guidance note on the implementation of the compensatory planting policy is produced.

## **12. VALIDATION OF PLANNING APPLICATIONS (SECOND PHASE) & CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLANS**

Under reference to paragraph 7 of the Minute of this Committee dated 5 December 2017, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the progress implementing the Committee decision on National Standards for the validation and determination of planning applications and other related consents and how further improvements can be made. The report further advised that work is proposed to streamline how Construction Environmental Management Plans (CEMP's) are to be covered by planning conditions and reduce duplication of information being requested by internal and external consultees.

Following consideration, the Committee agreed to:

- (i) validation checks on planning applications continuing to be more robust and that the requirements for validation be extended as set out in paragraph 4.1 of the report;
- (ii) note that average validation rates over the last 12 months on day one of receipt is 38% rising to 91% after 28 days (a slight increase from 2017);

- (iii) Officers holding a further workshop with local agents/developers with a focus on ensuring that the requirements set out in the recently adopted Supplementary Guidance for flooding and surface water are understood to assist with reducing average timescale for the determination of planning applications; and
- (iv) note that officers are working with officers from Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), and Flood Risk Management (FRM) to coordinate the requirements for Construction Environmental Management Plans (CEMP's), streamlining resources and are looking to produce best practice guidance for use locally in the best interests of the environment, aiding developers working practices and reducing the need for multiple planning conditions.

### **13. HANDLING OF SECTION 36 CONSULTATIONS, ATTENDANCE AT PUBLIC LOCAL INQUIRIES AND ASSOCIATED COSTS**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the procedures in the dealing with Section 36 applications and the associated costs for Moray Council with handling these consultations as a Planning Authority.

Following consideration, the Committee agreed:

- (i) to note the contents of the report and procedures in handling Section 36 applications and their associated costs;
- (ii) to note the methods of responding to these applications and the staff resources being drawn from Legal Services, Development Management, Development Plans, Environmental Health, Transportation, Moray Council's Landscape Advisor and the requirement for input from Moray Council's legal advisors to carry out an advocacy role at a Public Local Inquiry (PLI); and
- (iii) that the Head of Development Services send a request to the Scottish Government seeking a grant to assist with the handling of these consultations that have been submitted prior to the amendment of the Electricity (Applications for Consent) Regulations 1990 being implemented (anticipated to be May 2019) where such applications are to be determined after May 2019 to fill the gap between the existing and proposed fee structure.

### **14. CONFIRMATION OF STOPPING-UP OF SECTION OF FOOTWAY ON BURDSHAUGH, FORRES**

A report by the Head of Legal and Democratic Services asked that the Committee confirm, as an unopposed Order, "The Moray Council (Section of Footway on Burdshaugh, Forres-Stopping-Up Order) 2018.

Following consideration, the Committee agreed to confirm as an unopposed Order, "The Moray Council (Section of Footway on Burdshaugh, Forres-Stopping-Up Order) 2018" and instruct the Head of Legal and Democratic Services to make the Order.



## **15. QUESTION TIME**

There were no questions raised.

## **16. LAND ADVERSELY AFFECTING THE AMENITY OF THE NEIGHBOURHOOD ON LAND IN DUFFTOWN [PARA 13]**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) sought approval to serve an Amenity Notice requiring proper maintenance of land in respect of the untidy state of the area of land at Corsemaul Drive, Dufftown (hereinafter referred to as “the site”) which is having an adverse effect on the amenity of the neighbourhood and take direct action if compliance is not achieved.

During discussion it was noted that the site was quite uneven and it was queried whether the Notice could include the levelling of the site. In response, the Manager (Development Management) agreed to add to the Amenity Notice that the site should be levelled.

Thereafter, the Committee agreed:

- (i) to the serving of an Amenity Notice requiring the owner of the site in Dufftown to comply with the terms of the Notice by removing all items as detailed in Appendix 1 of the report and to the levelling of the site, (which will form a Schedule to the Notice);
- (ii) to authorise Officers to take direct action to remove all items described in the Amenity Notice at (i) above in the event of noncompliance and to recover any costs incurred; and
- (iii) that a cap be placed on the cost of direct action up to £3,000.





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<p><b>GUIDANCE NOTE PRODUCED FOR PLANNING &amp; REGULATORY SERVICES COMMITTEE</b></p> <p><b>MEETING OF 21 MAY 2019</b></p> <p><b>REPORT ON APPLICATION</b></p>
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***“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Director of Environmental Services in respect to a Planning Application.”***

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

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

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

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

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

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

*Censure of a Councillor or an Officer*

*Suspension of a Councillor for up to one year*

*Disqualification of a Councillor for up to five years*

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

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

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



## WARD 05\_17

**19/00100/APP**  
**7th February 2019**

**Application under Section 42 to vary conditions 1, 3, 4, 5, 7, 8, 9, 10, 26, 27, 28, 30 and 31 of planning consent 14/01486/APP altering the phasing plans delivery of affordable units (increased by 2 units) delivery of accessible units (increased by 1 unit) site layout details (altering the position of a SUDS basin landscaping and access/footpaths) which increases the total number of residential units to 265 (from 261) at R1 Sunbank Lossiemouth Moray for Tulloch Of Cummingston Ltd**

**Comments:**

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

**Procedure:**

- A variation to the existing Section 75 legal agreement for Sunbank 14/01486/APP would be required prior to issue of any decision.

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

**Conditions/Reasons**

1. As part of the permission hereby granted, the 74 affordable house units (as identified on the 02 Phasing Plan Version J) shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord to enable the long term delivery of affordable housing on this site; and no house development shall commence beyond Phase 2 until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable house units hereby approved shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

**Reason** - To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing units proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

2. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Moray Council (as Planning Authority). Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

**Reason** - To safeguard and record the archaeological potential of the site.

3. Prior to the commencement of works a detailed plan of public access across the site (during construction and upon completion) must be submitted to and approved by the Council (as Planning Authority) in consultation with the Moray Access Manager. This must show:
  - a) Details of any existing paths within the site;
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all ability users, etc. inclusive of the proposed link from the site towards Lossiemouth High School;
  - d) Any diversions or paths - temporary or permanent - proposed for the purposes of the development and;
  - e) Details of how public access and movement through the site will occur between the different approved Phases 1 - 11 of the development.

The development must thereafter be carried out strictly in accordance with the approved public access plan unless otherwise agreed in writing with the Council as Planning Authority.

**Reason** - In order to ensure public access is maintained during and after the construction period.

4. Acoustically attenuated trickle ventilators shall be provided in the western, northern and southern elevations of lounge and bedroom apartments on plots 1 to 16, 81 to 93, and 94 to 98. They should have an element normalised level difference  $D_{n,e}$  of at least 39dB in the 500Hz octave band. If two trickle ventilators are to be installed in a given room, the  $D_{n,e}$  should be 42dB, and should four trickle ventilators be installed the  $D_{n,e}$  should be 45dB, as stated in accordance with Section 4.12 of the noise impact assessment supporting document dated 28th January 2018, titled "Report on Air Traffic Noise For Tulloch of Cummingston At Sunbank, Lossiemouth, Moray" and provided by Charlie

Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB

The above mitigation, in combination with the overall building insulation, shall ensure that internal noise levels in the lounge and bedroom apartments at the development associated with external aircraft noise shall not exceed a sound pressure level L A eq 16 hour (0700 to 2300 hours) of 35 dB, as determined with windows closed and trickle ventilators open.

**Reason** - In order to ensure adequate noise insulation is provided for residences closest to the airbase.

5. Unless otherwise agreed in writing with the Council (as Planning Authority), double glazed external windows installed in the western, northern and southern elevations of lounge and bedroom apartments on plots 1 to 16, 81 to 93, and 94 to 98 shall consist of 4mm and 8mm thick panes of normal float glass separated by a 12mm cavity. The specification and acoustic performance shall be in accordance with Section 4.13 of the noise impact assessment supporting document dated 28th January 2018, titled "Report on Air Traffic Noise For Tulloch of Cummingston At Sunbank, Lossiemouth, Moray", and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

**Reason** - In order to ensure adequate noise insulation is provided for residences closest to the airbase.

6. Beyond the noise insulation requirements specified in conditions 4 and 5 above, prior to development commencing a further scheme of aircraft noise mitigation for the residences and commercial units must be submitted to and approved by the Council as Planning Authority (in consultation with the Ministry of Defence) incorporating the following noise insulation measures in all buildings;-
  - a) Acoustic lagging in the roof space,
  - b) Installation of an acoustic double glazing system which should be at least 6.4mm PVB (polyvinyl butyral) laminated for individual panes (12- 10mm together),
  - c) Installation of sound attenuating ventilation units (to provide a fresh air flow to the property whilst allowing the glazing to remain closed and provide maximum attenuation of the noise).

The development must thereafter be carried out strictly in accordance with the scheme of aircraft noise mitigation approved and be retained in perpetuity.

**Reason** - In order to ensure adequate noise insulation is provided for residences closest to the airbase.

7. Prior to the commencement of development a scaled plan (1:100) must be submitted for approval by the Council as Planning Authority in consultation with the Roads Authority which details the parking provision and allocation of spaces in accordance with Moray Council Parking Standards (including disabled, motorcycle and cycle parking provision) for the retail units and also details of the provision for deliveries and servicing of the retail units. The approved parking/access

arrangements shall then be provided prior to any of the retail units coming into operation.

**Reason** - To ensure acceptable form of development and confirmation of parking and servicing arrangements.

8. The development shall be completed in accordance with the approved phasing plans (Drawings 02 Phasing Plan Rev J) unless otherwise agreed in writing with the Council as Planning Authority.

**Reason** - To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

9. No more than 24 housing units (4 existing + 20 new) in Phase 1 shall take access from Fisher Place until the approved access is provided from the B9135 and a connection has been made and opened to the public between the B9135 and Phases 1 and 2 as shown on Drawing 02 Phasing Plan Rev J.

**Reason** - To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

10. No more than 23 housing units (5 existing + 18 new) in Phase 2 shall take access from Halliman Way until the approved access is provided from the B9135 and a connection has been made and opened to the public between B9135 as shown on Drawing 02 Phasing Plan Rev J.

**Reason** - To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

11. Phase 1 and Phase 2 of the development shall not be connected via the proposed development site roads until the approved access is provided from the B9135 and a connection has been made and opened to the public between the B9135 as shown on Drawing 02 Phasing Plan Rev J.

**Reason** - To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

12. Prior to commencement of construction on the 6th housing unit within Phase 1 the improvement works identified on plans at the junction of Coularbank Road with the A941 shall be completed to the satisfaction of the Council as Planning Authority in consultation with the Roads Authority.

**Reason** - In the interests of road capacity and the provision of off-site infrastructure required to support the development.

13. No part of the development taking access from the B9135 shall be connected to Boyd Anderson Drive via either Halliman Way or Fisher Place until evidence has been provided that the statutory process for the implementation of traffic calming on Boyd Anderson Drive has been concluded and any works required have been



approved and delivered to the satisfaction of Council as Planning Authority in consultation with the Roads Authority.

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

14. Construction traffic movements within the site shall accord with the principles set out within the approved Construction Traffic Management Plan unless agreed otherwise in writing with the Council as Planning Authority in consultation with the Roads Authority.

**Reason** - In the interests of road safety for all road users.

15. 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.

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

16. Parking provision shall be provided in accordance with Moray Council Parking Standards as follows:
- a) 2 spaces up to 3 bedrooms
  - b) 3 spaces for 4 or more bedrooms
  - c) 1.5 spaces per flat (Private up to 2 bedrooms)
  - d) 1 space per flat (Affordable up to 2 bedrooms)

**Reason** - To ensure there is acceptable parking provision within the development.

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

**Reason** - To ensure an acceptable form of development, safeguarding the public road in the interests of road safety.

18. Housing units requiring 2 or more parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are submitted to and given prior written approval by the Council as Planning Authority (in consultation with Roads Authority). No part of the driveway shall be included in the public road.

**Reason** - To ensure an acceptable form of development.

19. Off-Street parking provision shall be outwith visibility splays.

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

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

**Reason** - To ensure an acceptable form of development.

21. Unless otherwise agreed with the Council as Planning Authority prior to commencement of development, the developer shall provide to the Council as Planning Authority:
- a) Acceptance in writing from Scottish Water that they shall adopt and maintain the surface water sewers and detention basins.
  - b) Acceptance in writing from The Moray Council as Roads Authority that they shall adopt and maintain the roadside filtration trenches.

**Reason** - To ensure the surface water assets are properly maintained to an acceptable standard and to clarify where responsibility for them lies.

22. Unless otherwise agreed in writing with the Moray Council (in consultation with SEPA):-
- a) A minimum 600mm freeboard is maintained between the 1 in 200 year plus climate change water level and finished floor levels (unless otherwise agreed by the Moray Flood Risk Management Team).
  - b) Watercourse crossings are appropriately designed to be able to convey the 1 in 200 years plus climate change flow without increasing flood risk elsewhere.
  - c) If applicable, further information is submitted to and approved by the Moray Council (in consultation with SEPA) to demonstrate that any re- profiling of watercourse banks, or land adjacent to the banks, would not increase flood risk elsewhere.

**Reason** - To protect people and property from flood risk.

23. No development shall commence on site until a site specific Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Council as Planning Authority in consultation with SEPA (and SNH or other agencies as appropriate). All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Council as Planning Authority.

**Reason** - In order to minimise the impacts of necessary demolition/construction works on the environment.

24. No development shall commence until details of arrangements for the time-scale(s) for all new planting to be undertaken together with the arrangements for the long term maintenance of all proposed landscaping arrangements have been submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping planting arrangements and maintenance arrangements shall be carried out in accordance with the approved details.

**Reason** - In order that detailed consideration can be given to the landscaping arrangements and to ensure ongoing maintenance is in place for the landscaped areas of the site.

25. In relation to the approved Landscape Scheme details, any trees or shrubs which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season

with others of similar size, number and species unless this Council as Planning Authority gives written consent to any variation of this planning condition.

**Reason** - In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

26. Prior to the commencement of development, details of an equipped play area (as identified within the Phase 6 of the approved Phasing Plan) including the means of separation from vehicular traffic and provision and maintenance arrangements shall be submitted for the written approval of the Council as Planning Authority. The equipped play area shall be completed and available for use prior to the occupation of the first housing unit in Phase 7. All work shall be carried out in accordance with the approved details.

**Reason** - To ensure the adequate provision of an equipped play area in line with Moray Council Supplementary Planning Guidance - Developer Requirements for Housing.

27. Unless otherwise agreed in writing with the Council as Planning Authority (in consultation with the Ministry of Defence) for plots 77-93 and 119-130 no roof mounted or ground based solar panels, metallic superstructures, metal roof cladding or metallic garage doors shall be permitted on any of the dwellings or upon any outbuildings within these plots. Permitted development rights relating to extensions, outbuildings and domestic renewable energy equipment for the above plots is hereby removed.

Therefore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 2011 (or any order revoking or modifying that order) no development specified in Schedule 1, Parts 1, 1A and 1ZA, within Classes 1, 2B, 3A, 3B, 4A, 6A, 6B shall be carried out without the prior approval of the Council as Planning Authority.

This restriction shall similarly apply to any future change or modification of the development types covered by the above specified Permitted Development Classes.

**Reason** - To ensure that no permitted development occurs within the affected plots (identified above), which may cause a distraction or hindrance to aircraft or air traffic control, in the interests of National Security.

28. The 20 housing units agreed and designated as the 'Accessible' units as defined in Moray Local Development Plan 2015 Supplementary Guidance - Accessible Housing shall remain as 'accessible' housing unless the prior written consent of the Council as Planning Authority in consultation with the Moray Council Head of Housing & Property has been granted.

**Reason** - To ensure an acceptable form of development in terms of the delivery of housing mix and provision of accessible housing.

29. The use of the four retail units identified within Phase 9 of the development shall relate to Class 1 Shops as defined under the Town and Country Planning (Use Classes)(Scotland) Order 1997 as amended and for no other purpose without the prior written agreement of the Council (as Planning Authority).

**Reason** - In order to avoid any ambiguity regarding the terms of this consent.

30. The surface water drainage system must be provided in accordance with the revised Drainage Impact Assessment (dated August 2017 rev B). The pertinent sections of the 2015 Drainage Impact Assessment and Flood Risk Assessment relevant to flooding remain in force under planning approval 14/01496/APP.

**Reason** - In order to ensure that surface water is appropriately managed.

31. Prior to any development commencing, the following details must be submitted to and approved in writing by the Council as Planning Authority (in consultation with the Ministry of Defence):-
- a) Specific landscaping and maintenance arrangements further to the submitted 'Landscaping' 06 Rev C must be submitted showing the use of and precise position of indigenous, non-fruit bearing tree species such as Birch, Hazel, Alder, Wych Elm or Scots Pine. Details must include the specific maintenance programme of keeping the height of trees to a height below 10m above ground level for the duration of their existence. These further landscaping details must follow the guidance contained within the Civil Aviation Authority Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design'.
  - b) Confirmation of landscaping arrangements surrounding the detention ponds which must be managed cut grass or hard surfacing so as not to encourage the use of the basins by birds during any periods when they are holding water. The design of the basins must also ensure that flow rates allow the basins to empty within 48 hours following any periods of high rainfall, thereby minimising the period where birds could land on the water. The management and maintenance of the Surface Water Sustainable Urban Drainage Scheme (SUDS) must follow the guidance contained within the Civil Aviation Authority Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'.

**Reason** - To avoid endangering the safe movement of aircraft and the operation of RAF Lossiemouth through the attraction of birds and an increase in the bird hazard risk of the application site.

32. No construction traffic shall access the site from Boyd Anderson Drive.

**Reason** - To protect the residential amenity of neighbouring properties.

**Reason(s) for Decision**

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

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

**List of Informatives:**

THE DEVELOPMENT MANAGER AND BUILDING STANDARDS MANAGER, DEVELOPMENT SERVICES has commented that:-

The Street lighting type must be selected taking into consideration the requirements of the Ministry of Defence to use street lighting that is properly hooded with no overspill, so as not to distract air crew taking off or approaching the airbase.

HISTORIC ENVIRONMENT SCOTLAND has commented that:-

The Kinneddar, Bishop's Palace scheduled monument area should be temporarily fenced off (with the fence outwith the scheduled area) for the duration of the construction works.

ENVIRONMENTAL PROTECTION has commented that:-

The landscape maintenance arrangements should include clarification of the collection arrangements for any dog bins provided.

SCOTTISH NATURAL HERITAGE has commented that:-

The developer is reminded of their obligations to protect breeding nesting birds, and suggest that scrub removal should ideally take place outwith the bird nesting season in late spring early summer.

MORAY FLOOD RISK MANAGEMENT has commented that:-

Following completion of development as-built drawings of all foul and surface water drainage infrastructures should be provided in an acceptable format to the Senior Engineer (Flood Risk Management) in order to comply with the Flood Risk Management (Scotland) Act 2009.

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. Advice on this matter can be obtained from the Moray Council web site or by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

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.

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

Street lighting is required as part of this development proposal and the applicant must contact the Street Lighting Section at Ashgrove Depot to discuss the proposals.

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

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

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

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

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

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

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, Ext 7349 to discuss the proposals.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

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).

All outfalls to the water environment (including from basins) should also be approved by SEPA.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which: is more than 4 hectares, is in excess of 5km, or includes an area of more than 1 hectare, or length of more than 500m, on ground with a slope in excess of 25°. Please 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. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

Any material re-used on the site, taken from the site, or brought onto the site, should be done so in line with current guidance, best practice and regulation, and authorisation from SEPA may be required.

For information on the above, or for details of other regulatory requirements and good practice advice, the applicant is advised to view the Regulations section of our website or contact Lucy Summers, Environment Protection Officer in our Elgin office on 01343 547663.

If you have any queries relating to this letter, please contact Jessica Fraser by telephone on 01224 266698 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
02	A	Phase 1
02	B	Phase 1-2
02	C	Phase 1-3
02	D	Phase 1-4A
02	E	Phase 1-4B
02	F	Phase 1-5A
02	G	Phase 1-5B
02	H	Phase 1-6
02	I	Phase 1-7
02	K	Phase 1-9
02	J	Phase 1-8
02	L	Phase 1-10
02	M	Phase 1-11
06		Landscaping plan
19		Road-footpath adoption
		Location plan
		Alves Accessible House - floor plans
		Balormie 4 Housetype Left Hand - elevations floor plans and section
		Balormie 4 Housetype Right Hand - elevations floor plans and sections
		Kean Accessible House - floor plans
		Kinneddar Accessible house - floor plans
01	J	Master plan
02	J	Phasing plan





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**19/00100/APP**

**Site Address:**

R1 Sunbank

Lossiemouth

**Applicant Name:**

Tulloch Of Cummingston Ltd

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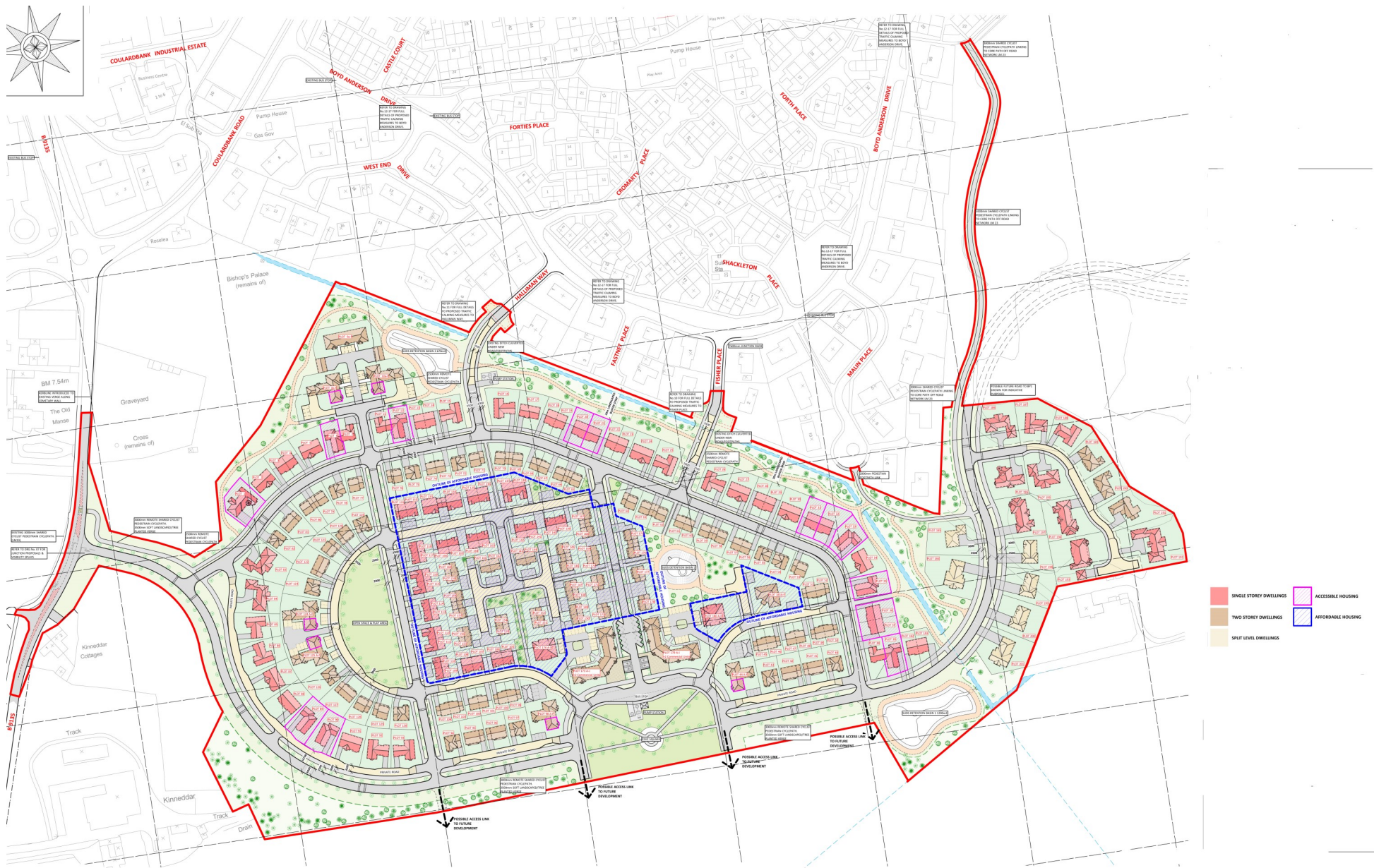
## Location Plan







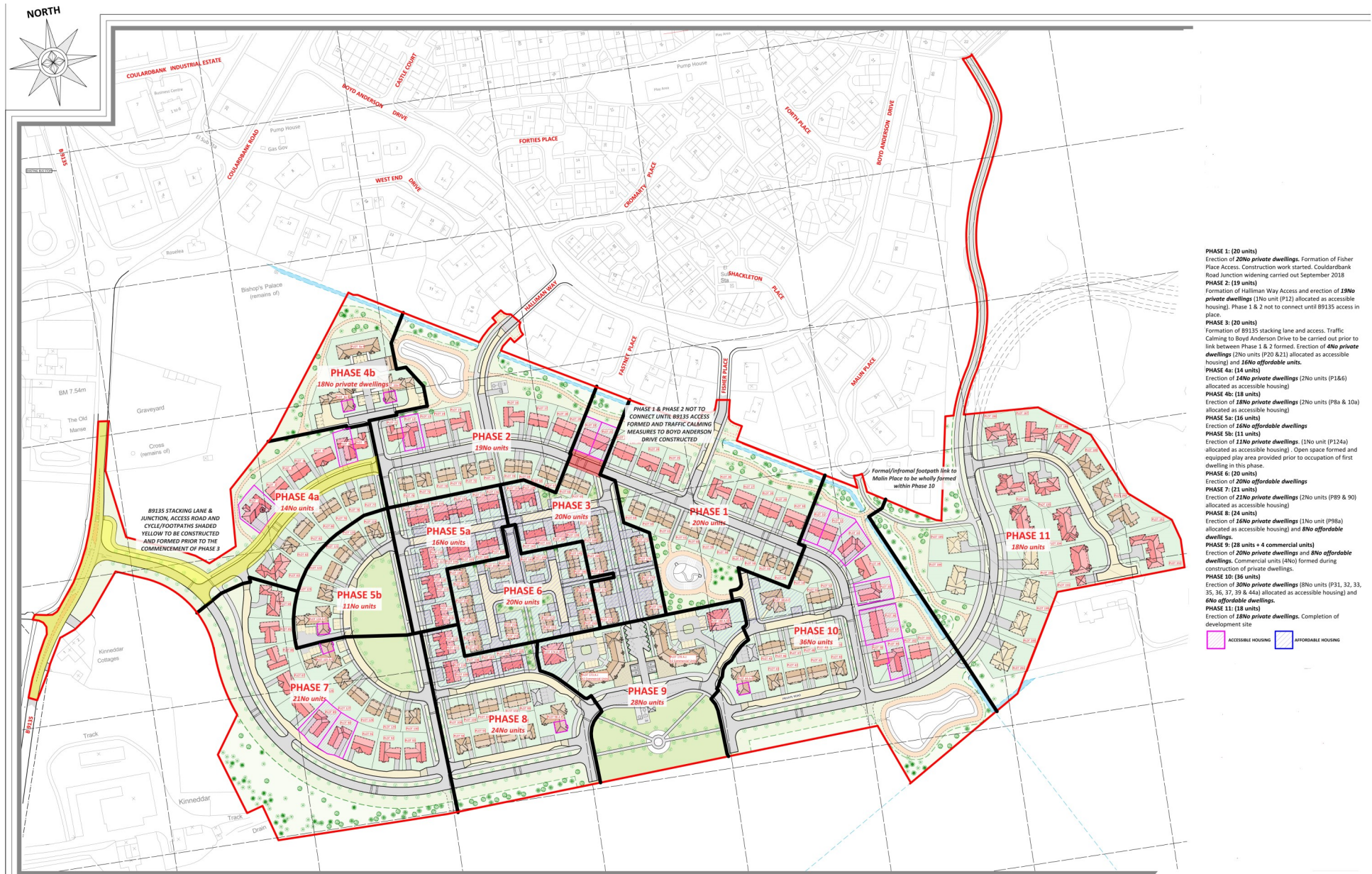
# Site Location







# Site layout





## PLANNING APPLICATION: 19/00100/APP

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

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### **THE PROPOSAL**

- Application under Section 42 to vary conditions 1, 3, 4, 5, 7, 8, 9, 10, 26, 27, 28, 30 and 31 of planning consent 14/01486/APP altering the phasing plans delivery of affordable units (increased by 2 units) delivery of accessible units (increased by 1 unit) site layout details (altering the position of a SUDS basin landscaping and access/footpaths) which increases the total number of residential units to 265 (from 261). The conditions referred to above all refer, in whole or in part, to the previously approved phasing plans, which is the reason they are identified as requiring variation. More specifically the variations sought are identified as:-
  - This proposal comprises an adjustment to the previous approved phasing plans and will still see the delivery of the access link onto the Kinnedder B9135 prior to the commencement of Phase 3. There is no substantive change to the overall phasing with the most notable changes in delivery and layout occurring in phases 3-5.
  - The altered phasing would change the delivery of affordable and accessible units between the phases, but would see the number of affordable housing units increase from 72 up to 74.
  - The number of accessible houses would increase by 1 up to 20 units. The house types of accessible units are altered to a mix of bungalows and ground floor flats.
  - The altered layout includes the repositioning of one of the SUDS basins in phase 1.
  - Change the house type on plots 17, 24, 55, 64, 71-82, and 99-108. This change in house type relates to the provision of new styles of four bedroomed house.
  - Reduce the area of green space at the western edge of the site close to Kinneddar, with the overall provision of green space remaining above 30%.
  - Increase in pedestrian paths within Phases 3 and 6 linking through to remainder of site and changes to the paths in the vicinity of the relocated SUDS basin.

### **THE SITE**

- The site occupies Lossiemouth settlement statement designation R1 Sunbank/Kinneddar which is designated for residential development.
- The site has some history of localised flood and surface water issues. A ditch lies along the northern boundary of the site, which then flows south east towards Sunbank House across the site.
- The site lies close to eastern boundary of RAF Lossiemouth and within the current "noise contour" map area surrounding its runways.

- A number of archaeological features lie within or close to the site, which also lies adjacent to the scheduled ancient monument known as the Bishops Palace, adjacent to Kinneddar graveyard west of the site.
- On the north side of the site three small areas of the site linking into Halliman Way, Fisher Place and path only link into Malin Place will cross what is currently maintained amenity land the access from Fisher Place into Phase 1 is already in place). The three streets are all accessed via Boyd Anderson Drive. Several properties lie west of the site at Kinneddar which take access from the B9135. Sunbank House south east of the site and takes access from the A941.
- At present the development has commenced on Phase 1 and is well underway, with the access into Fisher Place complete.

## **HISTORY**

For the same site:

**14/01486/APP** - Detailed planning permission for the erection of 261 dwellings and community facilities (4no retail units) with associated roads landscaping amenity areas and infrastructure at R1, Sunbank, Lossiemouth, Moray. Approved In April 2017 following finalisation of the legal agreement and considered by Committee in 2016.

**17/01075/APP** - Vary the phasing layout plans (as approved under condition 8 of a planning approval 14/01486/APP) to relocate SUDS basin 2 and re-position affordable house units at R1, Sunbank, Lossiemouth, Moray. Withdrawn.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised for neighbour notification purposes.

## **CONSULTATIONS**

**Lossiemouth Community Council** - no response at time of writing the report.

**Planning Obligations** - contributions have been sought towards healthcare for the 4 additional units proposed (this will amount to £5,576). The previous contributions under 14/01486/APP remains in place.

**Transportation** – no objections subject to revised conditions. Following some minor variations Transportation are satisfied with the proposed revised phasing arrangements. The altered conditions ensure the timeous provision of the main site entrance onto the B9135 as per the previously approved phasing plans.

**Environmental Health** – no objections subject to an updated noise condition.

**SEPA** - no objection subject to other regulatory advice being passed on.



**Moray Flood Risk Management** – no objections.

**Environmental Health, Contaminated Land** – no objections.

**Housing Strategy and Development Manager** – no objection subject to conditions regarding delivery of affordable housing.

**Moray Access Manager** – no objections.

**Scottish Water** – no objections.

**Scottish Natural Heritage** – no objections.

**Historic Environment Scotland** – no objections and note that the western boundary of the site has come further from the Kinneddar Bishops Palace scheduled monument area which is welcomed. A condition requiring this area to be temporarily fenced off during construction would be required. (*Officer Note*) – In line with the previous decision, an informative has been attached relating to this request. The archaeological investigations in this area have already been undertaken and the site boundary now lies separate from the designation.

**Ministry of Defence** – previous conditions relating to aviation impact mitigation reiterated. These conditions relate to sound proofing within properties, avoidance of reflective or metallic surfaces on certain plots to prevent glare for aircraft using the east west runway, and design guidance relating to landscaping and the SUDS ponds to deter bird presence. These matters have been incorporated or are an ongoing matters as the development progresses.

## **OBJECTIONS-REPRESENTATIONS**

None.

## **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. The main issues are considered below. On 18 December 2018, at a special meeting of the Planning & 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.

### **Background to Section 42 submission**

A previous application was submitted to Moray Council under reference 17/01075/APP to consolidate various matters/amendments but during the consideration process, other matters came to light requiring variation to the approved development that fell out with the scope of that application. In reviewing these amendments and proposed changes to phasing it was considered that a Section 42 application to vary conditions of the extant planning approval 14/01486/FUL for which development has already commenced. The

changes sought between the current planning permission for Sunbank are detailed about in the proposals section. As the phasing relates to the site in its entirety, the application as revised to a smaller footprint covers the site in its entirety.

Several of the pre-development conditions covering matters such as Transportation and archaeology have already been satisfied. Of note several of the Transportation improvements required, such as improvements to the junction of the Coularbank Road and Elgin Road have already been implemented. The road connection from Phase 1 into Fisher Place is also now complete.

As described the proposal is for a variation to conditions 1, 3, 4, 5, 7, 8, 9, 10, 26, 27, 28, 30 and 31 which have been altered accordingly within the recommendation section. For completeness all other conditions attached to 14/01486/APP have been attached to the recommendation and are re-iterated. Many have been cleared or are ongoing under the original planning application.

### **Compliance with Lossiemouth R1 (Lossiemouth R1 Sunbank/Kinneddar, H1, PP3 and IMP1)**

The R1 designation states the site has an indicative capacity of 250 residential units. Approval was granted previously for a total of 261 units and the current proposal see this density increase to 265 units with the increase in numbers not occurring until phases 4 and beyond.

Despite the increase in house numbers the layout continues to accommodate acceptable levels of landscaping and public open space. The design and layout still complies with policy H1 Housing Land Allocations. In considering the revisions in relation to policy H1 indicates that numbers exceeding the indicative capacity may be acceptable and determined by detailed analysis of the submitted layout and compliance with the criteria used to define the designation: e.g. landscaping requirements, access constraints, neighbouring housing densities etc. The addition of 4 house units to the overall layout and alterations do the layout to not compromise these above objectives. Indeed the additional paths running east west through phases 3 and 6 improves access through the site.

Given the proximity to the RAF Lossiemouth air base, there was previously a great deal of scrutiny over matters such as building heights, reflective building materials, and SUDS pond design. The proposed revisions and changes to layout are relatively minor and do not materially alter the overall height of the development, and conditions regarding other Ministry of Defence mitigation measures requirements are re-iterated.

### **Landscaping, play area and maintenance (E4, E5, PP3 and IMP1)**

Policy E5 Open Spaces requires that sites that propose over 200 housing units should provide a minimum of 30% open space inclusive of formal parks and play spaces within residential sites. A substantial amount of landscaped land and civic space is proposed as part of this development and a condition is recommended to ensure ongoing maintenance arrangements are in place in perpetuity.

The site previously extended to approximately 14.5ha. The minimum requirement of open space to serve this site area is therefore 4.35ha and 5.32ha was provided, notably exceeding the 30% requirement with a provision of a little over 35%. With the revised site boundaries on the west side of the site, the overall site size has been reduced and so has

the amount of open space. The proportion of open space now lies at 31.5% of the overall site area, but this still ensures compliance with policy E5 Open Spaces. The open space, still functions to serve the site in terms of amenity, with the only loss or change of open space occurring at the western edge of the site. The revised location of the SUDS basin in phase 1 now provided an attractive space within the development, rather than at its edge.

The play area will be provided within what is now Phase 7, rather than phase 6, but this will not see its delivery being significantly delayed in the overall layout.

### **Access and Parking (R1 Lossiemouth, TSP1- 5, TP7, T2 and T5)**

The proposed variations do not affect or diminish delivery of the various transportation requirements of the settlement statement designation R1, or associated TSP's. Several of the TSP's have already been implemented or have already obtained separate Roads Construction Consent in anticipation of being delivered.

The changes in phasing require variation to several of the transportation related conditions, but critically, the variations would see no more traffic utilising either Fisher Place or Halliman Way than was previously approved. The changes in phasing would also see the formal connection to the B9135 Kinneddar Road occurring no later than was previously approved. The variations being relatively minor in nature do not have any impact on traffic within the wider area.

The amended layout alters and improves the parking provision in Phase 9 near the proposed 4 commercial units.

### **Affordable Housing (H8)**

Policy H8 and associated Supplementary Planning Affordable Housing Guidance requires development on designated and other sites to provide affordable housing, normally 25% of the total development. The 74 affordable units (increased by 2 up from 72 units) will be provided as part of the overall phased development which is to occur over 11 phases. Whilst the changes in phasing also changes the order of delivery of affordable housing units, the provision would still occur between phases 3 – 10 at an acceptable rate of provision.

The mix of affordables will now constitute the below configuration, using previously approved design types.

- 6No 1 bed flats
- 8No 1 bed quad units
- 22No 2 bed bungalows
- 2No 2 bed wheelchair accessible bungalows
- 6No 3 bed bungalows
- 18No 3 bed houses
- 8No 4 bed houses
- 4No 5 bed houses

A condition is recommended (condition 1), as before allowing further input by the Housing Strategy and Development Manager to the delivery of affordable units in the various phases of the development.

## **Accessible Housing (H9)**

Policy H9 requires all proposals for 10 or more units to provide a proportion of wheelchair accessible housing. The associated Supplementary Planning Guidance (SPG) requires 10% of the units that are not part of the affordable housing contribution to be accessible. In this case 20 plots have been identified as the accessible housing contribution (an increase of 1 from the previous approval accepting 19). This represents 10% of the proposed private houses and is an acceptable level of provision. There has been a variation to the house types of accessible housing, but the layouts demonstrate compliance with the Accessible Housing Supplementary Guidance standards.

The provision will be spread proportionately throughout the various phases of the development and the applicant has identified the plots and compliant designs, which have been subject to the agreement with the Housing Strategy and Development Manager.

## **Archaeology and Built Heritage (BE1)**

The site is host to several archaeological features and within close proximity to the Kinneddar, Bishop's Palace scheduled ancient monument. Following consultation with the Archaeology Service and informal consultation with Historic Environment Scotland they have confirmed that they have no objection but have requested there be some temporary separation from this historic asset from the development works. They welcomed the increased distance between the new site boundary and the scheduled ancient monument site. It is noted that archaeological work has already been undertaken in accordance with condition 2 of the previous approval.

## **Surface Water Drainage (EP5)**

The revised position of the surface water (SUDS) drainage basin within phase 1 has come about following further investigation of ground levels across the site. Consultation with both SEPA and the Council's own Flood Risk Management Section has raised no issues with this revision, with no changes otherwise to the previously proposed. The revised Drainage Impact Assessment submitted is acceptable and is addressed under recommended condition 30. The basin will still need to be designed in accordance with the MoD's requirements to discourage bird habitat being created near to air bases, and to this end Condition 31 is re-iterated.

## **Other matters**

Matters previously considered approved relating to 4 retail units (policy R3: Neighbourhood and Local Shops), Noise mitigation from the nearby airbase (EP8: Pollution), contaminated land (EP9: Contaminated Land), sustainability (PP2 Climate change), Foul drainage (EP10: Foul Drainage), Flooding (EP7: Control of Development in Flood Risk Areas) remain unaltered and the previous conditions remain in place and are re-iterated from clarity. The proposed revisions raise no departure issues.

## **Conclusion**

The proposed variations are minor in nature and the change in house are types in keeping with the other designs previously approved. The various variations do not significantly alter the appearance or delivery of the housing development and attracted no objections.

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

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

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

**Author/Contact  
Officer:**

Neal MacPherson  
Principal Planning Officer

**Ext:** 01343 563266

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

## **APPENDIX**

### **POLICY**

#### **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.

### **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 E10: Countryside Around Towns**

Development proposals within the Countryside Around Towns (CAT's) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless they:

- a) involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b) are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use or specifically allowed under the terms of other Local Development Plan policies or settlement statements within these areas (excluding houses in all these cases), or
- c) are a designated "LONG" term housing allocation, released for development under the terms of Policy H2.

## **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 EP6: Waterbodies**

Proposals must be designed to avoid adverse impacts upon water environment and should seek opportunities for restoration. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation, fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should 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 6m between any new development and all water features is required. These should be designed to link with blue and green networks and can contribute to open space requirements. Developers may be required to make improvements to the water environment as part of the development.

### **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 EP13: Ministry of Defence Safeguarding Areas**

Certain categories of development within particular distances from MoD airfields at Lossiemouth and Kinloss require to be subject of consultation with Defence Infrastructure Organisation. This applies to a wide range of development proposals which could have implications for the operation of the airfields and includes aspects such as height of buildings; use of reflective surfaces; refuse tips; nature reserves (and other proposals which might attract birds);

Full details of the consultation zones and development types are held by Moray Council. The outer boundaries of the zones are shown on the Proposals Map.

### **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 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 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.

### **R1: Sunbank/Kinneddar**

This 14.5 hectare site is identified to accommodate 250 houses and associated landscaping. Consultation with the Ministry of Defence is required to establish the extent to which development can be accommodated.

Development of this site must include provision for extensive phased boundary landscaping on all sides. A landscaping plan and statement should be submitted with proposals. Development should maximise permeability and include new pedestrian and cycle linkages through the site from east to west and north to south.

A Transport Assessment is required. Two accesses to the development are required. Potential to access onto the B9135 (TSP1) providing an acceptable design can be achieved and access through OPP2 to a new junction onto the A941(TSP5). Connections through existing built up area and onto Boyd Anderson Drive should be considered (TSP3). Offsite junction/road improvements may be required (see TSPs). Access options will require to meet the necessary design standards in particular visibility splays. A public transport route is required through the site.

A habitats survey should be submitted with proposals. An archaeological evaluation must also be undertaken prior to development commencement. Development should consider the setting of Kinnedar, Bishops Palace (scheduled monument).

Proposals should be supported by a flood risk assessment (FRA). A Drainage Impact Assessment is also required.

#### **TSP1: B9135/Kinnedar**

Potential new junction onto B9135 to serve R1 designation (subject to an acceptable design being achievable). Visibility constrained at location due to existing properties and graveyard walls to north. Signalised junction would be acceptable in principle subject to confirmation of design details.

### **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 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.
- 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, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles with hammerheads minimised in preference to turning areas 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.

#### **EP4 COUNTRYSIDE AROUND TOWNS.**

Development proposals within the Countryside Around Towns (CAT's) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless they;

- a) Involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b) Are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use or specifically allowed under the terms of other Local Development Plan policies or settlement statements within these areas (excluding houses in all these cases), or
- c) Are a designated "LONG" term housing allocation released for development under the terms of Policy DP3.

Countryside Around Town areas are classed as "sensitive" areas in terms of Policy DP4 Rural Housing and no new rural housing will be permitted within them unless the above criteria is met.

#### **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.

## **EP6 SETTLEMENT BOUNDARIES**

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

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

## **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.





**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
21 MAY 2019**

**SUBJECT: ELECTRICITY ACT 1989 (AS AMENDED) SECTION 37  
CONSULTATION FOR THE PROPOSED NORTH EAST 400KV  
OVERHEAD LINE REINFORCEMENT BETWEEN  
BLACKHILLOCK, PETERHEAD AND KINTORE ELECTRICITY  
SUBSTATIONS, AND RECONFIGURATION OF THE OVERHEAD  
LINE AT KEITH FOR SCOTTISH HYDRO ELECTRIC  
TRANSMISSION PLC**

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

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to consider a proposed response to a consultation request from the Scottish Government Energy Consents Unit (SGECU) regarding a Section 37 application and accompanying Environmental Impact Assessment Report (EIAR) for consent to construct and operate a 400 kilovolt overhead line (OHL) reinforcement between Blackhillock, Peterhead and Kintore substations, and reconfigure a section of the existing OHL on the outskirts of Keith.
- 1.2 This report is submitted to Committee in terms of Section III (D) (1) of the Council's Scheme of Administration relating to exercising the functions of the Council as Planning Authority.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee:-**

- i) **consider and note the contents of this report including the conclusions made regarding the planning merits of the development, as detailed in Section 3;**
- ii) **agree that, where taking into account the Moray Local Development Plan (MLDP) 2015 and all relevant material considerations Moray Council raises no objection to the Section 37 application, subject to the conditions set out in Appendix 1 of the report; and**

- iii) **instruct the Head of Development Services to advise the Energy Consents Unit of the decision of this Committee.**

### **3. BACKGROUND**

- 3.1 Scottish Hydro Electric Transmission (SHE Transmission), as owner and operator of the transmission network is proposing to reinforce the existing transmission network in the north-east area of Scotland by increasing the transmission capacity of the existing overhead line from 275 to 400 kilovolts between Blackhillock, Peterhead and Kintore substations, and reconfiguring the OHL on the outskirts of Keith (see location plan in **Appendix 2**). These works are required to accommodate a planned significant increase in electricity generation capacity in the north-east area of Scotland, which will come from offshore/onshore windfarms, a new undersea cable connecting Scotland and Norway and an increase in Peterhead Power Station's electricity output. The proposal, involving provision of part of a 'High Voltage Energy Transmission Network' would be a 'national development' as identified in National Planning Framework 3 (NPF3).
- 3.2 The transmission capacity of the proposed overhead line means that it is subject to the requirement for an application for consent under Section 37 of the 1989 Electricity Act (together with a request for a direction that planning permission be deemed to be granted under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 to be determined by Scottish Ministers.
- 3.3 The proposal requires to be considered under the terms of the 1989 Act, in particular Schedule 9 duties, which require Scottish Ministers to have regard to various environmental and cultural heritage matters when considering proposals. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be, and therefore the approach required in this case is fundamentally different to the conventional approach for planning decisions under Section 25 of the 1997 Act. As such, the Development Plan has no primacy in determining an application for electricity consent under the 1989 Act, although development policies are still relevant to understanding the local context, the generic duties under Schedule 9 and are also material considerations in the decision-making process. In this case the relevant local planning policies are those contained in the adopted Moray Local Plan 2015 (MLDP). On 18 December 2018, at a special meeting of this Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan at this point in time, with the 2015 MLDP being the primary consideration.
- 3.4 The proposal is classified as Schedule 1 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (construction or change/extension of an overhead transmission line with a voltage of 220kV or more and a length of more than 15 km) and is supported by an Environmental Impact Assessment Report (EIAR). The submitted report has been informed by a scoping process, consultation with statutory and non-statutory consultees and a formal Scoping Opinion issued by the

Scottish Ministers, setting out the matters to be taken into account in assessing the environmental effects of the development. This has also included taking account of comments and concerns raised at several public exhibitions events.

- 3.5 The EIAR comprises of four volumes, Volume 1: The Non- Technical Summary, Volume 2: The Written Statement, Volume 3: Figures and Volume 4: The Technical Appendices. The scope of the proposed works (including construction programme and information on environmental management, practices/phasing and traffic) is fully described in Chapter 3, Volume 2. The works would involve replacement of insulators and conductors to the existing steel lattice towers across approximately 106 kilometres of OHL. These new fixtures and fittings would look similar to the existing, with the exception of slightly longer insulators. It is not proposed to alter or replace the existing towers themselves, but some may require minor works to reinforce their structure or strengthen their foundations. In addition, the proposed development includes diverting a short section of the overhead line to bypass the Keith substation and connect directly to Blackhillock substation to the south. This would involve taking down seven existing towers and erecting four new towers of similar size (3 suspension and 1 angle/tension tower) and connecting the existing overhead line into the Blackhillock substation which would include removal of two further towers. The provisional heights for the new towers would be 44.5m, 50 and 54.9m high, however this could vary depending on local ground conditions and therefore a vertical limit of deviation (LOD) is sought to allow a height increase of up to 20%. The towers would also be subject to a proposed 50m horizontal limit of deviation either side of the proposed alignment to allow for micro-siting. Existing foundations would be broken up to approximately one metre below ground level, and all materials would be removed from site.
- 3.6 Associated works required to facilitate construction and operation work would include vegetation clearance, tower access route upgrades, the formation of temporary site compounds and measures to protect road, rail and water crossings and erection of a temporary mast. A single main compound area along with smaller sub yards will be required; the locations of these would be confirmed by the Principle Contractor at a later date and may be subject to further planning consent. Existing tracks would be used where possible for construction access. Metal and plastic roadway panels would be used where there are no tracks, and for the construction of the new towers at Keith, temporary stone tracks would be required. Upon completion of works vehicles and machinery would be removed from all sites, the construction compounds would be cleared and removed, temporary tracks would be taken away and the ground restored to its previous condition. The works are anticipated to be carried out between April 2021 and October 2023, subject to the necessary approvals being granted.
- 3.7 An accompanying Planning Statement provides an assessment of the proposed development against relevant national and local planning and energy policies and any other material considerations. This draws support for the proposal from both national (Scottish Planning Policy and National Planning Framework 3) and local planning policies (which include both the Moray Local Development Plan (MLDP) 2015 and the Emerging Moray Local

Development Plan 2020), as it will deliver vital grid infrastructure reinforcement and has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built and heritage resources.

- 3.8 The EIAR assesses the likely significant effects of the proposed development on a range of environmental issues (Chapters 6-13 of the EIAR, Volume 2 refers). These include visual; ecology; ornithology; cultural heritage; hydrology, hydrogeology, geology and soils; electric and magnetic field effects; electromagnetic interference effects; and noise and vibration. The report concludes that subject to implementation of SHE Transmission's good practice and working control measures, as well as identified site-specific mitigation measures outlined in each of the chapters of the EIAR, the proposed development is not considered likely to give rise to any significant effects. The assessment of these effects and their relationship with the relevant policies of the MLDP 2015 is discussed below.
- 3.9 **Visual:** Chapter 6 of the EIAR assesses the visual impact of the proposed development upon visual receptors, including local residents or those using nearby paths or roads. An assessment on landscape character was scoped out of the assessment as no significant effects are anticipated. For the existing OHL there would be no material change to the appearance of the existing overhead line as the conductors, insulators and associated fittings will be visually similar to the existing. The exception to this is the reconfiguration of the OHL on the outskirts of Keith. The Visual Impact Assessment focussed on this element and concludes that whilst there would likely be some significant adverse visual effects during construction which would be short term and limited to the immediate area, once construction is complete there would be beneficial visual effects in the immediate area due to the overall reduction of towers and their movement further from the main settlement.
- 3.10 In terms of related MLDP 2015 policies, ED7 Rural Business Proposals supports proposals for economic development where they meet policy criteria and fit into the environment. Policies E9 Settlement Boundaries and E10 Countryside Around Towns (CAT), applicable in this case as the reconfiguration lies within the Keith CAT, and immediately outwith the settlement boundary seek to prevent urban sprawl and to maintain a clear distinction between the built up area and the countryside. Policy IMP1 requires any development to be sensitively sited, designed and serviced, and integrated into the surrounding landscape. From the above assessment and considerations, the proposed development which would result in a reduction of towers at Keith and minimal changes to the overall appearance of the overhead line is considered acceptable in visual impact and landscape character terms, and would accord with the siting and design requirements of policies ED7, IMP1, E9 and E10 of the MLDP 2015.
- 3.11 **Ecology:** Chapter 7 of the EIAR assesses how the proposal may affect sensitive habitats or protected species. This includes an ecological assessment informed by baseline data on designated sites within the vicinity of the site and wider surrounding area, field surveys and a study area of land within 250m of the proposed development. Habitat types within the study area, temporarily disturbed as a result of the works, were identified as being of low/very low ecological value (intensively farmed agricultural land, semi-



improved/unimproved grasslands and marshes, and shelterbelt and commercial plantation). Areas of permanent habitat loss associated with the four new tower foundations for the Keith OHL reconfiguration are in areas of very low value (improved and semi-improved grassland). With the exception of the Mill of Wood Site of Scientific Interest, (which lies 280m south of the nearest towers 6 and 7 on the opposite site of the Burn of Drum), there are no other statutory designated sites present within 1km of the OHL and proposed tracks. Due to the short-term and localised nature of works and lack of connectivity with the SSSI and the wider Study Area, the EIAR predicts no impacts on these designated sites subject to appropriate mitigation. Protected species surveys have recorded signs of badger, otter, pine marten, red squirrel and bat species, with locations of recorded signs and shelters outlined within the report. Mitigation measures are proposed to minimise potential effects during construction; these include adherence to best practice construction methods as detailed in a project Construction Environmental Management Plan (CEMP), pre-construction checks to update the ecological baseline, identification of protected species shelter locations prior to commencement of construction, and the employment of an Ecological Clerk of Works (ECoW) to provide environmental guidance and monitoring during the construction phase. Subject to this mitigation the EIAR predicts no significant effects on protected species.

- 3.12 MLDP 2015 Policies E1 Natura 2000 Sites and National Nature Conservation Sites, E2 Local Nature Conservation Sites and Biodiversity and Policy E3 Protected Species seek to protect designated sites and protected species from inappropriate development, and where required species surveys and proposals for mitigation to address impacts. From the above considerations and subject to adoption of the above mitigation measures, the proposal is not considered to result in unacceptable significant adverse effects on ecological interests, and would accord with policies E1, E2 and E3. A condition covering implementation of these measures shall be recommended to the Energy Consents Unit (ECU). In this regard it is noted that Scottish Natural Heritage has also provided a consultation response to the ECU advising that it is in agreement with the assessment and provided this mitigation is implemented and covered by condition there should be no adverse impacts on protected species or habitats.
- 3.13 **Ornithology:** Chapter 8 of the EIAR considers how the Proposed Development may affect bird species, protected or of conservation concern. This is informed by an ornithology assessment, baseline data on bird species within the vicinity of the proposal, including information on sites designated for nature conservation and species records and breeding bird surveys where new infrastructure is proposed at the Keith reconfiguration. The Report highlights that all statutory designated sites noted for ornithological features are located over 1km from the proposed development, the nearest being the Corsmeual and Tom Mor Special Protection Area (SPA) 9.5km to the south, and that given the short term and localised nature of the works and lack of connectivity (i.e. the direct link between a development and a designated site resulting from its species foraging or moving through a development site) with the study area, no impacts on these sites are predicted. Additionally, no qualifying species of the SPAs were recorded during the field surveys for the Keith reconfiguration. The report concludes that given the relatively small-

scale nature of the works to replace the insulators and conductors and limited construction work required, it is anticipated that the proposal will have no significant effects once the embedded mitigation (which includes a suite of mitigation measures and measures specific to ornithological interests) as outlined in the report is applied.

- 3.14 MLDP 2015 Policies E1 Natura 2000 Sites and National Nature Conservation Sites and Policy E3 Protected Species seek to protect designated sites and their interests and protected species from inappropriate development. Subject to adoption of the mitigation measures as outlined, the proposal is not considered to result in unacceptable significant adverse effects on ornithological interests, and would meet policies E1 and E3. Scottish Natural Heritage has provided similar comments in its consultation response to the ECU.
- 3.15 **Cultural heritage:** Chapter 9 of the EIAR considers the potential effect of the proposed development on archaeology and built heritage. Given the limited and temporary nature of the proposed works this identifies no significant impacts on the setting of cultural assets, subject to adoption of appropriate mitigation measures. The chapter includes a desk-based assessment of known cultural heritage assets within the vicinity of the potential effects to inform a Cultural Heritage Management Plan (CHMP). This management plan and associated appendix contain a table listing all known heritage features within 200m of the OHL and tower access routes, a note of potential impacts and mitigation and avoidance measures to be employed, where considered necessary. These measures include watching briefs to monitor ground-breaking works where necessary and where proposed access routes either cross or pass alongside identified heritage assets, and other positive actions to avoid heritage assets. For the Keith reconfiguration the plan confirms that there are no scheduled Monuments or listed buildings within 200m of the proposed new towers and that there are no heritage assets with statutory or non-statutory designations in the vicinity of these works that may have their settings affected.
- 3.16 MLDP Policy BE1 Scheduled Monuments and National Designations protect scheduled ancient monuments and nationally important archaeological sites from development; and sets criteria to assess any significant impact on locally important archaeological sites. Policy BE2 Listed Buildings protects listed buildings from proposals which would have a harmful impact on their character, integrity or setting and Policy BE5 Battlefields, Gardens and Designed Landscapes rejects proposals which would adversely impact on these designations unless the overall character reasons for designation would not be compromised; or where the impacts could be mitigated and are outweighed by benefits of the proposal. From the above considerations and subject to adoption of the mitigation measures, the proposal would not cause unacceptable significant adverse effects on built heritage (archaeological and cultural) interests and would accord with development plan policies BE1, BE2 and BE5. Following consultation, the Aberdeenshire Archaeology Service has confirmed that it is happy with the proposed mitigation outlined in the Cultural Heritage chapter of the Report and associated Appendix. It has further recommended that a condition be attached requiring submission/approval of

an archaeological written scheme of investigation and a programme of archaeological works.

- 3.17 **Hydrology, hydrogeology, geology and soils:** Chapter 10 of the EIAR considers how the proposal is likely to affect the soil and water environments and has been informed by information drawn from numerous sources, a site visit and data requests to SEPA and Moray and Aberdeenshire Councils. This predicts that with the implementation of best practice mitigation measures, no significant effects are likely to arise on the soil or water environments local to the site.
- 3.18 **Soils and geology:** The report identifies that soils and geology below the development are not of rarity value or sensitive, and that there are no locations afforded protected or designated status within 250m of the proposal. Earthworks will be limited to those for the foundations for the new towers and stripping of topsoil for temporary stone access tracks. With careful management of soils and adoption of best practices identified in the Report (such as avoiding working during heavy rain and ensuring all temporary tracks are removed once works are complete) soil value would not be impaired.
- 3.19 **Surface water and groundwater quality:** In order to minimise the potential for contamination of ground and surface waters, the development would be undertaken in accordance with the Applicant's General Environmental Management Plans (GEMPs), relevant technical guidelines, SEPA PPG/GPP's and other codes of best practice. In addition, a site-specific Construction Environmental Management Plan (CEMP) is to be prepared by the Principal Contractor and include a surface water and groundwater quality management plan. With these safeguards in place no significant adverse effects are anticipated.
- 3.20 **Flood risk:** Flood risk is considered in report which notes that the OHL passes over discrete areas of floodplain associated with larger watercourses and isolated areas of surface water flooding. As part of the detailed design the locations for the construction compounds, access routes and a detailed method statement to be prepared by the principal contractor will take account of areas of known and potential flood risk. For the Keith reconfiguration the report confirms that the new towers would not be located within the 1 in 1000 year (low risk) fluvial or pluvial floodplain, which lies to the south. No new watercourse crossings or upgrades to existing crossings are currently anticipated to facilitate construction access, however in the event that any new or upgraded access is required, the design and capacity of these would be agreed with SEPA as part of the detailed site design. A schedule of watercourse crossings and construction method statements is to be specified in the CEMP. With these measures in place the Report concludes that significant adverse effects on flood risk are assessed as negligible.
- 3.21 **Private water supplies:** The report notes that 198 private water supplies have been identified within 250m of the existing OHL and construction access routes. The majority of these supplies would not be affected as most towers will be accessed by existing tracks or via temporary panels, and with applicant's good practice and working control measures this would serve to prevent any adverse effects. For the Keith reconfiguration potential effects

upon private water supplies within 250m of excavations associated with the new and dismantled towers and new temporary access routes have been subject to a specific risk assessment. Within the vicinity of the towers, all properties are supplied by mains water with the exception of the properties at Drum and Ardiemannoch. For these properties, the spring is sufficiently remote and to the south of the Burn of Drum from the proposed towers so as not to be at risk. It is noted that the water supply pipe to the properties at Drum passes below the OHL and may require to be protected during construction works, which is to be detailed in the CEMP. The Report also recognises that foundation reinforcement works may be required at other existing towers along the OHL routes, where engineering studies indicate that existing foundations are not strong enough to support the conductors; if this occurs a Private Water Supply risk assessment will be undertaken prior to works and, if a supply is identified within 250m of the development, suitable mitigation measures will be confirmed and implemented. This assessment would be included within the site specific CEMP and submitted to Moray and Aberdeenshire Councils and SEPA. Subject to these safeguards being implemented no significant adverse effects are identified.

- 3.22 **Designated sites:** The Report notes that there are no designated sites which are dependent on water within 5 km of the proposed development. With adoption of good practice and working control measures it is considered that any effects on such sites will be avoided.
- 3.23 MLDP Policy EP4 Private Water Supplies seeks to ensure provision of safe water supplies and protection of existing supplies. Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) requires surface water from development to be dealt with in a sustainable manner and Policy EP6 Waterbodies to ensure that development is designed to avoid adverse impacts upon the water environment. Policy EP7 Control of Development in Flood Risk Areas directs development away from areas at risk of flooding or where it would materially increase the possibility of flooding elsewhere. Policy EP8 Pollution only supports proposals which demonstrate no (or mitigated) pollution control (noise, air, water and light emissions). Provided the mitigation and safeguarding measures as identified are adopted, no significant adverse effects on soils, geology and the water environment are likely to occur and the proposal would accord with the abovementioned development plan policies. Following consultation, the Flood Risk Management Section has raised no objection to the proposal on flood risk grounds. The Environmental Health Private Water Section has raised no objection subject to a condition requiring submission/approval a private water supply risk assessment for pylon replacement works and proposed mitigation measures related to road construction across water supply pipe routes, to be covered in the Construction Environmental Management Plan.
- 3.24 **Electric and magnetic field effects:** Chapter 11 of the EIAR addresses effects relating to electric and magnetic fields (EMF) which are produced by the overhead line due to carrying an electric current. Although there are no statutory regulations to limit exposure to these fields, guidelines endorsed by the UK Government set out exposure levels to be adhered to. The assessment of the electric and magnetic fields sets the electric and magnetic field strengths which would exist at and near the overhead line following the

increase of its operational voltage to 400 kV. This concludes that exposure levels to both field types are below the levels set in the guidelines, and therefore no significant effects would occur. No mitigation measures are considered necessary.

- 3.25 **Electromagnetic interference:** Chapter 12 of the EIAR addresses effects relating to electromagnetic interference (EMI) which can be caused by conductors. The assessment of these effects considers the increase in interference levels likely to arise from the proposed upgrading of the voltage on the OHL to 400kV compared with the existing conductors. This predicts that several properties in close proximity to the OHL may experience interference to medium and long wave (AM) radio signals; however, FM radio, digital radios and televisions would not be affected. Given the predicted decline in radio stations transmitting on AM frequencies and increasing use of alternative broadcasting media, together with the widespread use of mobile phone use and extensive mobile network coverage across the UK, the overall impact is not considered to be significant.
- 3.26 **Noise and vibration:** Chapter 13 of the EIAR considers the effects of the Proposed Development in relation to operational noise from the live conductors on the OHL. (Construction noise and vibration were scoped out of the EIA as these effects will be short term and intermittent and can be controlled through implementation of a noise and vibration management plan, to be developed as part of the CEMP). An assessment of OHL noise has been carried out in accordance with current guidelines and considered the potential noise effects that may arise at noise sensitive receptors within 100m of the OHL route. This concludes that during dry conditions, noise from the conductors would be very low and not readily noticeable. During wet weather conditions, the line would produce more noise, however factors such as the increase in background noise produced by rainfall and the lower noise levels inside a building compared with outside areas, would either mask or reduce the noise from the overhead line to acceptable levels. On this basis the report concludes that the adverse effect of the OHL is not likely to be significant.
- 3.27 MLDP Policy EP8 requires developments that may cause pollution (i.e. noise) to be subject to assessment and demonstrate how this can be appropriately mitigated. The Environmental Health Section has reviewed the operational noise aspects of the development and has raised no objection to the proposal, and that in order to minimise impact on the local amenity during the construction phase, a suitably worded condition be imposed requiring provision and implementation of a Construction Environmental Management Plan (CEMP), as highlighted the EIA Report. From the above and subject to the condition as recommended, the proposal is not considered to result in unacceptable significant adverse effects on noise including effects on the amenity of any nearby noise sensitive receptors and would accord with relevant development plan policy.
- 3.28 For resources, Forestry has been scoped out of the Environmental Impact Assessment as construction effects on areas of commercial forestry and other trees within the Study Area (land within 250m of the OHL) are anticipated to be minimal. The Proposed Development will not require the extension of existing, or creation of new operational wayleave corridors through any areas

of commercial forestry. The EIAR notes that there is no requirement to undertake tree felling for the reinforcement works and woodland habitats within the Study Area are unlikely to be impacted. If any trees are required to be felled during construction, the Report confirms that these will be checked by a licensed bat worker.

- 3.29 In terms of cumulative effects and how the proposed reinforcement works are likely to interact with other similar nearby developments, these are considered in each of the chapters of EIAR. No significant cumulative effects are identified.
- 3.30 Taking into account the above matters and relevant policies of the MLDP 2015, it is considered that the Proposed Development would be in accordance with the development plan, subject to the conditions as recommended. The proposal mainly utilises the existing towers, and the extent of environmental effects will be limited and will occur during the temporary construction phase. The Keith reconfiguration will reduce the number of towers and result in some beneficial visual effects.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Facilitate sustainable economic growth.

**(b) Policy and Legal**

The applications are made for consent under Section 37 of the Electricity Act 1989 to Scottish Government. If consented, planning permission is deemed to be granted for the development. For planning purposes, proposals require to be determined in accordance with the development plan unless material considerations indicate otherwise. If granted by Scottish Government, the responsibility for the discharge of (planning) conditions attached to the formal decision to grant consent will pass to Moray Council.

**(c) Financial implications**

If Moray Council determines to object to the proposal, a Public Inquiry would be arranged by Scottish Government. The Moray Council would be expected to attend and participate in the Inquiry process, including any pre-inquiry arrangements with resultant costs, including Officer, Legal Representation and Consultant costs where required/appropriate.

**(d) Risk Implications**

If the Council decide not to respond within the agreed period (15 July 2019) it would be open to Scottish Government to proceed and determine the application.

If deciding to object, the outcome of any Public Inquiry held to consider this proposed development is uncertain: it might uphold and support the Council's decision to object, but equally the objection could be dismissed and consent granted for the development. Given the officer recommendation it should be noted that an appointed member of this

Committee would be required to present the Council's position at the Inquiry.

**(e) Staffing Implications**

In the event of a Public Local Inquiry, should an objection be raised, staff time and resources (Planning and Legal Officers) will be required for preparation and attendance at any Inquiry, along with the appointed member.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Consultations**

The Corporate Director (Economic Development Planning & Infrastructure), the Heads of Development Services, the Development Management and Building Standards Manager, the Legal Services Manager, the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), the Environmental Health Manager, the Transportation Manager, the Consultancy Manager and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

**5. CONCLUSION**

**5.1 The planning merits have been considered relative to the policies of the Moray Local Development Plan 2015 policy and relevant material considerations. Officers are satisfied that the Proposed Development complies with MLDP 2015 policies and has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built and cultural heritage resources, and will avoid significant adverse impacts on the environment.**

**5.2 As such, in responding to the request for consultation, it would be appropriate for Moray Council to advise the Scottish Government that it wishes to raise NO OBJECTION to the proposed reinforcement of the existing 275kV overhead line to enable operation at 400kV and reconfiguration of the overhead line at Keith, subject to the conditions identified being applied to the Section 37 application.**

Author of Report: Richard Smith, Principal Planning Officer

Background Papers: N/A

Ref: 19/000244/S37ECU





## Appendix 1 – 19/00244/S37ECU

Proposed conditions for Section 37 application for proposed North East 400 kV overhead line reinforcement between Blackhillock, Peterhead and Kintore substations, and reconfiguration of the overhead line at Keith for Scottish Hydro Electric Transmission.

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

- Construction programme, including phasing and timescales.
- Full details of any temporary road closures or diversions.
- Measures to accommodate the passing of HGV's including any proposed road improvement works such as passing places, and on-coming vehicle holding areas to accommodate construction vehicles.
- Details of methods of working to minimise the requirement for HGV's to pass each other on the single track public roads.
- Proposed measures to be put in place to prevent material being deposited on the public road.
- Measures to be put in place to safeguard the movements of pedestrians.
- Full details of any road crossings including measures to protect road users from overhead cable works.

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

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

2. No works shall commence on site until details of the proposed individual temporary site access arrangements, including to site compounds has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority, including the following information:

- Details regarding timescales for the opening up and closure of any temporary access together with the time period over which the temporary access will be used.
- Details/ specification of materials used for the temporary construction access.
- Details of existing drainage provision, including methods to protect, maintain in use, (and to re-instate as required). Note - any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe (300mm minimum).
- Visibility splay provision for 'A' and 'B' class roads of 2.4m x 215m in both directions clear of any obstruction greater than 0.6m measured from the

level of the carriageway; or Visibility splay provision for 'C' and 'U' class roads of 2.4m x 120m in both directions clear of any obstruction greater than 0.6m measured from the level of the carriageway.

- Parking and turning provision (to accommodate largest vehicle entering the site).
- Loading and unloading areas.
- Proposed signing and traffic management measures.
- Details of proposed measures to protect the edge of the public carriageway from damage.
- Details including materials for the reinstatement of temporary construction site access/ site compound.

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

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

3. Prior to the commencement of development the extents and route of a condition survey of the public carriageway and verge covering all non A classified roads used by construction traffic shall be agreed in consultation with the Roads Authority; and thereafter prior to commencement of phase 1 (enabling works) a joint condition survey shall be undertaken alongside Moray Council Transportation Officers in accordance with the agreed details including video /photographic evidence. A copy of the survey shall be submitted to the Moray Council as Planning Authority in consultation with the Roads Authority, and; thereafter, upon completion of works a second (joint) condition survey shall be undertaken, including video/ photographic evidence, and submitted to the Moray Council as Planning Authority in consultation with the Roads Authority. Any damage to public verge/ carriageway identified through the condition surveys shall be reinstated and repaired, in consultation with the Roads Authority within a period of 4 weeks from the date of the second condition survey at the cost of the developer.

**Reason:** To ensure that construction of the development does not create any hazard to road users as a result of damage to the Public Road (including the Public Verge) by construction vehicles.

4. No development works shall commence until a Construction Environmental Management Plan (CEMP) outlining site specific details on all on-site construction works, post-construction re-instatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Council as Planning Authority in consultation with SNH and SEPA.

The CEMP shall incorporate/include (but not be limited to):

- a) The mitigation measures as identified in the Schedule of Mitigation in Appendix 3.2 and associated Chapters of the submitted Environmental Impact Assessment Report - Volumes 4 and 2, Technical Appendices and Main Report.
- b) The mitigation and monitoring measures as detailed in the Scottish Hydro Electric Transmission General Environmental Management Plans and Species Protection Plans in Appendix 3.1 of the Environmental Impact Assessment Report - Volume 4, Technical Appendices.
- c) A private water supply risk assessment for the pylon replacement works and proposed mitigation measures related to any road construction across water supply pipe routes.
- d) Details of noise mitigation measures to be adopted during the construction phase as highlighted in Table 13.1, Chapter 13 'Noise and Vibration' of the submitted Environmental Impact Assessment Report - Volume 2, Main Report.
- e) Details of the formation of any construction compounds, welfare facilities, temporary buildings, areas of hardstanding, turning areas, car parking, material stockpiles, equipment and compound boundary fencing.

**Reason:** To ensure that all construction operations are carried out in a manner that minimises their impact on the environment, amenity and private water supplies, and that the mitigation measures contained in the Environmental Impact Assessment Report, or as otherwise agreed, are fully implemented.

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

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

### Informative Notes

The Transportation Manager has commented that:

The applicant shall undertake the joint condition surveys by prior arrangement with Transportation Officer Derek Smith [derek.smith@moray.gov.uk](mailto:derek.smith@moray.gov.uk) (tel 01343 563795).

The applicant is required to take cognisance of the following route specific

comments from Roads Maintenance colleagues when preparing the Construction Traffic Management Plan in relation to accessing the sites:

- “U43H – All construction related traffic should route via the U43aH/ A96 south with no access from the Keith direction. Similarly no construction related traffic should take access via the northern leg of the U43aH.
- U35H – This road has multiple accesses shown. There is a lack of passing places on this road so the Construction Traffic Management Plan should demonstrate how construction vehicles will avoid the need to pass each other. C47H – No construction related traffic should use the adjacent U19H. Although this is a dead end public road there is a local link using the abandoned railway line to U20aH.
- U20aH – The existing condition of this road would be likely to deteriorate quickly with the impact of construction traffic. The applicant is requested to consider alternative direct access to either A95 or B9117 to access pylons 22, 23 and 24.

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

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

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

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

Any existing ditch, watercourse or drain under a new site access shall be piped using a suitable diameter of pipe (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

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.

If required, street furniture will need to be repositioned at the expense of the developer. Advice on this matter can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

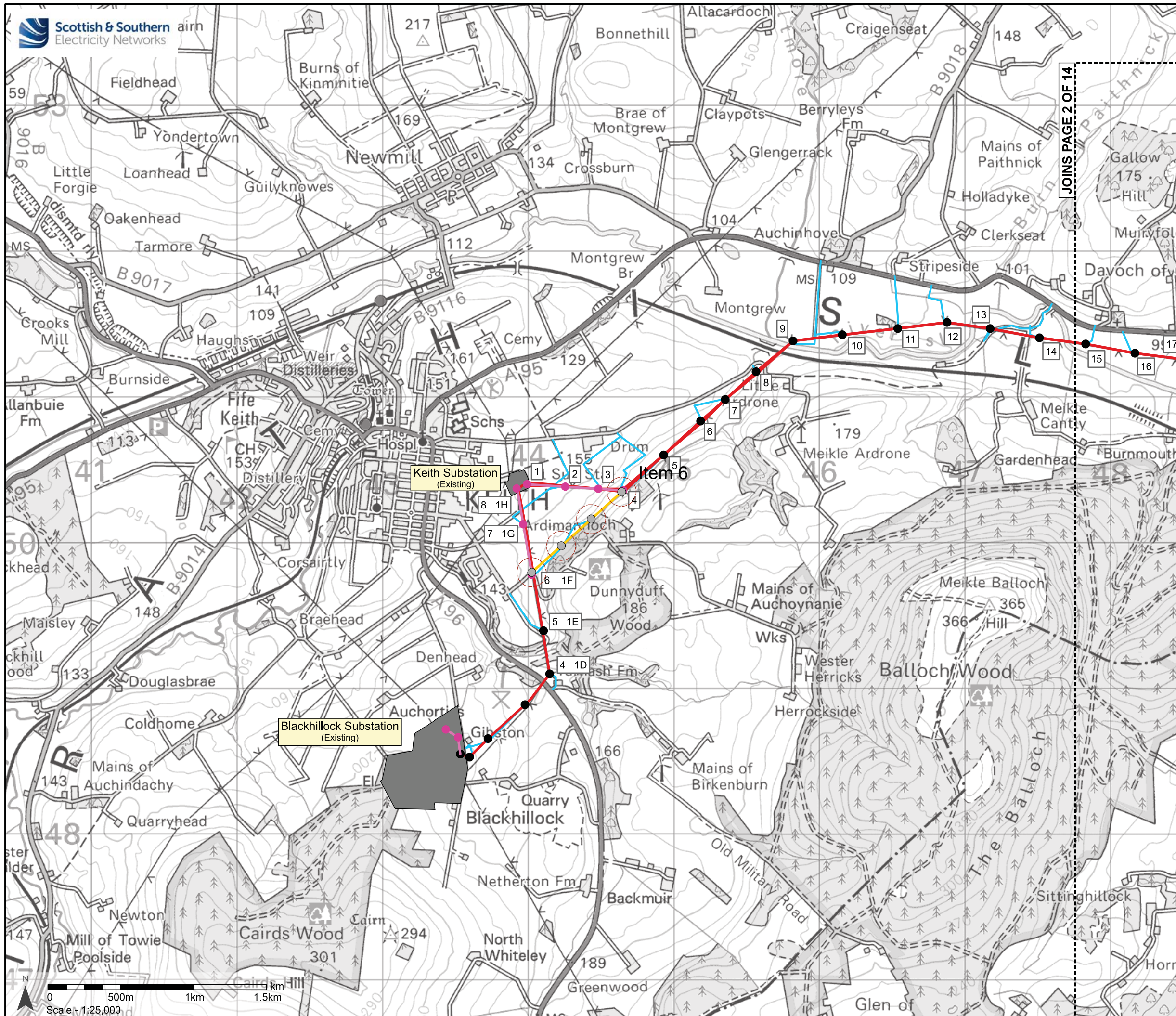
The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The Environmental Health – Private Water Supplies section has commented that:

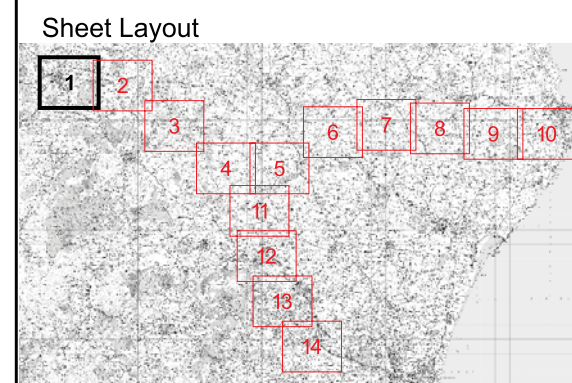
A temporary stone road will be constructed across the route of a private water supply pipe, while several other private supplies may be affected by possible pylon replacement works.







- Legend**
- Proposed Overhead Line and Towers
  - Existing 275 kV Overhead Line and Towers to be Upgraded to 400 kV
  - Existing Overhead Line and Towers to be removed
  - 100m Limit of Deviation
  - Construction Access Routes
  - Substation



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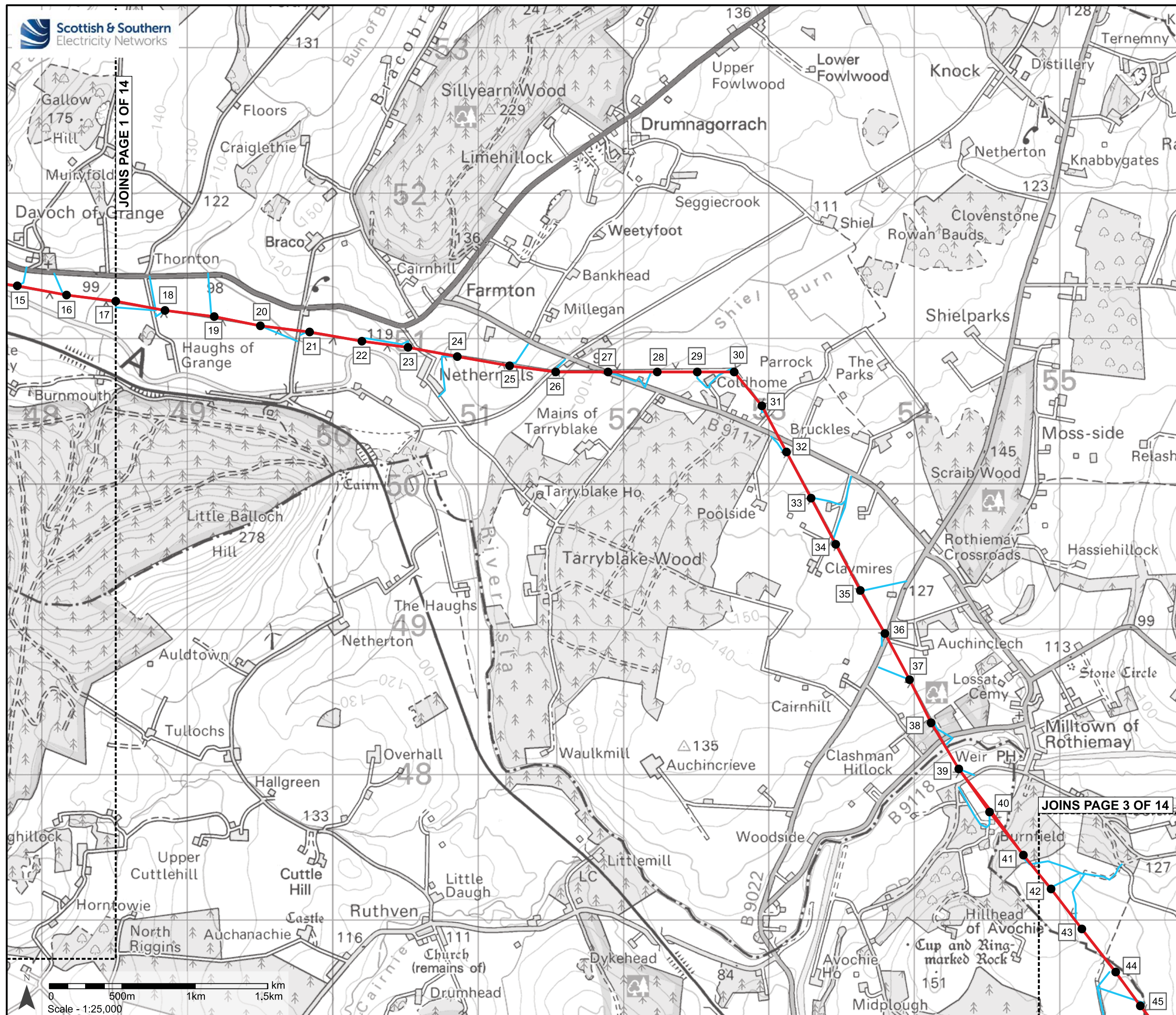
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Title: Figure 2: Proposed Development  
Page 1 of 14

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Legend

- Proposed Overhead Line and Towers
- Existing 275 kV Overhead Line and Towers to be Upgraded to 400 kV
- Existing Overhead Line and Towers to be removed
- Construction Access Routes

Sheet Layout



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Reinforcement Works

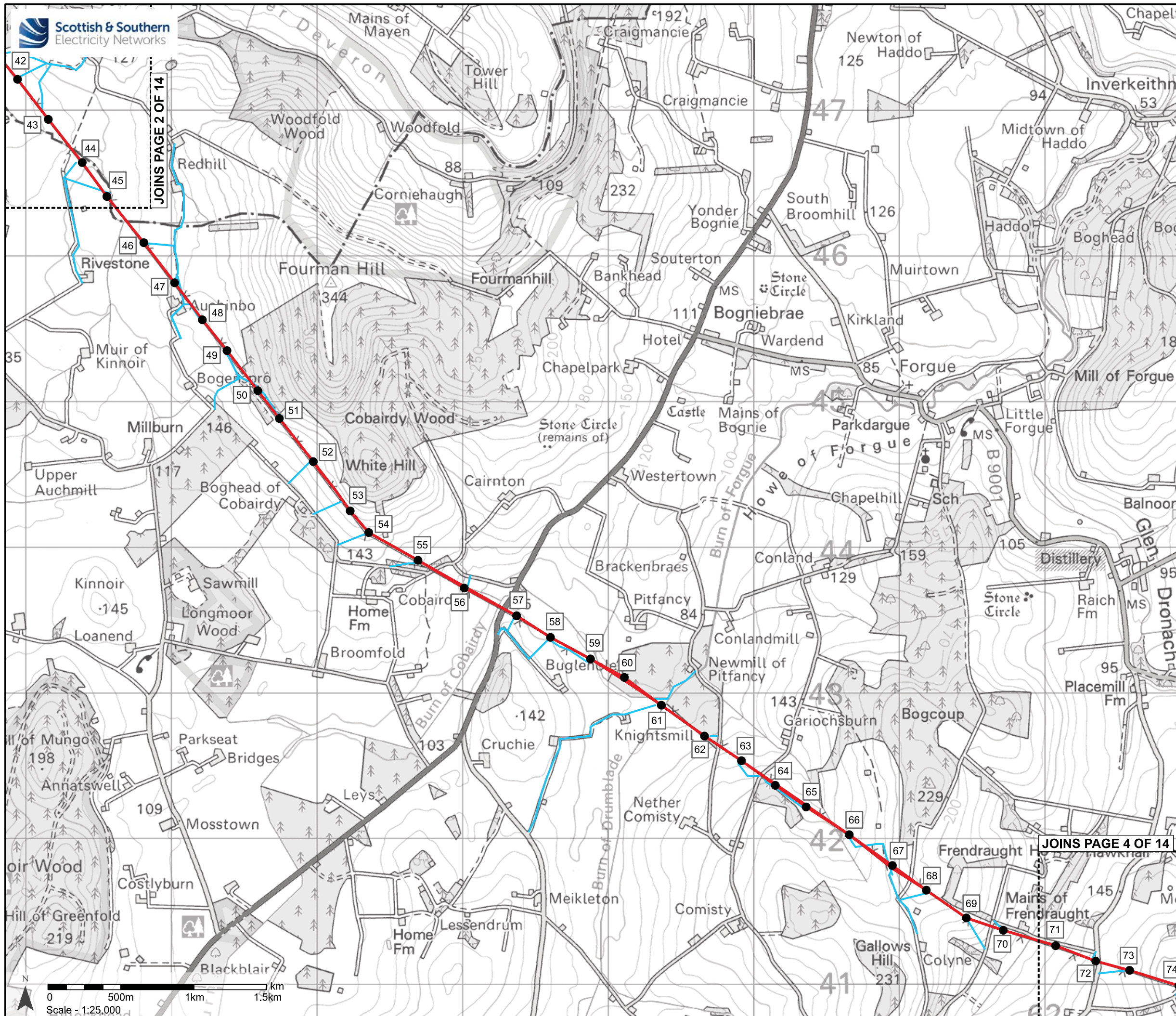
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Page 2 of 14

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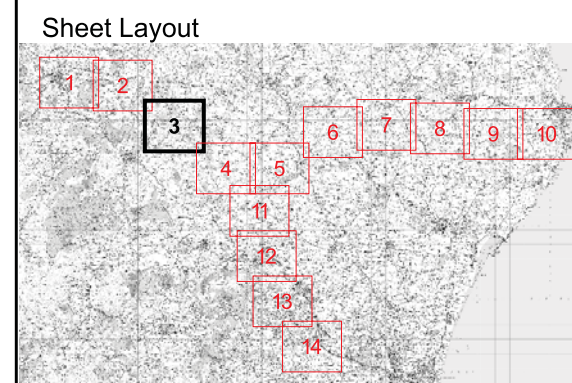
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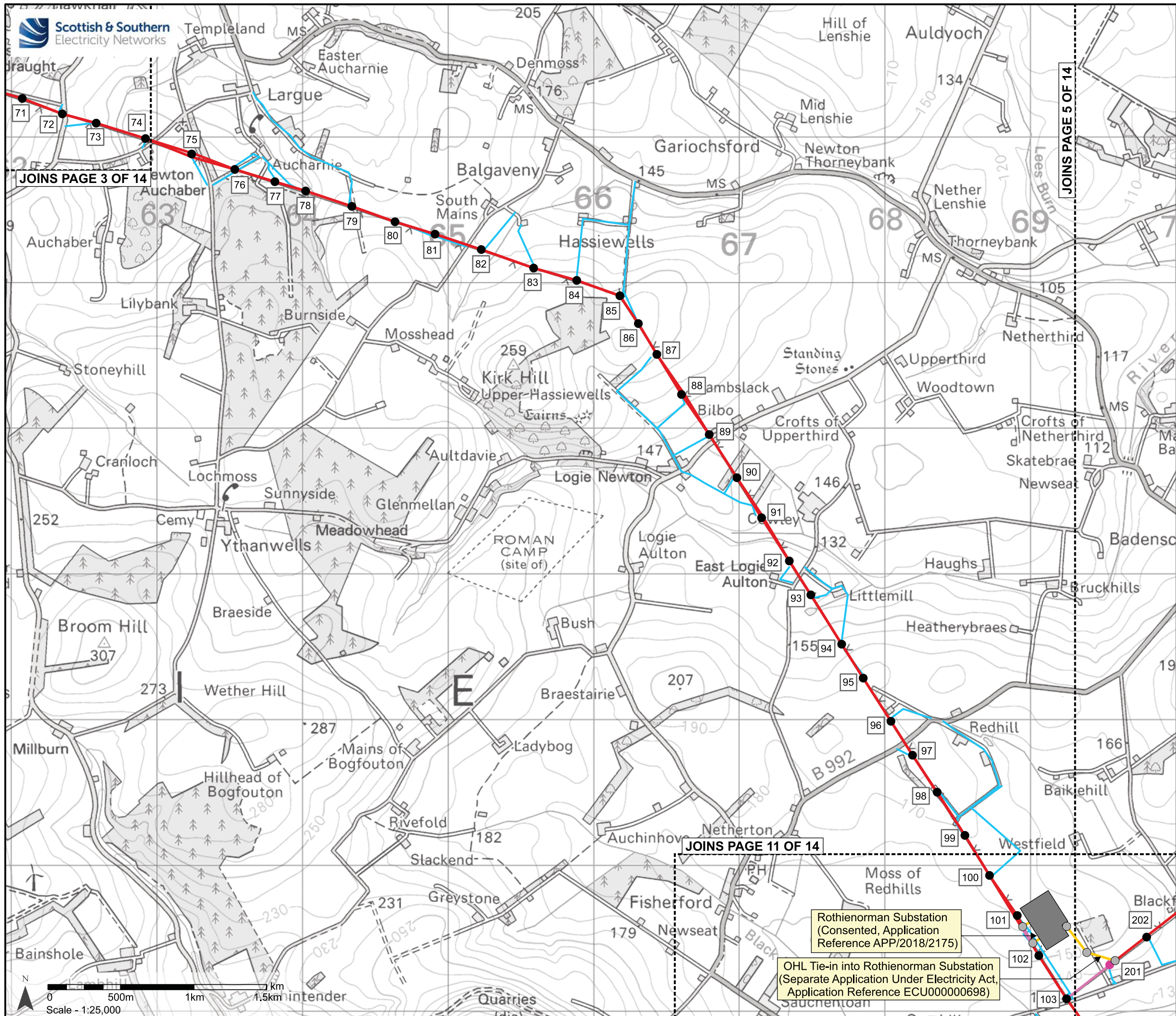
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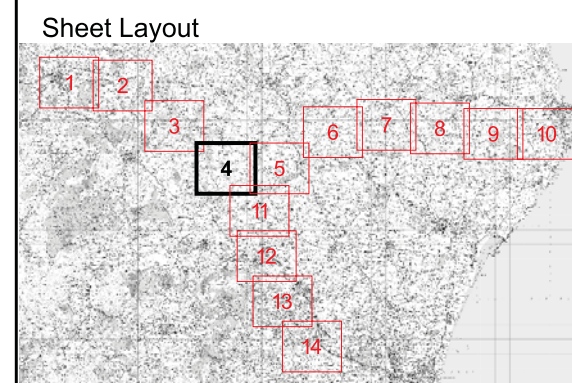
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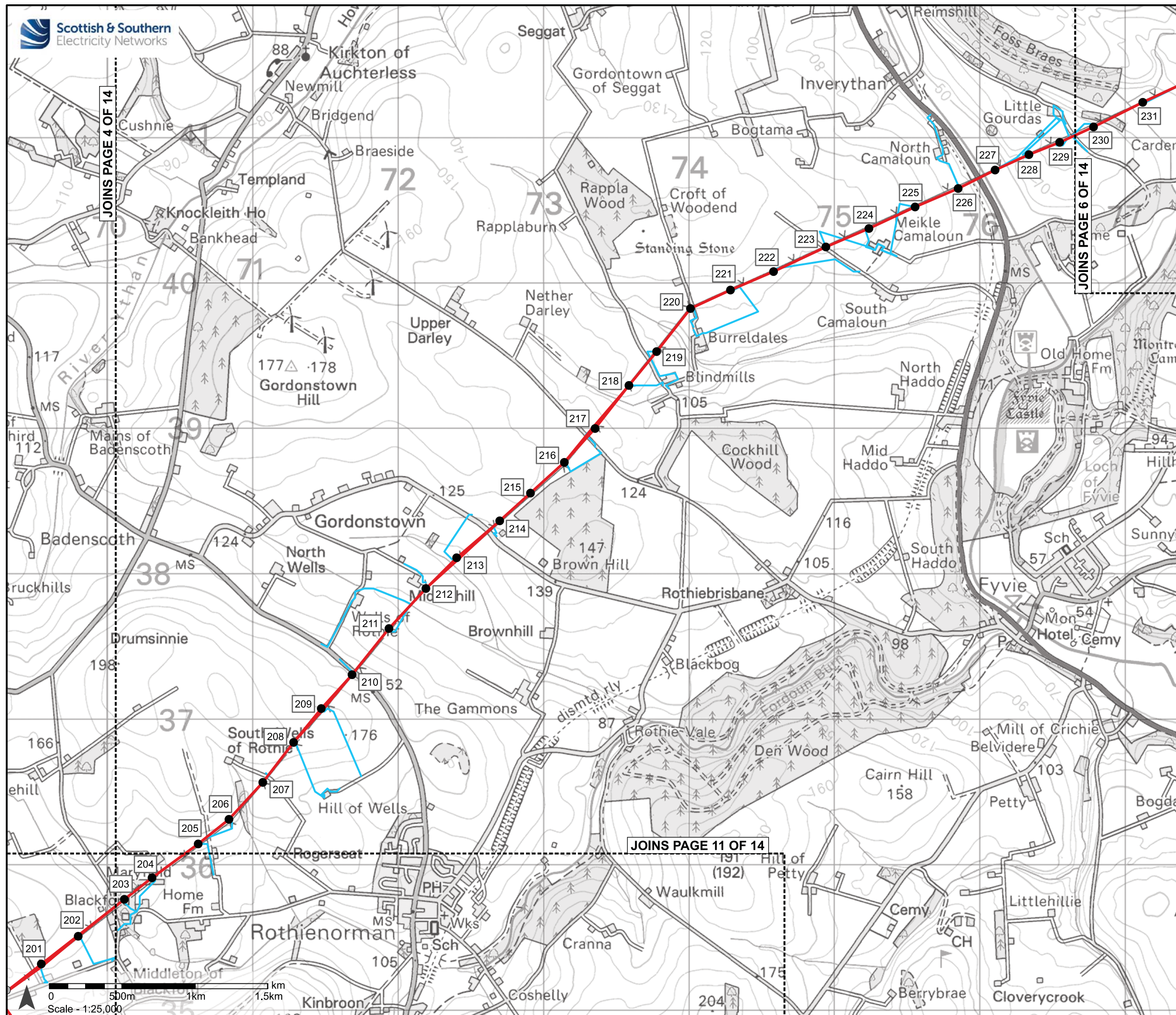
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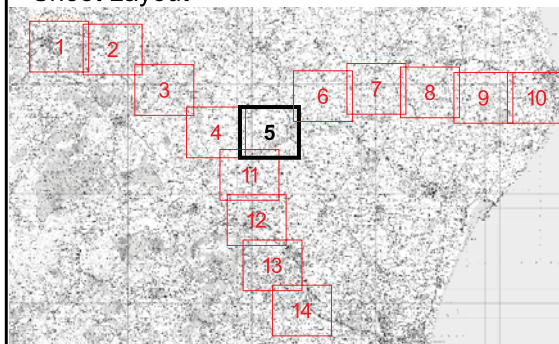




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#### Sheet Layout



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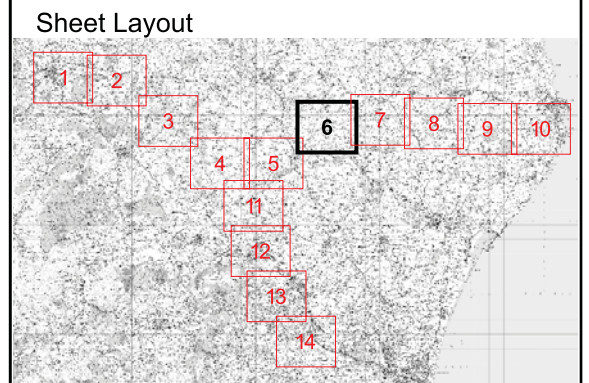
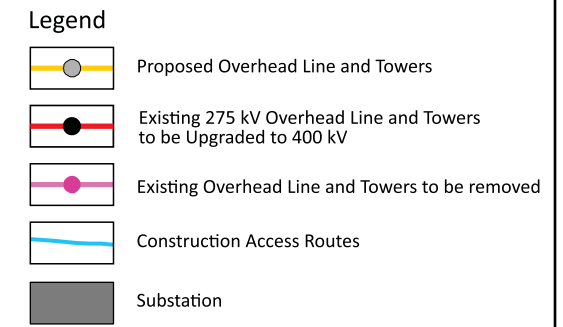
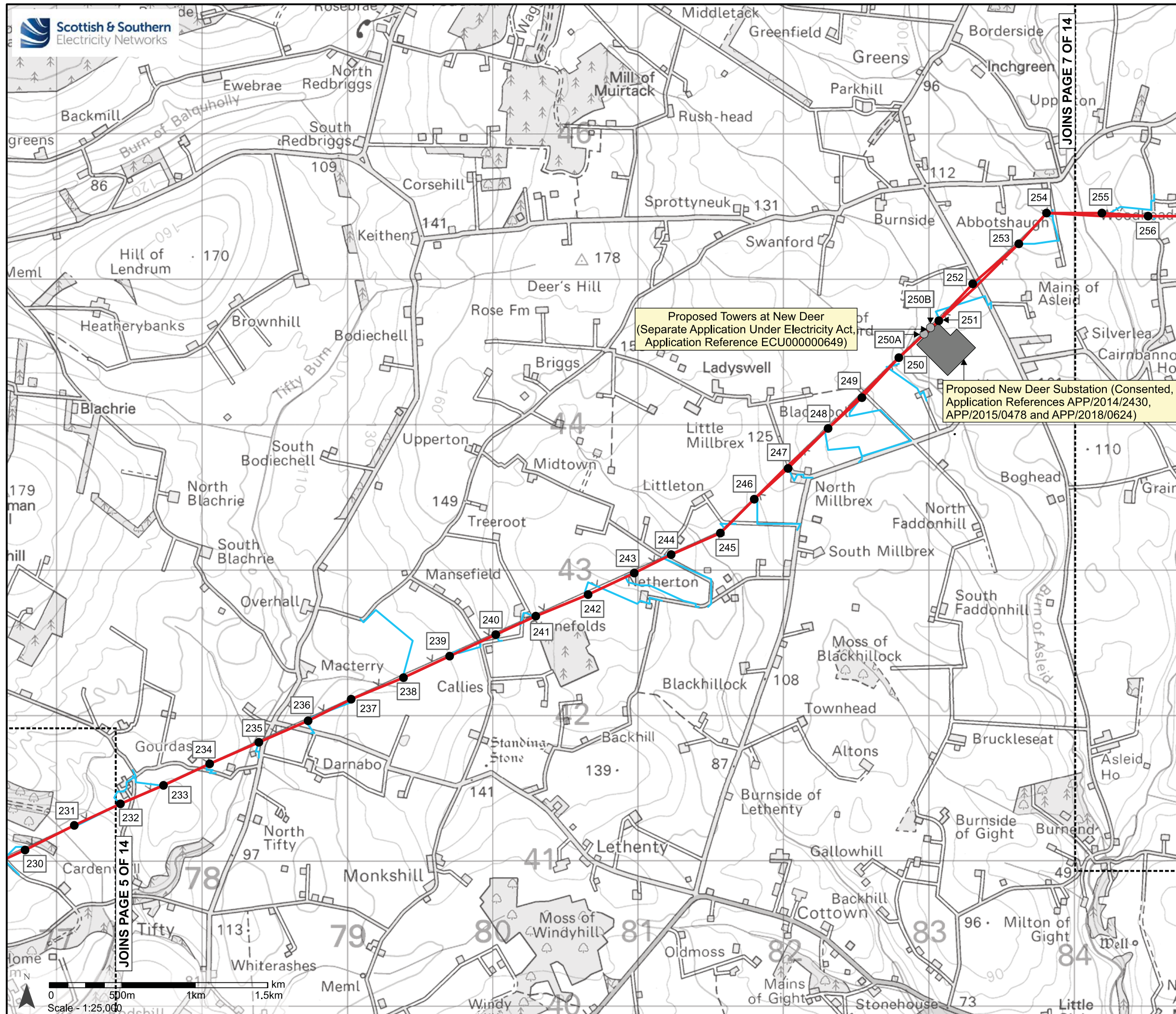
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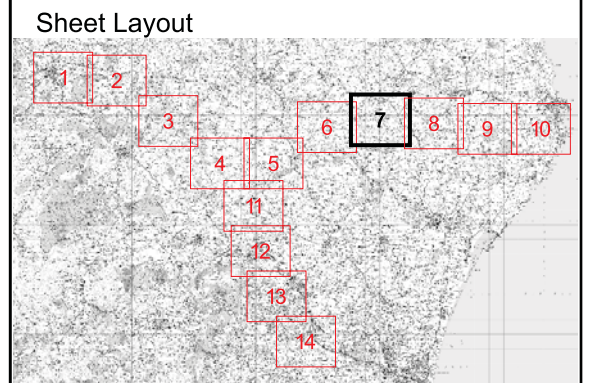
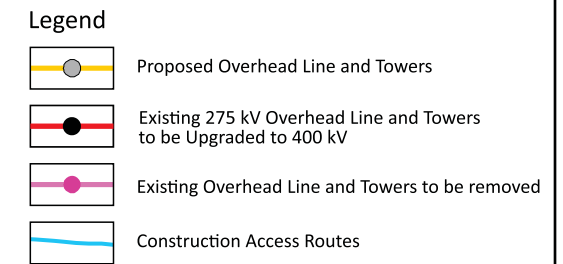
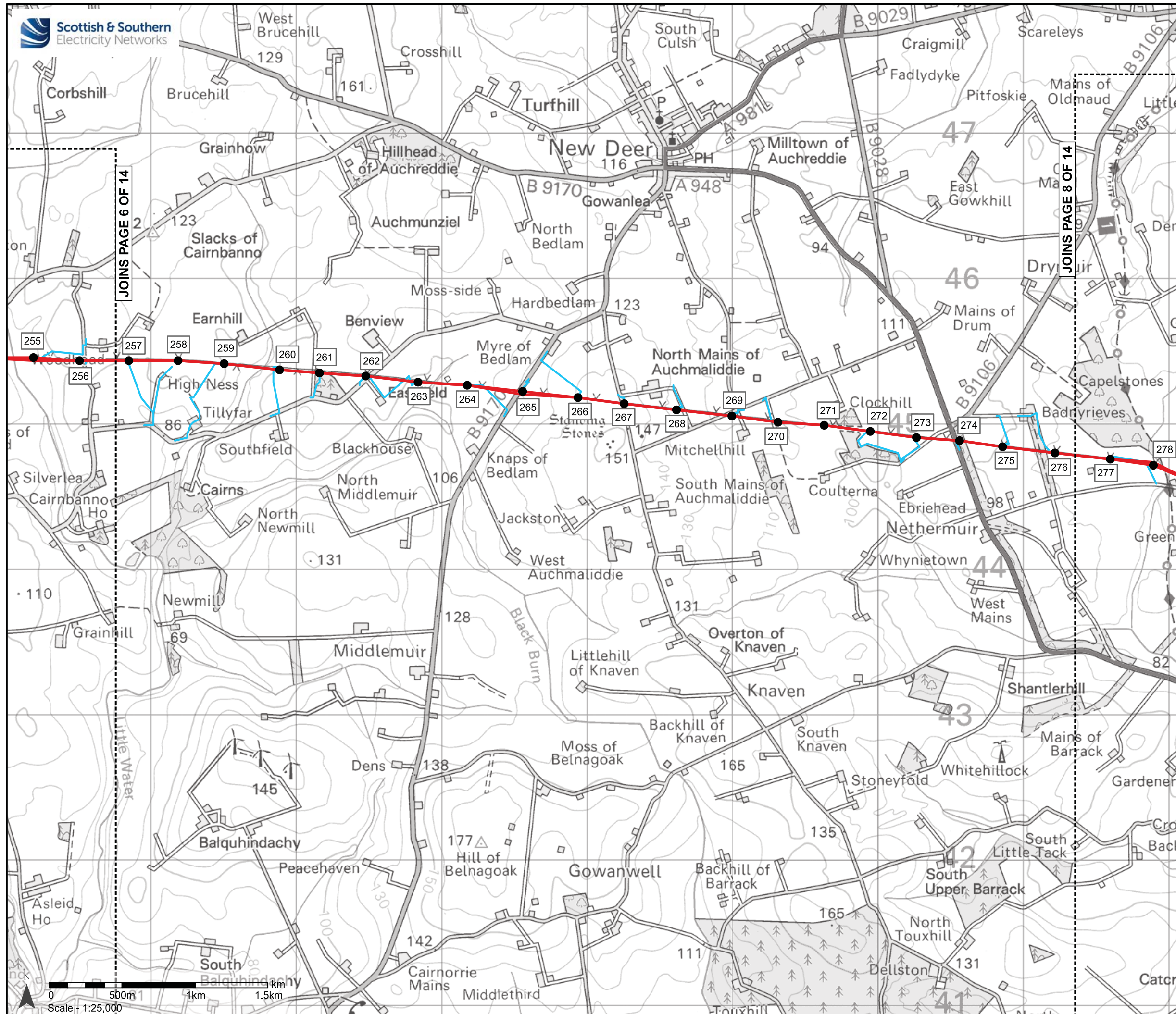




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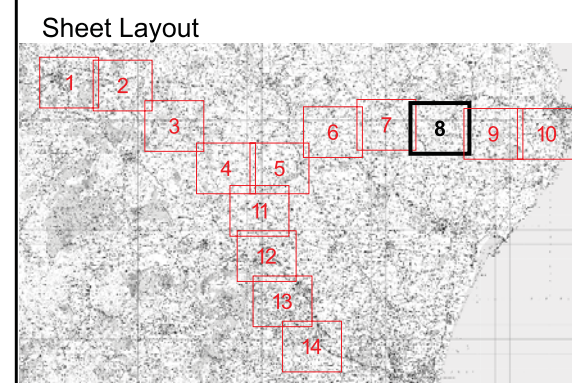
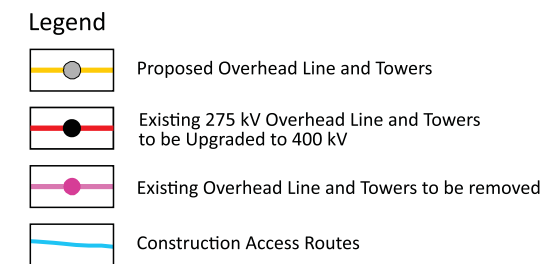
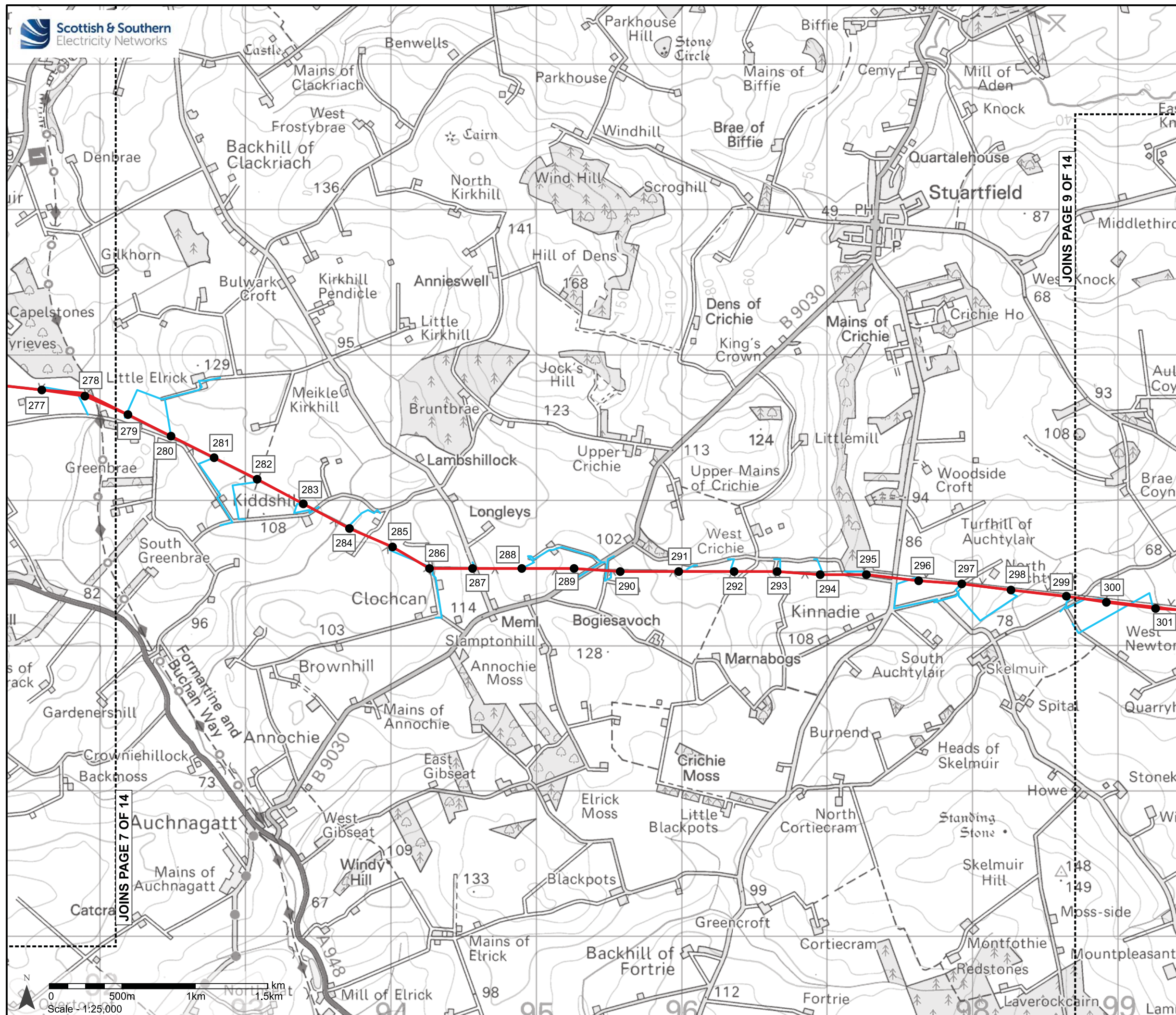




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Project:	North East 400 kV Overhead Line Reinforcement Works
Title:	Figure 2: Proposed Development Page 7 of 14
Drawn by:	BL
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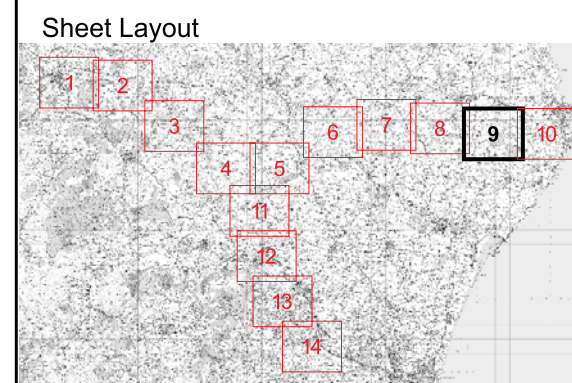
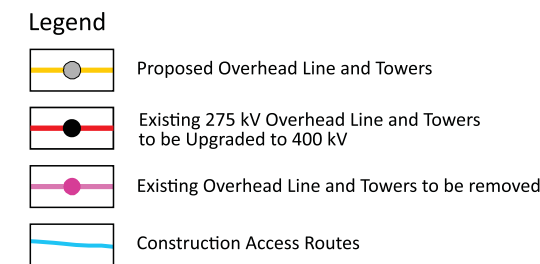
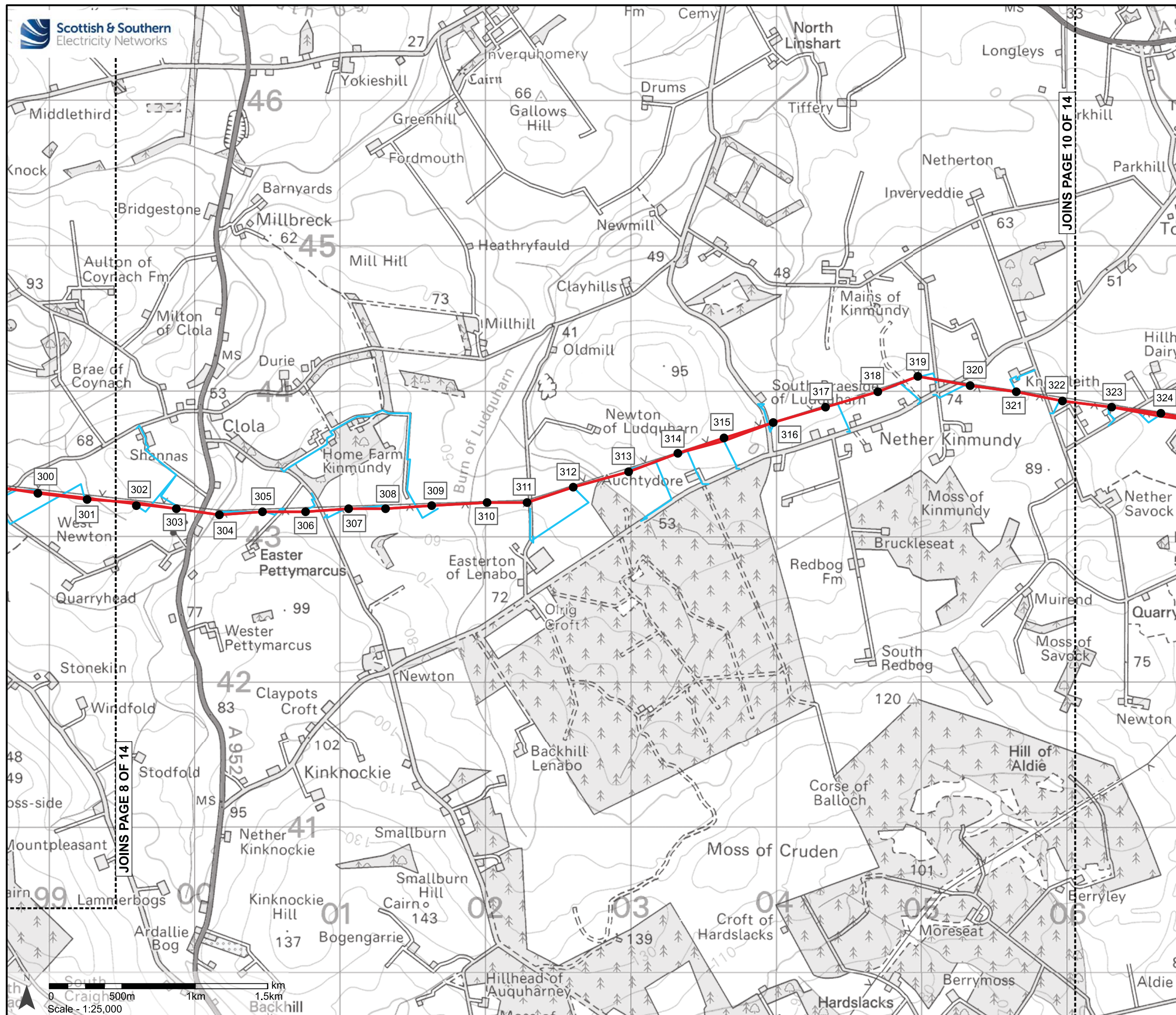




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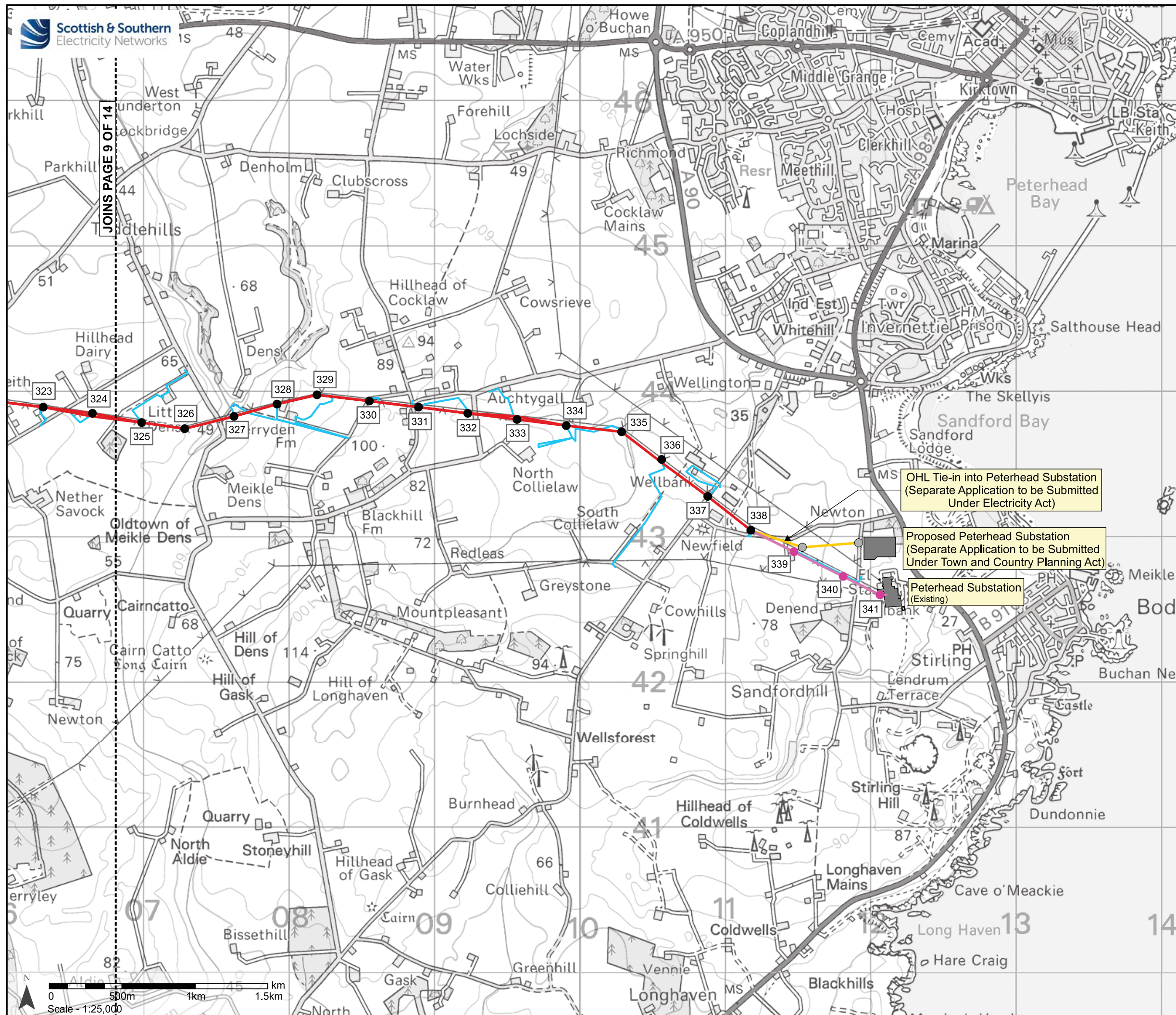






Legend

-  Proposed Overhead Line and Towers
-  Existing 275 kV Overhead Line and Towers to be Upgraded to 400 kV
-  Existing Overhead Line and Towers to be removed
-  Construction Access Routes
-  Substation

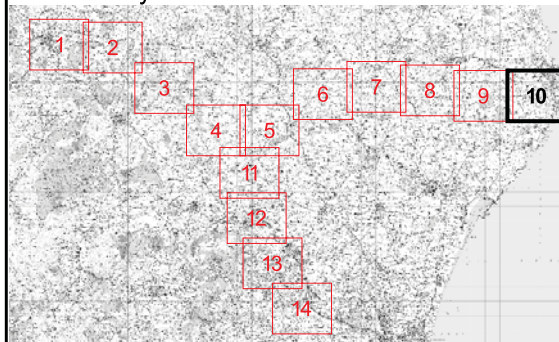


OHL Tie-in into Peterhead Substation  
(Separate Application to be Submitted Under Electricity Act)

Proposed Peterhead Substation  
(Separate Application to be Submitted Under Town and Country Planning Act)

Peterhead Substation  
(Existing)

Sheet Layout



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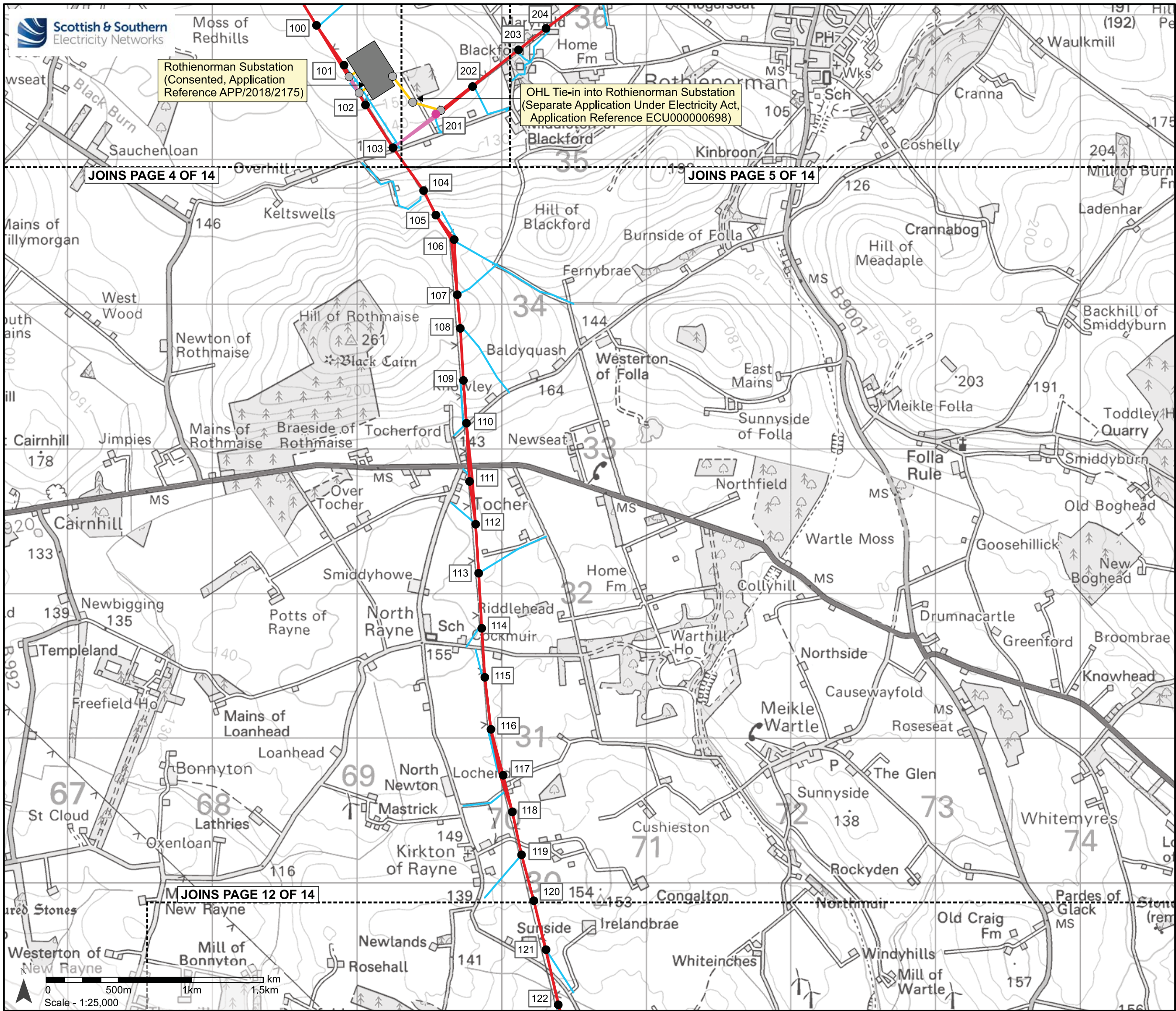
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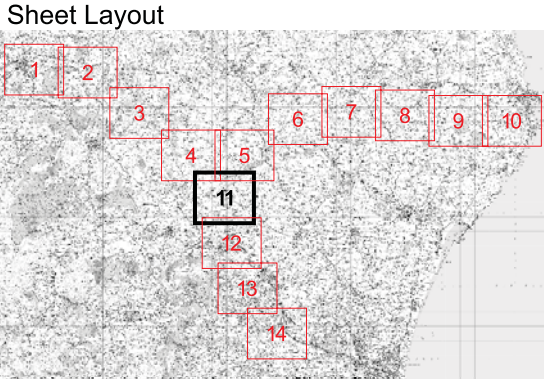
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- Legend
- Proposed Overhead Line and Towers
  - Existing 275 kV Overhead Line and Towers to be Upgraded to 400 kV
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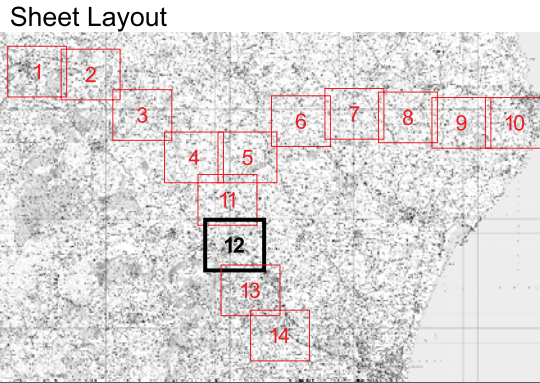
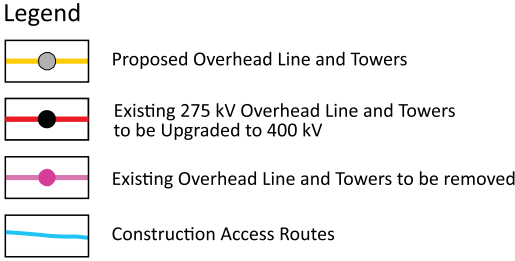
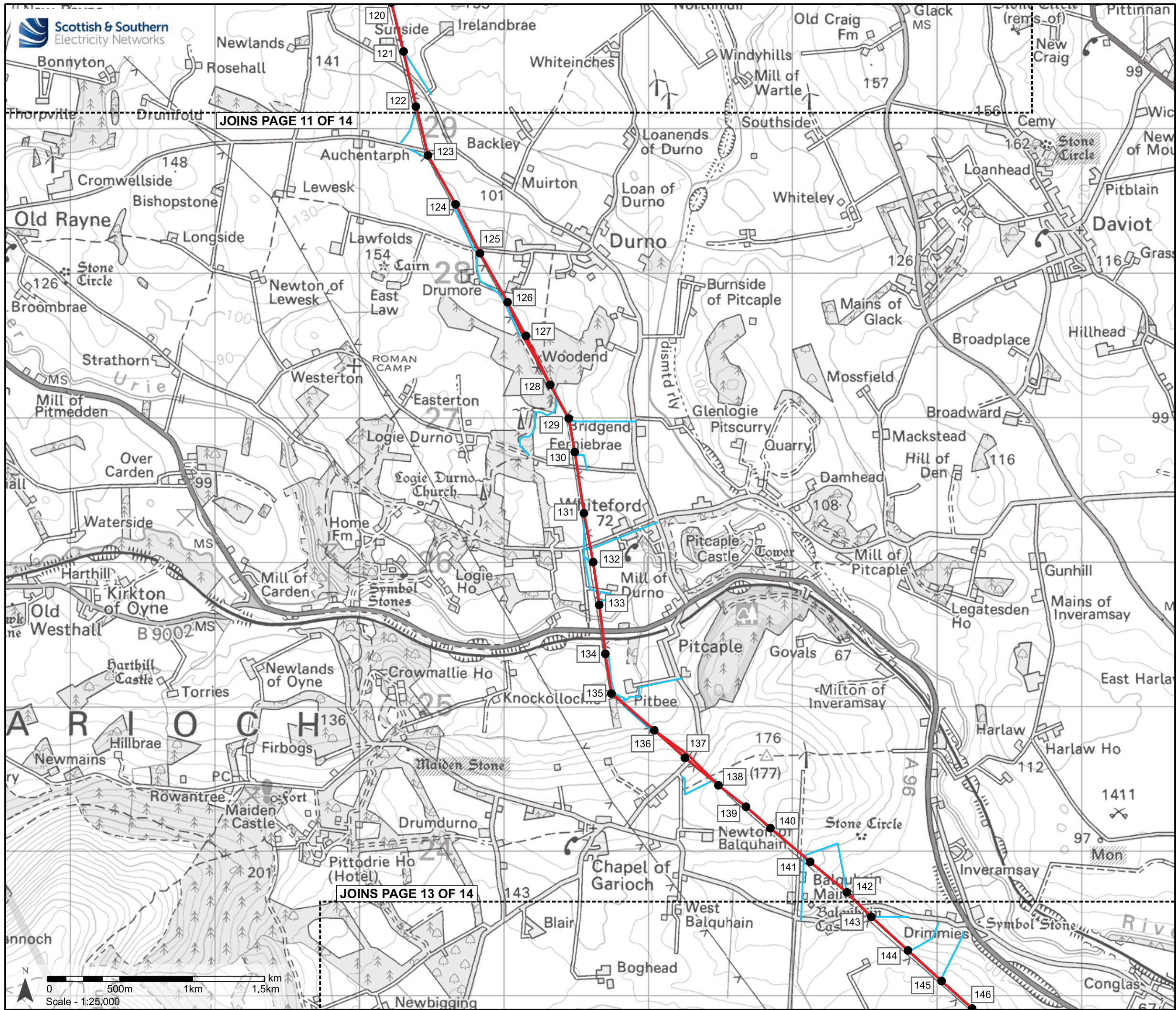
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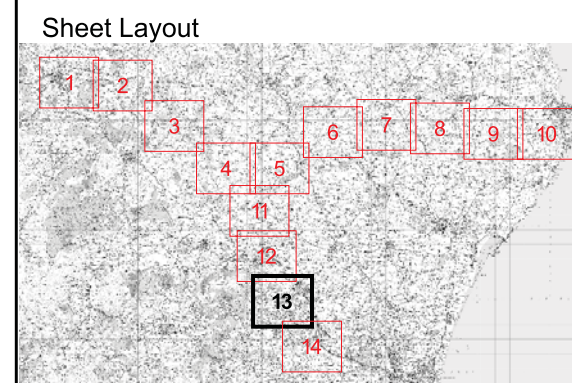
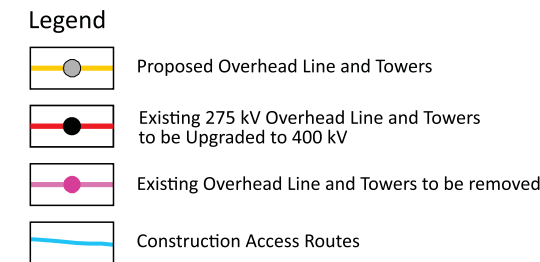
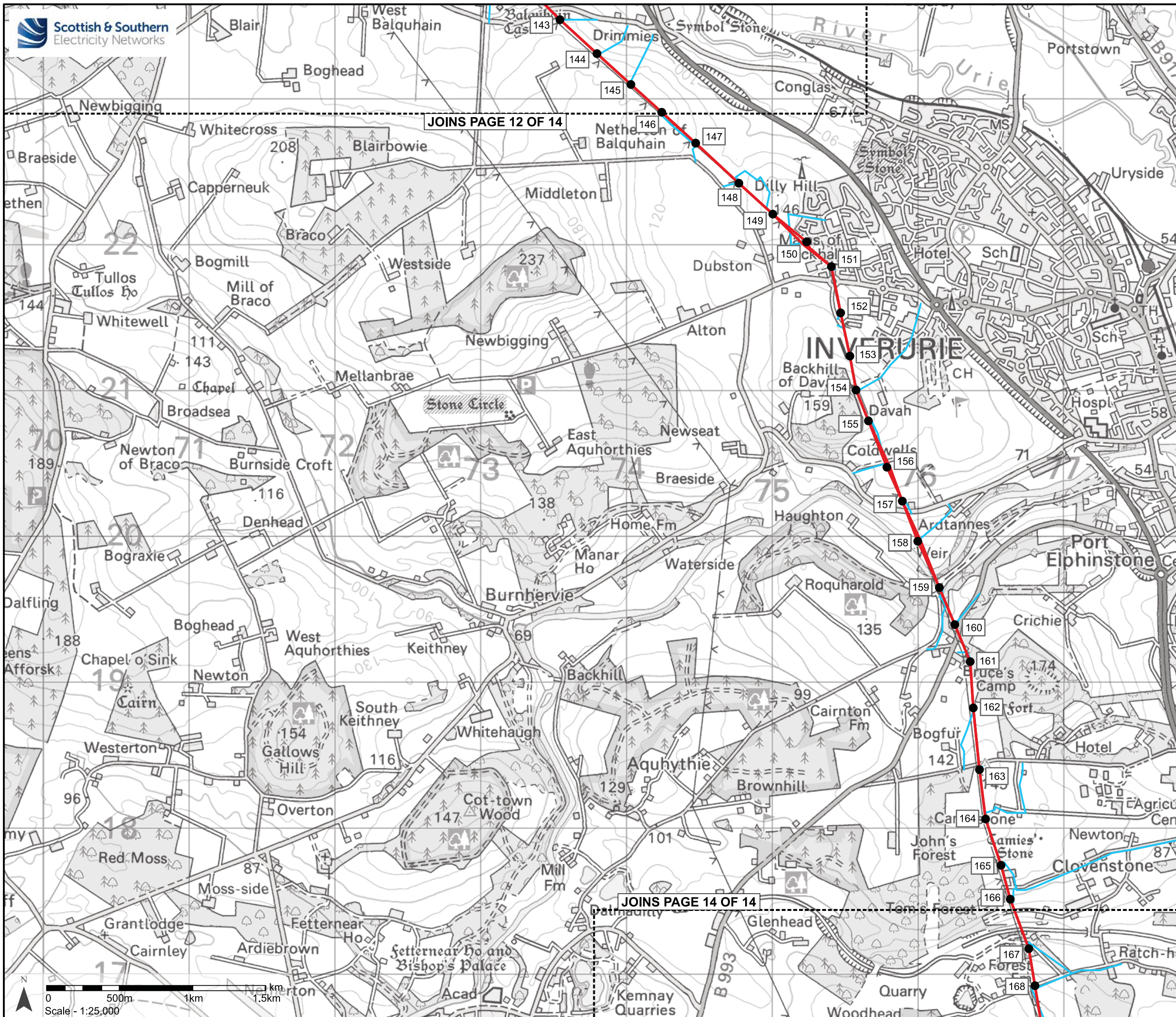




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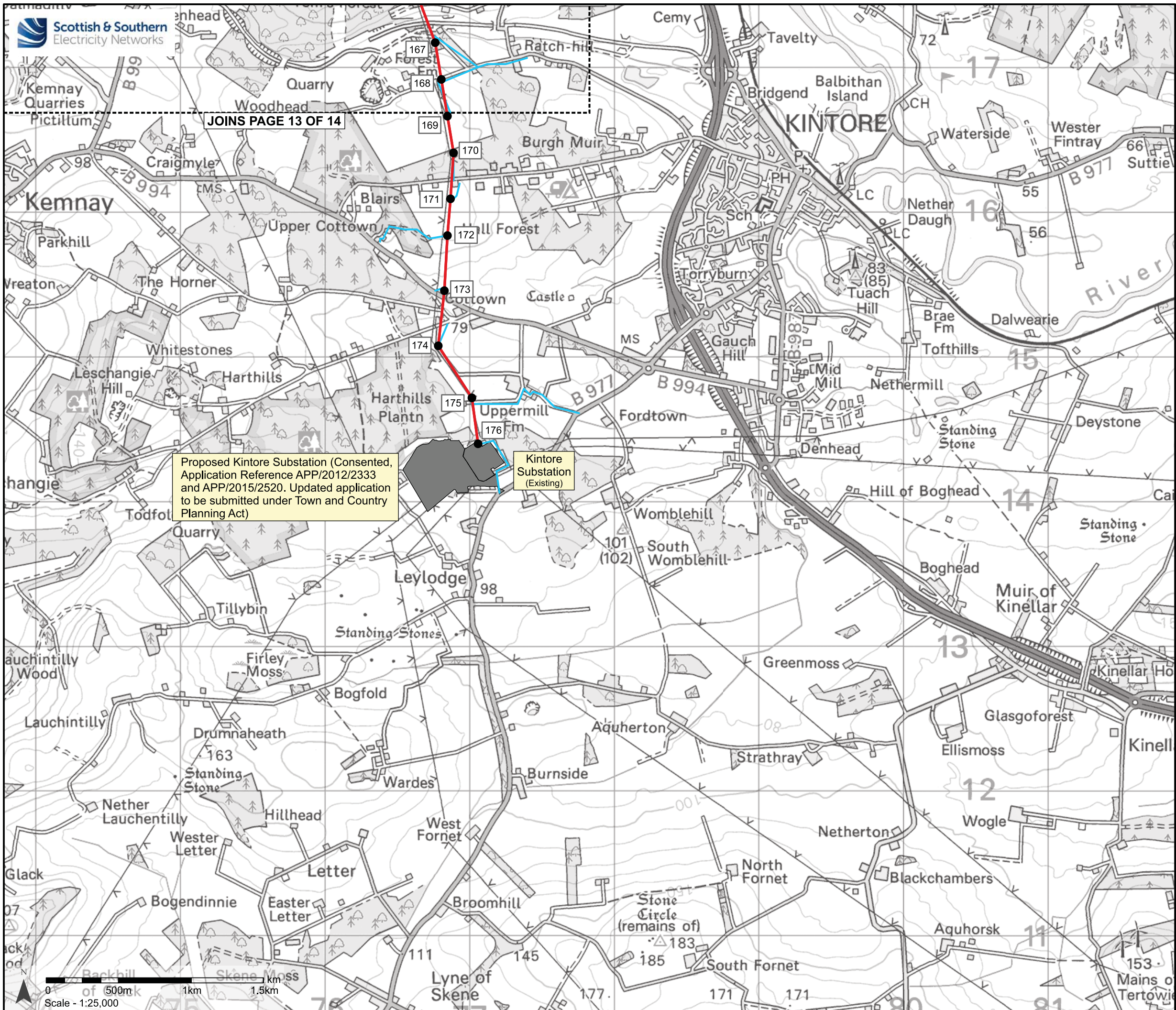




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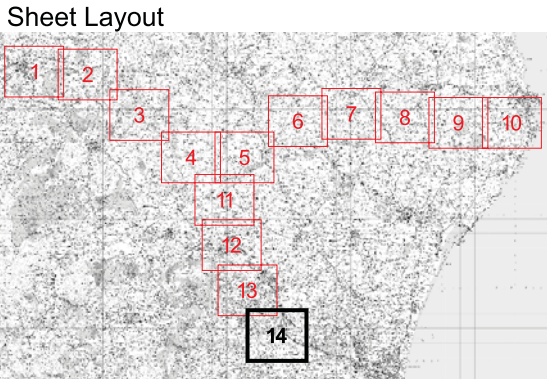


**Legend**

- Proposed Overhead Line and Towers
- Existing 275 kV Overhead Line and Towers to be Upgraded to 400 kV
- Existing Overhead Line and Towers to be removed
- Construction Access Routes
- Substation

Proposed Kintore Substation (Consented, Application Reference APP/2012/2333 and APP/2015/2520. Updated application to be submitted under Town and Country Planning Act)

Kintore Substation (Existing)



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Drawn by:	BL	Date:	27/02/2019
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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
21 MAY 2019**

**SUBJECT: MORAY EMPLOYMENT LAND AUDIT 2019**

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

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee of the key findings of the Moray Employment Land Audit 2019 and ask the Committee to agree the Moray Employment Land Audit 2019.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

## **2. RECOMMENDATION**

- 2.1 It is recommended that the Committee agree:
  - (i) to note the employment land supply in Moray, as summarised in Section 4 and Appendix 1 of the report; and
  - (ii) the finalised Moray Employment Land Audit 2019 in Appendix 2.

## **3. BACKGROUND**

- 3.1 Scottish Planning Policy (SPP) requires that the supply of marketable employment sites be regularly reviewed. The aim is to ensure there is sufficient supply of land to meet current and anticipated market requirements. SPP requires Planning Authorities to ensure that there is a range and choice of marketable sites and locations for businesses allocated in the Local Development Plan (LDP). The levels of effective/marketable employment land and take up of land are National Headline Indicators returned annually in the Planning Performance Framework to the Scottish Government.

- 3.2 The Moray Employment Land Audit has three key functions:-
- To demonstrate the availability of a range and choice of marketable employment sites;
  - To provide an overview of the supply and availability of employment land across Moray Council area; and
  - To provide an evidence base for the monitoring and review of policies and proposals within the LDP.
- 3.3 Previous audits have been used as part of the evidence base for identifying the employment land requirements in the Main Issues Report which was explored in more detail in the associated Topic Paper.
- 3.4 The draft audit was sent to internal and external consultees and comments invited by 2 April 2019. Comments were received from the Council's Estates Service with updates on availability of sites in Keith. Comments were received from the Council's Transportation service noting planning consent on one site was due to lapse. The Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Scottish Water advised they had reviewed the draft but had no specific comments. In preparing the draft, sites have also been discussed with HIE and the Council's Estates Manager.
- 3.5 The audit includes four categories of land supply.

**Established Land Supply** – this includes all undeveloped land allocated for industrial/business/employment use in the adopted LDP or land that has a valid planning approval for these uses.

**Marketable/Effective Land Supply** – this is land that as well as meeting business requirements, has a secure planning status, can be serviced within 5 years, and is accessible by walking, cycling and public transport as defined in SPP.

**Constrained Land Supply** – this is land that is not considered developable within 5 years due to issues such as planning difficulties, ownership issues, infrastructure provision and physical constraints.

**Immediately Available Land Supply** – this land has planning permission, is serviced and has no major constraints to immediate development.

#### 4. **FINDINGS**

- 4.1 The 2019 audit identifies that as of 1 January 2019 there was 153.4 hectares of land (net) within the Established Land Supply. This is a decrease of 0.91 hectares since 2018 due to several sites being built out and also a windfall site at Thomshill being removed as planning consent has now lapsed. The emphasis on employment land continues to be within Elgin, Forres and Buckie with more limited supply in Keith and Speyside.
- 4.2 79.84 hectares of land (net) across 15 sites is classed as Marketable/Effective. This is a decrease of 0.43 hectares and two sites since 2018. This

is due to construction completed at March Road SE (I3) Buckie, land under construction at Chanonry Elgin (I2), completion of a windfall site at West Whins Findhorn, occupation of yard space at Waterford Forres (I3) and occupation of yard space at Rothes Back Burn (I1). The distribution of Marketable/Effective sites reflects the settlement hierarchy within the LDP, however there is a shortage of general industrial land in Forres and Speyside. The audit highlights that whilst there is a reasonable area available the number and choice of sites across all settlements is limited.

- 4.3 New employment sites have been identified in the Proposed Moray Local Development Plan to meet future requirements. These include new sites at Burnside of Birnie Elgin, land to the west of Mosstodloch, land to the south of Forres Enterprise Park, further land to the east of Westerton Road Keith, land at Greens of Rothes and a small area of land at Speyview Aberlour. These are not included within the audit as their planning status is still subject to Examination of the Proposed Plan.
- 4.4 The amount of land Immediately Available is 39.15 hectares (net) across 6 sites. This is an increase of 21.2 hectares compared to 2018; and an increase in the number of sites by one. This is due to servicing of sites at Barmuckity Elgin (I7) and at March Road SE Buckie (I3). However, there continues to be a shortage in the number of immediately available sites.
- 4.5 72.54 hectares (net) across 17 sites is classed as constrained. This means around 47% of the Established Supply has some form of constraint that is likely to prevent the land being developed in the next five years. A large proportion of this land is constrained due to ownership; this could be where the owners are unwilling to sell or are seeking alternative uses with higher land values. Part of the constrained supply is also made up of parts of sites that have physical constraints for example parts of sites that flood or have steep topography. Some sites have infrastructure constraints identified and this usually relates to achieving safe and suitable access to the site and the costs associated with this. The constrained supply has decreased by 1.58 hectares. This is due to parts of Linkwood East Elgin (I6) becoming effective and removal of a windfall site at Thomshill where consent has now lapsed.
- 4.6 1.29 hectares of land was developed in the year to 1 January 2019. This includes completion or occupation of sites at March Road SE/Rathven Industrial Estate (I3), Grampian Furnishers at Linkwood East (I6), yard space occupied at Waterford (I3), yard space occupied at Back Burn (I1) Rothes and completion of buildings at West Whins Findhorn. This is slightly lower than 2018 (1.6 hectares in 2018). At 1 January 2019 there was 2.55 hectares of land under construction. This is an increase in construction compared to 2.31 hectares in 2018. The sites under construction include sites at Glen Moray Distillery Elgin, at Waterford Forres (I3), land at Chanonry Elgin (I2), and land at Linkwood East Elgin (I6). However it is noted that these figures do not represent all building activity, and is only that on designated sites or windfall sites that are not restricted to a single user. Other notable areas of activity primarily relate to expansion proposals of existing businesses, sites in the countryside and expansion of distilleries. For example new bonded warehouses at Glenfarclas, Benromach, Tamdhu and Malcolmburn, and an

office and workshop at Drumbain Farm Rothes. It also does not reflect any redevelopment of existing units.

- 4.7 A summary of the key findings and commentary on supply in settlements is attached at **Appendix 1**. A copy of the full audit is available at **Appendix 2**.

## **5. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Employment Land Audit is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring sufficient provision of effective employment land supports economic growth by providing opportunities for new or expanding businesses.

**(b) Policy and Legal**

The preparation of the annual Employment Land Audit is a requirement of SPP to monitor the effectiveness of the LDP and ensure an effective supply of employment land is maintained.

**(c) Financial implications**

None

**(d) Risk Implications**

None

**(e) Staffing Implications**

Preparation of the annual Employment Land Audit is part of the workload of the Planning and Development section

**(f) Property**

The Employment Land Audit includes industrial estates and sites owned by the Council. The Council Estates section was consulted on the draft audit in March/April.

**(g) Equalities/Socio Economic Impact**

An Equality Impact Assessment is not needed because the report is to inform the Committee on monitoring of land supply.

**(h) Consultations**

The Corporate Director (Economic Development, Planning and Infrastructure), the Head of Development Services, the Legal Services Manager, the Equal Opportunities Officer, the Estates Manager, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have all been consulted and their comments included within the report.

## **6. CONCLUSION**



- 6.1 SPP requires that the supply of marketable employment sites be regularly reviewed to ensure there is sufficient supply of land to meet current and anticipated market requirements. Levels of marketable employment land and take up are National Headline Indicators submitted within the Planning Performance Framework.**
- 6.2 The Employment Land Audit 2019 identifies that there is 79.84 hectares (net) of marketable/effective employment land, of which 39.15 hectares (net) is immediately available. Issues are identified with the restricted choice of sites across settlements and shortage of industrial land in Forres and Speyside.**
- 6.3 Committee is asked to note the key findings of the Employment Land Audit 2019 and agree the finalised Employment Land Audit 2019 (Appendix 2).**

Author of Report: Rowena MacDougall (Planning Officer)  
Background Papers:  
Ref:



## Appendix 1

<b>Elgin (including Lossiemouth and Mosstodloch)</b>	<p>Provision of access and servicing is well advanced at Barmuckity (I7) bringing the first phase of the site into the immediately available supply. This site is critical to supply in the Elgin area. There continues to be smaller areas of immediately available land at Chanonry (I2) and Linkwood East (I6). Much of the land at Chanonry is understood to be under offer and there is limited land available at Linkwood East due to consent for other uses including a drive through cafe. To the north of Elgin Newfield (I8) is being actively marketed increasing choice of sites across Elgin.</p> <p>Choice of sites is severely restricted in Lossiemouth, only Sunbank OPP1 or windfall opportunities are available. The topography and ground conditions at Sunbank OPP1 are considered to constrain the site.</p> <p>In Mosstodloch sites are identified but these are generally to meet the expansion needs of existing businesses.</p> <p>There are issues with delivery of higher quality business land within the Elgin Market Area. There is strong demand for industrial buildings. Additional land must be identified in the next Local Development Plan to meet the estimated requirements within the Moray Economic Strategy. Additional land has been identified at Burnside of Birnie and Mosstodloch within the Proposed Local Development Plan.</p>
<b>Forres</b>	<p>Very small choice of marketable sites given settlement size and population, but reasonable areas for higher amenity uses available at the Enterprise Park. Proportion of immediately available land higher than other settlements largely due to the areas available at the Enterprise Park (BP1). Waterford (I3) now has limited availability with the majority of the land/units now let. Site BP2 to the north of the Enterprise Park is now impacted on by the preferred route of the A96 dualling.</p> <p>Strong demand, particularly for smaller units and need for serviced employment land to allow businesses to develop and relocate from smaller units. Additional industrial land must be identified through the next Local Development Plan. A site to the south of the Enterprise Park has been identified within the Proposed Local Development Plan. Land at Waterford is also identified however this is severely constrained by the preferred route of the A96 dualling.</p>
<b>Buckie</b>	<p>Small choice of marketable sites but reasonable areas available. Servicing of land at March Road SE (I3) to form Rathven Industrial Estate has increased levels of immediately available land. Opportunities at harbour.</p> <p>Given levels of land available the Proposed Local Development Plan identifies a reserve of industrial land on March Road that could be brought forward if need arose.</p>
<b>Keith</b>	<p>Very small choice of marketable sites and limited area. Issues with providing readily accessible employment sites. Demand for smaller units.</p> <p>Additional employment sites identified to the east of Westerton Road within the Proposed Local Development Plan. Opportunities for higher amenity employment uses promoted within a mixed use site to the south of Banff Road.</p>

<b>Speyside</b>	Limited choice of designated sites. In Aberlour, Craigellachie, and Rothes there are only single sites available which are constrained. Need for sites in Speyside for small local businesses. Policies are in place that would consider Rural Business Proposals. Within the Proposed Local Development Plan a new site is identified at Greens of Rothes and at Speyview Aberlour 1ha of the housing site is identified for employment uses.
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# Moray Employment Land Audit DRAFT

FEB 2019



**moray**  
council







For further information, please contact:  
Rowena MacDougall Tel: 0300 123 4561, email: [Rowena.macdougall@moray.gov.uk](mailto:Rowena.macdougall@moray.gov.uk)

# 1. Introduction

## 1.1 Purpose of Audit

The Moray Employment Land Audit provides an overview of the supply and availability of employment land across the Moray Council area. The audit is an annual document and includes figures for take up and sites under construction.

The audit provides an evidence base for the monitoring and review of policies and proposals included within the Local Development Plan. In addition it can help to identify areas where further analysis and investigation is required. The baseline against which information is analysed is 1 January 2019.

The information contained in the Employment Land Audit will be of use to businesses, developers, and other organisations with an interest in employment land in Moray.

## 1.2 Methodology

The audit is prepared from information gathered by Council planning officers through monitoring of the development plan, planning approvals and individual inspections.

All employment sites in the existing local development plan have been recorded in a data base, unless the site has been built out in its entirety. In addition to sites allocated in the Moray Local Development Plan 2015 any windfall sites with planning consent for employment uses have been added to the database unless these are constrained to a single user (e.g. a distillery). It is noted that land with buildings that are vacant are not included in the audit nor are redeveloped sites.

Once sites have been identified officers undertake a review of planning applications and collect information such as ownership, proposed use etc. for each site. Officers also undertake site visits to monitor development activity. This information is then updated in the data base. The data is then analysed to produce the audit report.

## 2. Background

### 2.1 Scottish Planning Policy

Scottish Planning Policy (SPP) sets out the Scottish Governments policies in relation to economic development in Scotland. SPP requires Planning Authorities to allocate a range of sites for business, taking account of current market demand; location, size, quality, and infrastructure requirements; whether sites are serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. SPP states that business land audits should be undertaken regularly by local authorities to inform review of development plans. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues of sites within the existing business land supply.

### 2.2 Moray Local Development Plan

The Moray Local Development Plan 2015 sets out the employment land policies for the Planning Authority (excluding the Cairngorms National Park area). The Local Development Plan includes a suite of policies related to economic development (ED1 to ED9). These seek to safeguard employment land and support development of employment uses on designated sites. The policies also look at the types of uses that will be supported on designated sites. A more flexible approach to rural business proposals is provided for, with policy criteria used to ensure the most appropriate locations are supported in rural areas.

The Moray Local Development Plan 2015 designates land for employment uses within towns.

The Proposed Local Development Plan was published in January 2019. The Proposed Plan includes new designations for industrial land. Given the early stage of consultation on the Proposed Plan these sites will not be included in the audit until they have a firmer planning status.

### 2.3 Moray Economic Strategy

The Moray Economic Strategy 2019 -2029 was published in December 2018 by the Moray Economic Partnership. The 10 year strategy sets out the vision and a high-level series of actions required to deliver a successful and vibrant economy in Moray. One of the key measures is the level of immediately available employment land.



## **2.4 Moray 2026: A Plan for the Future**

One of four priorities within the Moray Community Planning Partnership Local Outcomes Improvement Plan 2018 is an “A growing, diverse and sustainable economy.” Whilst employment land supply is not a performance indicator within the Local Outcomes Improvements Plan land supply is important for achieving outcomes.

## **2.5 Demand for Employment Land**

From discussions with Moray Council Estates and Highlands and Islands Enterprise perceptions of demand had not changed since 2018. Whilst Brexit was a concern it was noted that this did not appear to be impacting on the level of enquiries.

The demand for employment sites and buildings is considered to be greatest for smaller buildings with fewer businesses looking for larger sites. Demand for smaller sites and buildings are generally from small local businesses including builders, plumbers and plant and machinery supply. Demand for medium sized sites is from smaller businesses looking to grow and the demand for larger sites is generally from inward investors. There needs to be land and sites available at all levels to meet demand. The Moray Economic Strategy see’s future demand within aerospace/space related businesses, life sciences, creative industries and digital, as well as the engineering sector. There is also demand from existing business looking to relocate and expand. A key industry for Moray is the food and drink industry. Whisky distilling has seen considerable expansion over recent years, including bonded warehousing. These businesses are long established and often in rural areas. The Local Development Plan currently looks to support such expansion through its policy on rural business which supports proposals where there is locational justification.

Sufficient land and buildings require to be available in to facilitate wider economic development and to support the vision of the Moray Economic Strategy, including diversifying the economy.

The Moray Council Industrial Portfolio Annual Report 2017-2018 showed high levels of occupancy within the Moray Council Industrial portfolio with demand in most areas out stripping supply. The provision of further serviced sites and units is an issue and a number of projects are being considered.

### 3. Employment Land Supply

Several categories of land supply are identified in the audit. Definitions for these are provided in section 5.

Detailed information of the established, constrained, effective and immediately available sites is provided in Appendix 2.

#### 3.1 Established Employment Land Supply

The established employment land supply for Moray is shown in figure 1. There has been an decrease in the gross established supply by 1.78 ha since 2018; this is due to several sites being built out and also windfall sites where planning consent has lapsed being removed from the audit. This is a decrease of 0.91 ha to the net supply compared to 2018. The number of sites within the audit compared to 2018 has reduced by two due to the removal of sites from the audit on completion and due to lapsed planning consent.

Figure 1 Established Employment Land Supply (2019) (Figures in hectares)

Gross Established	Net Established	Number of Sites
205.05	153.4	29

The established employment land supply is broken down in figure 2 by market area.

Figure 2 Established Employment Land Supply by town (2019) (Figures in hectares)

Town	Gross Established	Net Established	Number of Sites
Elgin	102.13	77.19	11
Elgin	72.5	53.49	6
Lossiemouth	12.8	10.24	1
Mosstodloch	15.34	12.27	3
Lhanbryde	1.49	1.19	1
Forres	57.2	39.18	5
Buckie	34.46	27.61	5
Keith	8.03	6.87	5
Speyside	3.23	2.55	3
Aberlour	0.38	0.3	1
Craigellachie	2.24	1.79	1
Roths	0.61	0.46	1

There have been small decreases in the established supply in Forres, Buckie, Elgin and Speyside. These decreases are due to the completion or occupation of sites including at March Road SE/Rathven Industrial Estate (I3), Grampian Furnishers at Linkwood East (I6), yard space occupied at Waterford (I3), yard space occupied at Back Burn (I1) Rothes and completion of buildings at Findhorn. A windfall site at Thomshill has been removed as planning consent has lapsed.

The established employment land supply has also been broken down by size of site to provide an indication of the range of size of sites available.

*Figure 3 Established Employment Land Supply by site size (2019) (Figures in hectares)*

Site area	Net Established	Number of Sites
0-1ha	3.69	6
ha	31.1	13
>5 ha	118.61	10

### 3.2 Marketable/Effective Employment Land Supply

The marketable and effective employment land supply in 2019 is shown in figure 4. Overall the marketable/effective area has decreased by 0.43 hectares compared to 2018. There has been a reduction of two in the number of effective sites. The decrease is due to construction completed at March Road SE (I3) Buckie, land under construction at Chanonry Elgin (I2), completion of a windfall site at Findhorn, occupation of yard space at Waterford (I3) and occupation of yard space at Rothes Back Burn (I1).

*Figure 4 Marketable/Effective Employment Land Supply (2019)*

Marketable/Effective (Net figure in hectares)	Number of Sites
79.84	15

The marketable/effective employment land supply has been broken down by market area in figure 5. Annual requirements established through historic demand studies, build out rates recorded in previous audits, and from discussions with HIE and Moray Council Estates have been used to provide the estimated number of years supply available. It is considered desirable to have a five year effective supply.

Figure 5 Marketable/Effective Employment Land Supply by market area (2019)

Market Area	Marketable/ Effective (Net figure in hectares)	Number of Sites	Estimated Annual Requirements	Available Supply in years
Elgin	44.89	6	2.8	16 years
Forres	13.48	1	0.8	16.8 years
Buckie	15.41	3	0.8	19 years
Keith	3.81	3	0.4	9.5 years
Speyside	2.25	2	0.4	5.6 years

The level of effective supply in Elgin, Buckie and Keith is currently sufficient. However, the choice of sites is limited across all areas. In Forres whilst there is a good supply of land this is all within Forres Enterprise Park where policy supports higher amenity uses. In Forres there is a severe shortage of general industrial land. There is a shortage of sites in Speyside and finding suitable sites has been an ongoing issue.

### 3.3 Immediately Available

The immediately available employment land supply in 2019 is shown in figure 6. The immediately available supply increased by 21.2 hectares. This is due to the servicing of sites at Barmuckity (I7) and at March Road SE (I3).

Figure 6 Immediately available Employment Land Supply (2019)

Immediately Available (Net figure in hectares)	Number of Sites
39.15	6

### 3.4 Constrained

The established land supply that is subject to constraints is shown in figure 7. The constrained supply has decreased by 1.58 ha. This is due to parts of the land at Linkwood East (I6) becoming effective and removal of a windfall site at Thomshill where consent has lapsed.

Figure 7 Constrained Employment Land Supply (2019)

Constrained Supply (Net figure in hectares)	Number of Sites
72.54	17

The constrained supply can be broken down into the type of constraints identified.

Figure 8 Constrained Employment Land Supply by constraint (2019) (Net figures in hectares)

Note some land may fall under more than one constraint.

Constraint Type	Constrained Supply	Number of Sites
Infrastructure	39.3	9
Ownership	43.65	9
Physical	28.8	7

### 3.5 Take up and Construction

The number and area of proposals completed in the year to 1st January 2019 is shown in figure 9 below. This includes completion or occupation of sites at March Road SE/Rathven Industrial Estate (I3), Grampian Furnishers at Linkwood East (I6), yard space occupied at Waterford (I3), yard space occupied at Back Burn (I1) Rothes) and completion of buildings at Findhorn. This is lower than last year (1.6ha in 2018).

Figure 9 Employment land completed/taken up in year to 1st January 2019

Take up area (Gross figure in hectares)	Number of Sites
1.29	5

The number and area of proposals under construction on the base date of 1st January 2019 is shown in figure 10 below. This is an increase in construction compared to 2.31ha in 2018. The sites under construction include sites at Glen Moary Distillery Elgin, at Waterford Forres (I3), land at Chanonry Elgin (I2), and land at Linkwood East Elgin (I6).

Figure 10 Employment land under construction at 1st January 2019

Under Construction (Gross figure in hectares)	Number of Sites
2.55	4

It is noted that this does not represent all building activity, and only that on designated sites or windfall sites that are not restricted to a single user. Other notable areas of activity primarily relate to expansion proposals of existing businesses, sites in the countryside and expansion of distilleries. For example new bonded warehouses at Glenfarclas, Benromach, Tamdhu and Malcolmburn, and an office and workshop at Drumbain Farm Rothes.

## 4. Conclusion

The Employment Land Audit has been carried out in this format for several years allowing comparison to be made to previous audits.

It is clear that the emphasis on employment land continues to be within the five main settlements with more limited supply in other towns. This reflects the strategy within the Moray Local Development Plan 2015. There continues to be a limited choice of serviced sites across all settlements and this is a particular issue in Forres and Speyside.

Around 47% (72.54 ha) of the Established Supply has some form of constraint that is likely to prevent the land being brought forward in the next five years. This is a comparable to 2018.

Only 49% (39.15.95ha) of the Marketable/Effective Supply is Immediately Available. This is significantly more than 2018 due to the servicing of sites at Barmuckity (I7) and at March Road SE (I3). Historically the amount of immediately available land has been very limited. There continues to be a lack of choice of immediately available sites with only 6 sites being classed in this category. The availability of Immediately Available employment land is a Key Measure in the Moray Economic Strategy.

13 sites in the Established Supply are in the medium size category (1-5ha) with the lowest number of sites (six sites) in the lowest size category 0-1ha. The remaining 10 sites are in the higher category over 5ha. Given the limited number of sites across Moray this is a reasonable distribution of sizes.

In figure 11 below is a summary by market area.

Figure 11 Market Area Summary

<p><b>Elgin (including Lossiemouth and Mosstodloch)</b></p>	<p>Provision of access and servicing is well advanced at Barmuckity (I7) bringing the first phase of the site into the immediately available supply. This site is critical to supply in the Elgin area. There continues to be smaller areas of immediately available land is at Chanonry (I2) and Linkwood East (I6). Much of the land at Chanonry is understood to be under offer and there is limited land available at Linkwood East due to consent for other uses including a drive thru cafe. To the north of Elgin Newfield (I8) is being actively marketed increasing choice of sites across Elgin.</p> <p>Choice of sites is severely restricted in Lossiemouth, only Sunbank OPP1 or windfall opportunities are available. The topography and ground conditions at Sunbank OPP1 are considered to constrain the site.</p> <p>In Mosstodloch sites are identified but these are generally to meet the expansion needs of existing businesses.</p> <p>There are issues with delivery of higher quality business land. Strong demand for industrial buildings. Additional land must be identified in the next Local Development Plan to meet the estimated requirements within the Moray Economic Strategy. Additional land has been identified at Burnside of Birnie and Mosstodloch within the Proposed Local Development Plan.</p>
<p><b>Forres</b></p>	<p>Very small choice of marketable sites given settlement size and population, but reasonable areas for higher amenity uses available at the Enterprise Park. Proportion of immediately available land higher than other settlements largely due to the areas available at the Enterprise Park (BP1). Waterford (I3) now has limited availability with the majority of the land/units now let. Site BP2 to the north of the Enterprise Park is now impacted on by the preferred route of the A96 dualling.</p> <p>Strong demand, particularly for smaller units and need for serviced employment land to allow businesses to develop and relocate from smaller units. Additional industrial land must be identified through the next Local Development Plan. A site to the south of the Enterprise Park has been identified within the Proposed Local Development Plan. Land at Waterford is also identified however this is severely constrained by the preferred route of the A96 dualling.</p>

<b>Buckie</b>	<p>Small choice of marketable sites but reasonable areas available. Servicing of land at March Road SE (I3) to form Rathven Industrial Estate has increased levels of immediately available land. Opportunities at harbour.</p> <p>Given levels of land available the Proposed Local Development Plan identifies a reserve of industrial land on March Road that could be brought forward if need arose.</p>
<b>Keith</b>	<p>Very small choice of marketable sites and limited area. Issues with providing readily accessible employment sites. Demand for smaller units.</p> <p>Additional employment sites identified to the east of Westerton Road within the Proposed Local Development Plan. Opportunities for higher amenity employment uses promoted within a mixed use site to the south of Banff Road.</p>
<b>Speyside</b>	<p>Limited choice of designated sites. In Aberlour, Craigellachie, and Rothes there are only single sites available which are constrained. Need for sites in Speyside for small local businesses. Policies are in place that would consider Rural Business Proposals. Within the Proposed Local Development Plan a new site is identified at Greens of Rothes and at Speyview Aberlour 1 ha of the housing site is identified for employment uses.</p>





## 5. Glossary

### **Constrained Employment Land Supply**

This includes land for example, that has planning difficulties, land subject to ownership difficulties (e.g. multiple ownership/unwilling sellers), land with insufficient infrastructure provision, etc. This category therefore includes much of the land in the Established Employment Land Supply that is not Marketable (see below).

### **Employment Land**

This includes land for general industrial and business/office use, storage and distribution uses, business parks and specialist technology parks including research and development uses. This comprises Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution) of the 1997 Town and Country Planning (Use Classes) (Scotland) Order, but is not exclusive to these uses.

### **Established Employment Land Supply**

This includes all undeveloped land that is allocated for industrial/business/ employment use in the adopted Local Plan or has a valid planning approval for these uses.

### **Gross**

This refers to the total area in (hectares) within the boundary of the site.

### **Immediately Available Land Supply**

This is marketable/effective land that currently has planning permission, is serviced and has no other major constraints to immediate development. This definition is useful in the assessment of whether demand for land is being adequately met.

### **Marketable/Effective Land Supply**

This is land that as well as meeting business requirements, has a secure planning status, can be serviced within 5 years, is accessible by walking, cycling and public transport as defined by SPP. Land that is subject to user restrictions or that is held as 'option land' for existing companies' own expansion cannot be considered to be marketable. Such land is not constrained.

### **Net**

The total area of land excluding roads, landscaping etc. As the physical attributes of a site and surrounding land uses will determine the area suitable for development and the level of landscaping required the net area will vary. For sites that are partially complete, the net area given is the area that is actually available to be developed. For sites that are undeveloped the net area is estimated. This estimate is based on an assumption that on average, 20% of available land will be taken up with roads, landscaping etc. If relevant site information is available, this is taken into account in the estimate.

### **Take-Up**

The take up figure includes all proposals where development has been completed within the particular year.

### **Under Construction**

This is the area of land under construction at the base date. These sites are not yet complete. The area under construction area is not included within the land supply or built totals.



Barmuckity



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/AB/E/003	<b>Town:</b>	ABERLOUR
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	OPP1
<b>Location:</b>	Mary Avenue		
<b>Grid Ref:</b>	327079		843178

## Constraint:

☐ Owner
 ☒ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	0.38	Net Established:	0.3
Constrained:	0.3	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0.16		



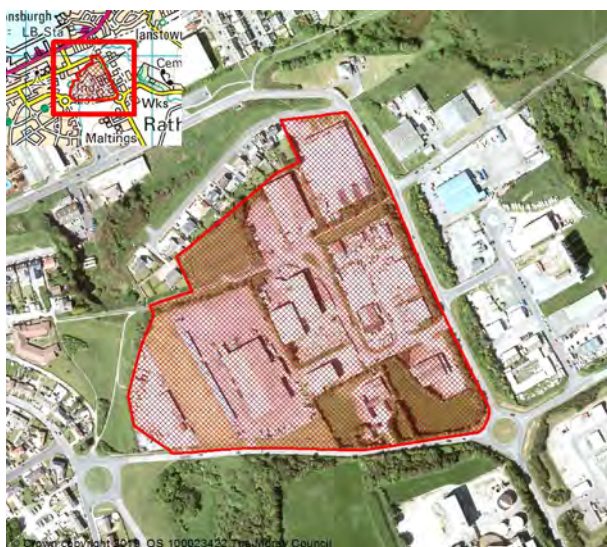
<b>Reference:</b>	M/BC/E/001	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	BP1
<b>Location:</b>	High Street		
<b>Grid Ref:</b>	342942		864437

## Constraint:

☒ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	6.17	Net Established:	4.93
Constrained:	4.93	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/BC/E/002	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I1
<b>Location:</b>	March Road (NW)		
<b>Grid Ref:</b>	343528		865786

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	0.4	Net Established:	0.4
Constrained:	0	Immediately Available:	0.4
Effective:	0.4	Under Construction:	0
Built:	8.25		

# The Moray Council Employment Land Audit 2019



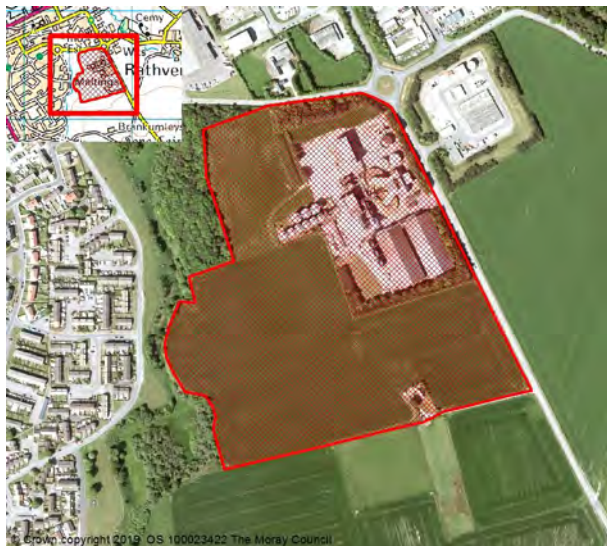
<b>Reference:</b>	M/BC/E/004	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I3
<b>Location:</b>	March Road (SE)		
<b>Grid Ref:</b>	343984	865510	

## Constraint:

☐ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	17.69	Net Established:	14.24
Constrained:	0	Immediately Available:	7.95
Effective:	14.24	Under Construction:	0
Built:	3.14		



<b>Reference:</b>	M/BC/E/005	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I4
<b>Location:</b>	Maltings		
<b>Grid Ref:</b>	343676	865357	

## Constraint:

☒ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	9.43	Net Established:	7.27
Constrained:	7.27	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	5.96		



<b>Reference:</b>	M/BC/E/006	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I6
<b>Location:</b>	The Harbour Area		
<b>Grid Ref:</b>	343086	865957	

## Constraint:

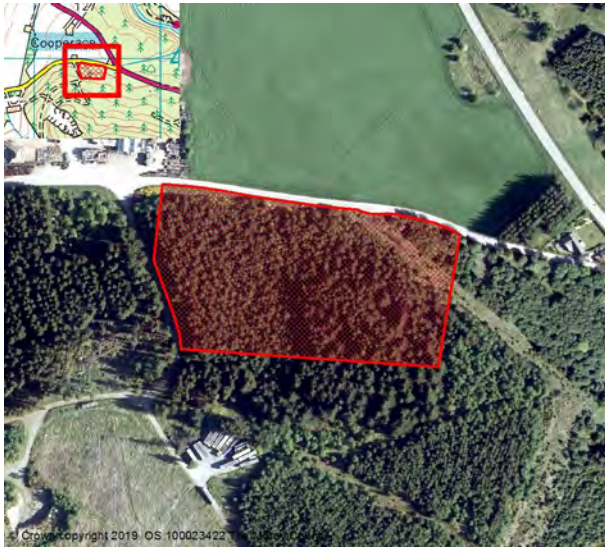
☐ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	0.77	Net Established:	0.77
Constrained:	0	Immediately Available:	0
Effective:	0.77	Under Construction:	0
Built:	20.97		



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/CR/E/002	<b>Town:</b>	CRAIGELLACHIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	
<b>Location:</b>	Bluehill		
<b>Grid Ref:</b>	329445		843890

## Constraint:

☐ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	2.24	Net Established:	1.79
Constrained:	0	Immediately Available:	0
Effective:	1.79	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/EL/E/001	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Part Constrained	<b>LPR:</b>	I7
<b>Location:</b>	Barmuckity		
<b>Grid Ref:</b>	324719		861725

## Constraint:

☐ Owner ☐ Infrastructure ☒ Physical

## Capacity (Ha):

Gross Established:	43.3	Net Established:	27.8
Constrained:	5.78	Immediately Available:	13.17
Effective:	22.1	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/EL/E/002	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	BP/OPP
<b>Location:</b>	Riverview		
<b>Grid Ref:</b>	319633		862782

## Constraint:

☐ Owner ☒ Infrastructure ☒ Physical

## Capacity (Ha):

Gross Established:	4.12	Net Established:	3.3
Constrained:	3.3	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/EL/E/004	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Under Construction	<b>LPR:</b>	I12
<b>Location:</b>	Glen Moray Distillery, Bruceland Ro		
<b>Grid Ref:</b>	319932	862424	

## Constraint:

☒ Owner ☐ Infrastructure ☒ Physical

## Capacity (Ha):

Gross Established:	0	Net Established:	0
Constrained:	0	Immediately Available:	0
Effective:	0	Under Construction:	1.7
Built:	6.1		



<b>Reference:</b>	M/EL/E/008	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Part Constrained	<b>LPR:</b>	I2
<b>Location:</b>	Chanonry Industrial Estate		
<b>Grid Ref:</b>	323161	862960	

## Constraint:

☐ Owner ☒ Infrastructure ☒ Physical

## Capacity (Ha):

Gross Established:	7.76	Net Established:	7.76
Constrained:	5.02	Immediately Available:	2.34
Effective:	2.34	Under Construction:	0.4
Built:	9.16		



<b>Reference:</b>	M/EL/E/012	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Part Constrained	<b>LPR:</b>	I6
<b>Location:</b>	Linkwood East		
<b>Grid Ref:</b>	323707	862498	

## Constraint:

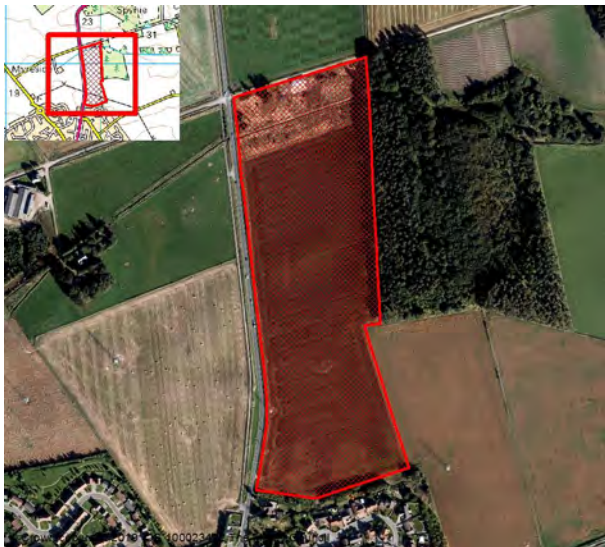
☒ Owner ☐ Infrastructure ☒ Physical

## Capacity (Ha):

Gross Established:	3.91	Net Established:	3.91
Constrained:	1.4	Immediately Available:	1.81
Effective:	1.81	Under Construction:	0.28
Built:	0.67		



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/EL/E/016	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I8
<b>Location:</b>	Newfield		
<b>Grid Ref:</b>	321907	864903	

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	12	Net Established:	9.6
Constrained:	0	Immediately Available:	0
Effective:	9.6	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/FH/E/001	<b>Town:</b>	FINDHORN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	
<b>Location:</b>	The Park Findhorn		
<b>Grid Ref:</b>	304958	863758	

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	0	Net Established:	0
Constrained:	0	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0.34		



<b>Reference:</b>	M/FR/E/001	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Effective	<b>LPR:</b>	BP1
<b>Location:</b>	Forres Enterprise Park		
<b>Grid Ref:</b>	306378	859307	

## Constraint:

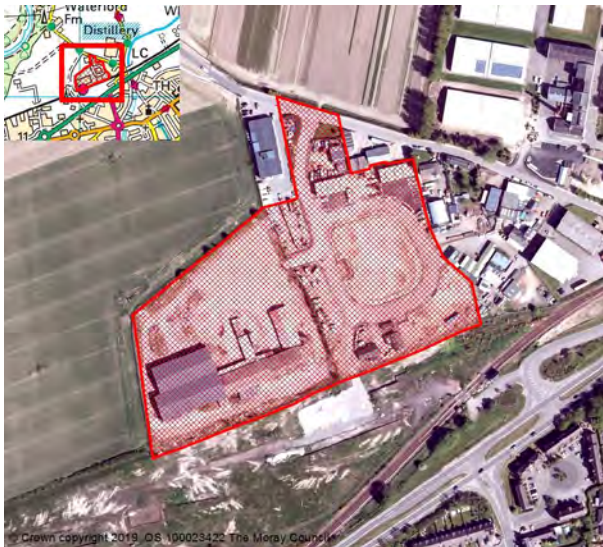
☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	23.34	Net Established:	13.48
Constrained:	0	Immediately Available:	13.48
Effective:	13.48	Under Construction:	0
Built:	17.46		



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/FR/E/004	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I3
<b>Location:</b>	Former Waterford Sawmill		
<b>Grid Ref:</b>	303095	859161	

## Constraint:

☐ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	0	Net Established:	0
Constrained:	0	Immediately Available:	0
Effective:	0	Under Construction:	0.17
Built:	3.22		



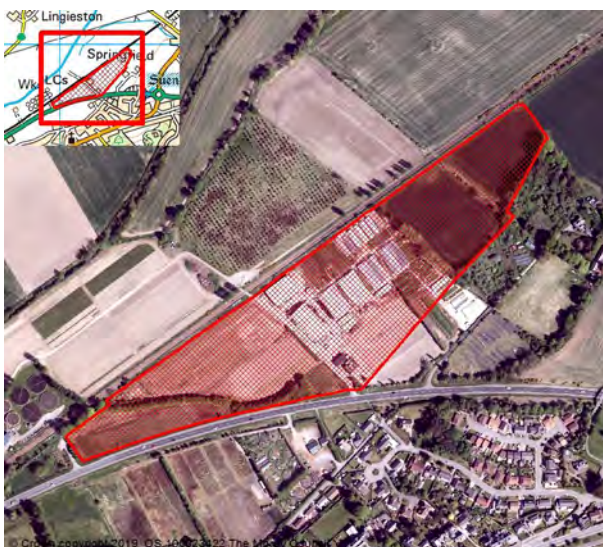
<b>Reference:</b>	M/FR/E/007	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I6
<b>Location:</b>	Railway Marshalling Yard		
<b>Grid Ref:</b>	303013	858979	

## Constraint:

☒ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	0.88	Net Established:	0.88
Constrained:	0.88	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/FR/E/008	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I7
<b>Location:</b>	Springfield West		
<b>Grid Ref:</b>	304276	859688	

## Constraint:

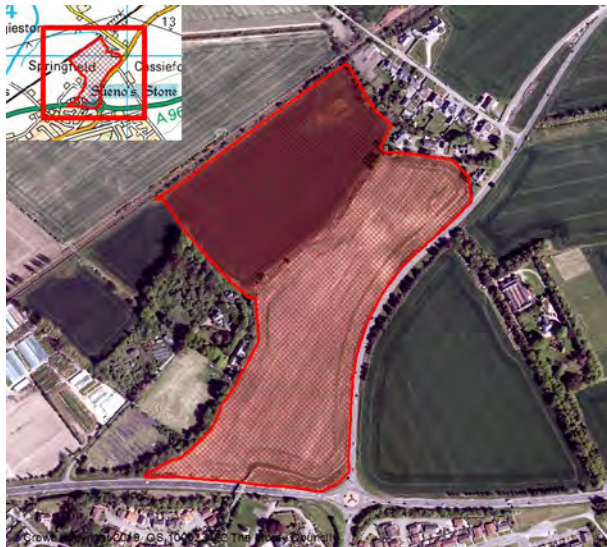
☒ Owner ☒ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	5.65	Net Established:	4.52
Constrained:	4.52	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	3.34		



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/FR/E/010	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I8
<b>Location:</b>	Springfield East		
<b>Grid Ref:</b>	304758	859929	

## Constraint:

☒ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	11.7	Net Established:	9.36
Constrained:	9.36	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



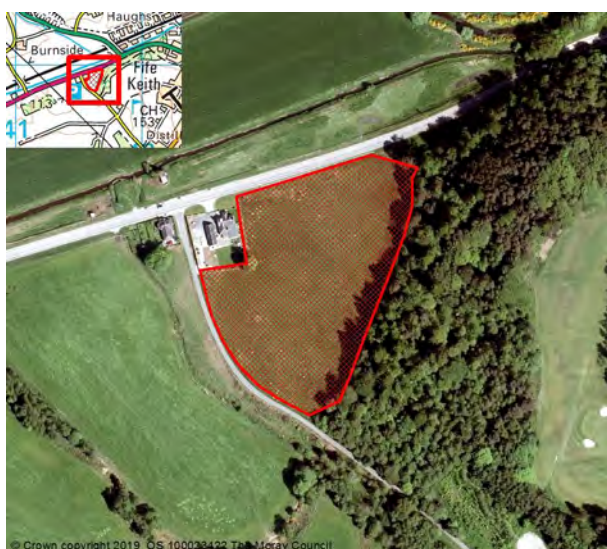
<b>Reference:</b>	M/FR/E/011	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	BP2
<b>Location:</b>	Enterprise Park Forres Extension		
<b>Grid Ref:</b>	306026	859725	

## Constraint:

☒ Owner ☒ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	15.63	Net Established:	10.94
Constrained:	10.94	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/KH/E/001	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	BP1
<b>Location:</b>	Mulben Road		
<b>Grid Ref:</b>	341628	850900	

## Constraint:

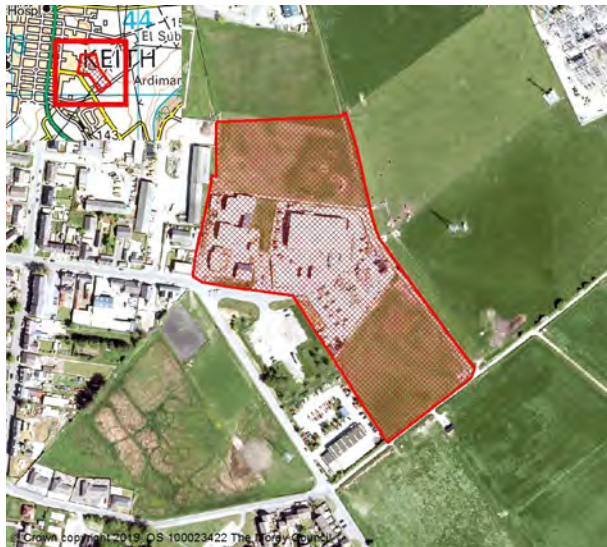
☐ Owner ☒ Infrastructure ☒ Physical

## Capacity (Ha):

Gross Established:	1.52	Net Established:	1.22
Constrained:	1.22	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



# The Moray Council Employment Land Audit 2019



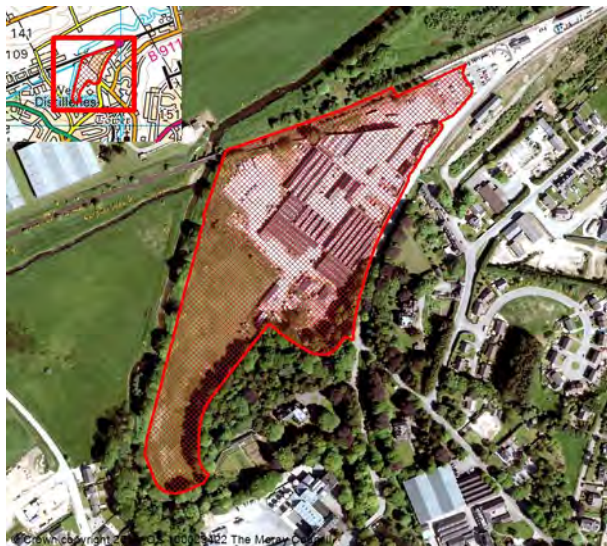
<b>Reference:</b>	M/KH/E/004	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I4
<b>Location:</b>	Bridge Street		
<b>Grid Ref:</b>	343609	850228	

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	2.05	Net Established:	1.64
Constrained:	0	Immediately Available:	0
Effective:	1.64	Under Construction:	0
Built:	1.72		



<b>Reference:</b>	M/KH/E/005	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I7
<b>Location:</b>	Isla Bank Mills		
<b>Grid Ref:</b>	342764	851453	

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☒ Physical

## Capacity (Ha):

Gross Established:	1.84	Net Established:	1.84
Constrained:	1.84	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	4.03		



<b>Reference:</b>	M/KH/E/009	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I3
<b>Location:</b>	Westerton Road		
<b>Grid Ref:</b>	343643	850438	

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	1.62	Net Established:	1.29
Constrained:	0	Immediately Available:	0
Effective:	1.29	Under Construction:	0
Built:	0		



# The Moray Council Employment Land Audit 2019



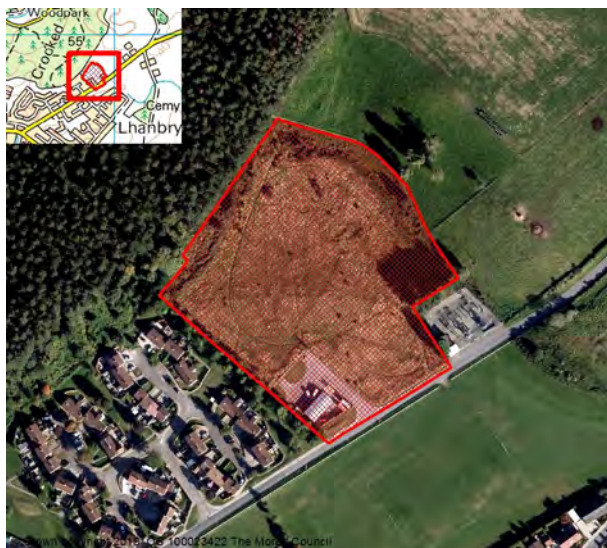
<b>Reference:</b>	M/KH/E/010	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I2
<b>Location:</b>	I2 Extension		
<b>Grid Ref:</b>	343584	850372	

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	1	Net Established:	0.88
Constrained:	0	Immediately Available:	0
Effective:	0.88	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/LH/E/001	<b>Town:</b>	LHANBRYDE
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	OPP1
<b>Location:</b>	Garmouth Road		
<b>Grid Ref:</b>	327839	861693	

## Constraint:

☐ Owner
 ☒ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	1.49	Net Established:	1.19
Constrained:	1.19	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0.91		



<b>Reference:</b>	M/LS/E/007	<b>Town:</b>	LOSSIEMOUTH
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	OPP1
<b>Location:</b>	Sunbank OPP1		
<b>Grid Ref:</b>	323075	869644	

## Constraint:

☐ Owner
 ☒ Infrastructure
 ☒ Physical

## Capacity (Ha):

Gross Established:	12.8	Net Established:	10.24
Constrained:	10.24	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		

# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/MS/E/003	<b>Town:</b>	MOSSTODLOCH
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I5
<b>Location:</b>	Baxters		
<b>Grid Ref:</b>	333948	859705	

## Constraint:

☒ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	2.22	Net Established:	1.78
Constrained:	1.78	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	12.05		



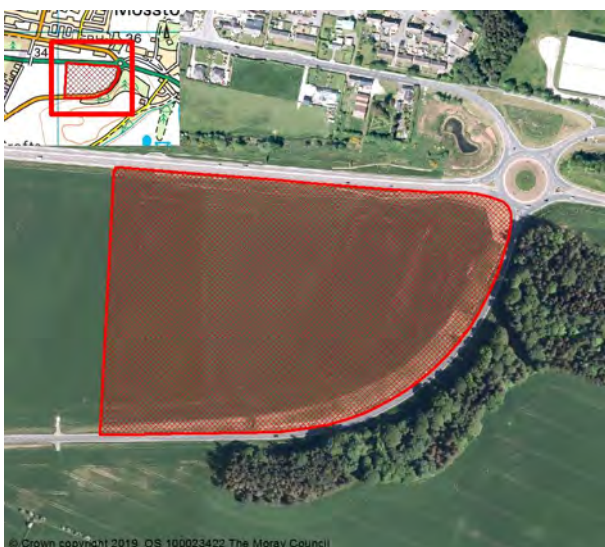
<b>Reference:</b>	M/MS/E/005	<b>Town:</b>	MOSSTODLOCH
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	I2
<b>Location:</b>	North of Baxter's		
<b>Grid Ref:</b>	333613	860016	

## Constraint:

☒ Owner ☒ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	3.22	Net Established:	2.57
Constrained:	2.57	Immediately Available:	0
Effective:	0	Under Construction:	0
Built:	0		



<b>Reference:</b>	M/MS/E/006	<b>Town:</b>	MOSSTODLOCH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I3
<b>Location:</b>	South of A96		
<b>Grid Ref:</b>	333268	859627	

## Constraint:

☐ Owner ☐ Infrastructure ☐ Physical

## Capacity (Ha):

Gross Established:	9.9	Net Established:	7.92
Constrained:	0	Immediately Available:	0
Effective:	7.92	Under Construction:	0
Built:	0		



# The Moray Council Employment Land Audit 2019



<b>Reference:</b>	M/RS/E/001	<b>Town:</b>	ROTHES
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I1
<b>Location:</b>	Back Burn		
<b>Grid Ref:</b>	327876		849746

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	0.61	Net Established:	0.46
Constrained:	0	Immediately Available:	0
Effective:	0.46	Under Construction:	0
Built:	0.12		



<b>Reference:</b>	M/TV/E/001	<b>Town:</b>	Troves
<b>Supply Type:</b>	Effective	<b>LPR:</b>	I1
<b>Location:</b>	Troves Industrial Estate		
<b>Grid Ref:</b>	324974		324974

## Constraint:

☐ Owner
 ☐ Infrastructure
 ☐ Physical

## Capacity (Ha):

Gross Established:	1.41	Net Established:	1.12
Constrained:	0	Immediately Available:	0
Effective:	1.12	Under Construction:	0
Built:	0		






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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
21 MAY 2019**

**SUBJECT: HOUSING LAND AUDIT 2019**

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

## **1. REASON FOR REPORT**

- 1.1 This report summarises the housing land supply situation in Moray and asks the Committee to agree the final version of the Moray Housing Land Audit 2019.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee:**

- (i) **note the housing land supply in Moray; and**
- (ii) **agree the finalised Moray Housing Land Audit 2019 in Appendix 1.**

## **3. BACKGROUND**

- 3.1 Scottish Planning Policy (SPP) requires planning authorities to carry out regular monitoring of housing completions and to programme projected completions to demonstrate the availability of land for housing. The aim is to ensure that an ongoing effective supply of housing land is available. This is achieved through an annual Housing Land Audit prepared in consultation with Homes for Scotland, local developers, landowners and statutory consultees.
- 3.2 The SPP requires Local Development Plans (LDP) to allocate land on a range of sites to meet the housing land requirement up to year 10, providing effective sites in the initial phase for at least 5 years from the date of adoption. The aim is to maintain sufficient effective land for 5 years at all times. Beyond

year 10 and up to year 20, the LDP should provide an indication of the possible scale and location of the housing land requirement.

3.3 The audit has three key functions;-

- To demonstrate the availability of sufficient effective land to meet the strategic housing land requirement for a minimum of 5 years into the future;
- To provide a snapshot of the amount of land available for the construction of houses at any particular time; and
- As an information source for a variety of purposes including school roll forecasts, transport infrastructure provision and health care.

4. **PROPOSALS**

4.1 The information contained in the audit is important to monitor the LDP strategy for housing and the process enables adjustments to be made to address any issues arising. The audit and the Housing Need and Demand Assessment provide the baseline for calculating the housing land requirements set out in local development plans.

4.2 The audit includes three main categories of land supply:-

- Effective- land that can be developed for housing within the period under consideration, which is free from constraints in terms of ownership, physical, contamination, marketability, infrastructure and land use.
- Constrained- land that is considered to be constrained within the period under consideration and the constraint cannot easily be overcome in the short term.
- Established- the total housing land supply (effective added to constrained).

4.3 The draft audit was made available for consultation on the Council website and housebuilders and agents were notified, with comments invited by 12<sup>th</sup> April 2019. Comments were received from Springfield Properties PLC and SEPA. Housebuilders and landowners had been consulted during preparation of the draft audit to provide the most up to date build out projections.

4.4 The introduction section of the final audit is included as **Appendix 1** and the full audit is available on the members' portal. The audit identifies that there is a 23 year established housing land supply (based on an annual housing land requirement identified in the HNDA of 12,387 units. This consists of a 7.8 years effective housing land (4189 units) and 15.2 years constrained housing land (8198) of which 8.8 years supply is designated as LONG (4745 units). New sites identified in the Moray Local Development Plan 2020 will be included in the 2020 audit.

4.5 Completions in 2018 were 312 compared with 382 in 2017, 368 in 2016, 337 in 2015, 311 in 2014, 295 in 2013, 342 in 2012, 418 in 2011 and 431 in 2010. The majority of completions in 2010-2017 were in Elgin, Forres and Buckie.

4.6 While the overall effective supply of housing land is very good and continues to meet the requirements of SPP, the projected house completions reflect the



low supply of new housing in Keith and Speyside. However, a site at Banff Road, Keith and a site at Speyview, Aberlour are subject to current planning applications.

- 4.7 To address any shortfalls in supply, the Moray LDP 2015 contains a number of LONG term housing sites, which are embargoed from development within the period of the LDP unless specific triggers for their release are met. The triggers were agreed at the meeting of this Committee on 24 June 2015 (para 4 of minute refers).
- 4.8 The agreed triggers are set out in **Appendix 1**. If triggers 1, 2 or 3 are met then a recommendation would be made for a release of LONG term housing land, if considered appropriate. No release of LONG land is proposed at this time as the additional housing land requirements for the LDP2020 have been addressed through the Moray Local Development Plan 2020- Proposed Plan which was agreed as the “settled view” of the Council at a special meeting of this Committee on 18<sup>th</sup> December 2018 (para 5 of the Minute refers).
- 4.9 One of the key aims identified in the Moray Economic Strategy and the LDP is to encourage population growth. A key aspect of achieving this is to ensure an appropriate and effective supply of housing land is available. The audit demonstrates that the LONG term approach taken in the Moray LDP 2015 has and will continue to ensure that Moray maintains a good overall supply of effective housing land in compliance with SPP requirements.

## **5. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The annual Housing Land Audit is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring an effective supply of housing land and taking a longer term approach supports economic growth, delivers much needed housing, notably affordable housing and allows for longer term planning for community services and infrastructure including education and health facilities.

### **(b) Policy and Legal**

The preparation of an annual Housing Land Audit is a key requirement of SPP to monitor the effectiveness of the Moray LDP and ensure an effective supply of housing land is maintained.

### **(c) Financial implications**

None.

### **(d) Risk Implications**

None.

### **(e) Staffing Implications**

Preparation of an annual housing land audit is part of the workload of the Planning and Development section.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

An Equalities Impact Assessment is not required as the purpose of the report is to inform Elected Members of the outcome of the Housing Land Audit.

**(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 Educational Resources Manager, the acting Head of Housing and Property and Lissa Rowan (Committee Services Officer) have been consulted and their comments incorporated into the report.

**5. CONCLUSION**

- 5.1 SPP requires planning authorities to carry out an annual Housing Land Audit to ensure there is a 5 year effective housing land supply available at all times.**
- 5.2 The Moray LDP 2015 identifies housing designations under policies H1 and H2 to meet housing land requirements.**
- 5.3 The Housing Land Audit 2017 identifies that there is a 7.8 year effective supply of housing land with a total 23 year established land supply.**
- 5.4 Triggers to control the release of LONG term sites under the terms of Policy H2 have been agreed. An assessment of LONG term sites against these triggers has concluded that there is no need to release additional LONG term sites through the audit to meet the minimum housing land requirements of SPP.**

Author of Report: Gary Templeton, Principal Planning Officer

Background Papers:

Ref:

April 2019

# Moray Housing Land Audit



**moray**  
council





## Moray towns and Local Housing Market Areas (LHMA)



For further information, please contact:

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## Preface

This schedule of housing land is produced by the Moray Council in consultation with local housebuilders and landowners. While every effort has been made to ensure that the information in the audit is accurate and complete, the attention of the user is drawn to the following points:

- The introduction contains advice on the interpretation and analysis of the statistics and this should be carefully studied, to avoid possible misrepresentation.
- The information on housing is presented comprehensively for sites of 4 or more houses, only aggregated annual totals of past completions are given for smaller sites and individual houses.
- Development Plans, Capital Programmes and commitment levels are continually being updated and should be checked with the appropriate source to obtain the current position.

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# 1 Purpose of Audit

- 1.1 This audit provides details of Moray's housing land supply as at January 2019. The audit explains the different classifications of land within the overall supply and compares supply with the housing land requirement identified through the Housing Need and Demand Assessment.
- 1.2 The audit also examines past and future predicted trends in housing land supply and identifies any action required to address issues arising.
- 1.3 The audit has been produced using the guidance set out in Scottish Planning Policy, Planning Advice Note 2/2010 and Homes for Scotland Advice Note on Housing Land Audits.
- 1.4 Scottish Planning Policy 2014 requires planning authorities to ensure;
  - Local development plans set out the housing supply target (separated into affordable and market sectors) and the housing land requirement for each housing market area up to year 10 from the expected year of adoption.
  - Allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full.
  - Provide a minimum of 5 years effective land supply at all times.
  - Indicate the possible scale and location of the housing land requirement beyond year 10 and up to year 20.

# 2 Preparation of Audit

- 2.1 The audit has been prepared by The Moray Council using details of all relevant development sites within the Moray Local Development Plan 2015 and other (windfall) sites with planning consent for residential use. New sites identified in the emerging Proposed Plan will be included in the 2020 Audit.
- 2.2 Completions have been recorded through contact with housebuilders and analysis of building warrant completion certificates. Constraints have been identified through the local development plan process and through discussion with statutory consultees.
- 2.3 Details of sites with a capacity of 4 or more houses are recorded and an assessment made of potential future development rates, informed by landowners and developers. This takes account of planning status, infrastructure constraints, building capacity, market demand and financial plans.

## 3 Land Supply Definitions

3.1 There are three categories of land identified within the audit.

### 3.2 **Established Housing Land Supply**

3.2.1 This is the total housing land supply, calculated by adding the effective and constrained land together. This includes sites under construction, sites with planning consent and other sites agreed as having potential for development.

### 3.3 **Effective Housing Land Supply**

3.3.1 This is the housing land supply that is expected to be free from development constraints and available for construction of housing. Most sites with planning consent for residential development and/or identified within the Moray Local Development Plan 2015 fall into this category where the site is free of the following constraint:-

- Ownership
- Physical
- Contamination
- Deficit funding
- Marketability
- Infrastructure
- Land

### 3.4 **Constrained Housing Land Supply**

3.4.1 This consists of sites which at the time of the audit were not assessed as being effective. The principal reason for the site being constrained is identified in the schedules. The identified constraint is considered to be significant and may not be resolved within the “effective” land supply period. This also includes “LONG” designations, which are constrained under the terms of Policy H2 of the Local Development Plan.



## 4 Established Land Supply

4.1 The established land supply for the Moray Local Development Plan is shown in Table 1 below.

	2015	2016	2017	2018	2019
<b>Moray</b>	<b>6,421</b>	<b>13,090</b>	<b>13,112</b>	<b>12,848</b>	<b>12,387</b>

*Table 1: Established Land Supply*

4.2 The established land supply in 2019 has a capacity of 12,387 units. This reflects the new Local Development Plan being adopted in July 2015 introducing a series of new sites which now form part of the established land supply. This includes extensive areas of LONG term land.



## 5 Constrained Land Supply

5.1 The constrained land supply is shown in Table 2.

	2015	2016	2017	2018	2019
<b>Moray</b>	<b>3,947</b>	<b>10,384</b>	<b>8,318</b>	<b>9,210</b>	<b>8,198</b>

Table 2: Constrained Land Supply

5.2 A total of 8,198 units are constrained in 2019. Table 3 below summarises the constrained sites and the nature of the constraint. The table shows that the majority of these sites are constrained through programming either as "LONG" designations or programmed as unlikely to be built within the 5 year effective period. LONG sites can only be considered effective when the required triggers for release of LONG sites have been met and the site is free of the constraints listed in paragraph 3.3.1.

5.3 Sites with a capacity of 1,560 units are considered to be effective "5 year +", which means that they will be built out beyond the 5 year period and are otherwise free of constraints.

Constraint	No. of units	No. of sites
Deficit Funding	24	1
Effective 5yr+	1,560	6
Marketability	1,109	44
Ownership	122	6
Physical	276	13
Programming	362	5
LONG	4,745	11
<b>Total</b>	<b>8,198</b>	<b>86</b>

Table 3: Analysis of Constraints

## 6 Effective Land Supply

6.1 The five year effective land supply for the Moray Local Development Plan area is shown in Table 4.

	2015	2016	2017	2018	2019
Moray	2,474	2,706	4,094	3,638	4,189

Table 4: Effective Housing Land Supply

6.2 The effective housing land supply has a capacity of 4,189 units. A site at Elgin South for the proposed Moray Sports Centre, Linkwood Primary School and approximately 150 units was released through the 2016 audit and sites at Bilbohall have also come forward from the constrained supply to the effective supply. This figure is further supplemented by the effective 5yr+ figure of 1,560 units, which are constrained only by market conditions and the ability of developers to build sites out quicker.

## 7 Rest of Moray

7.1 In the Rest of Moray there are a number of consents granted for sites with a capacity of 4 units and over, which cumulatively make a significant contribution to the housing land supply. New consents and completions are monitored and added to the schedules as part of the audit. The contribution from small sites and the role of sites in rural communities was discussed and agreed with Homes for Scotland as part of the 2009 audit. However, the agreed figure of 50 units has been increased to 65 to reflect the scale of rural development in Moray. A figure of 65 units is included for completions in 2019 and future years.



## 8 Windfall sites

- 8.1 A windfall site is a site not specifically allocated for development in the Local Development Plan but which becomes available for development or is granted planning permission during the lifetime of the Plan.
- 8.2 The contribution of windfall sites to the number of units completed and projected to be complete will be monitored. Windfall completions can make a significant contribution to the land supply.

	2013	2014	2015	2016	2017	2018
<b>Windfall completions</b>	25	13	63	42	56	38

Table 5a: Windfall sites

	2019	2020	2021	2022	2023
<b>Projected windfalls</b>	39	29	0	48	0

Table 5b: Projected windfall

## 9 Completions

- 9.1 Table 7 identifies previous completion rates, which all fall significantly below the 2011 Housing Need and Demand Assessment's annual requirement of 538 units.

	2014	2015	2016	2017	2018
<b>Moray</b>	309	337	334	382*	312

2017\* note revised completion figure from figure published in 2018 Audit.

Table 6: Completions

- 9.2 Table 7 identifies projected completion rates for the five year effective housing land period. These are largely based upon returns from housebuilders and landowners and were subject to further refinement during the consultation period on the draft housing land audit.

	2019	2020	2021	2022	2023
<b>Moray</b>	304	472	577	575	400

Table 7: Projected Completion Rates



## 10 Housing Land Requirement & Effective Housing Land Supply

- 10.1 The Council's Housing Need and Demand Assessment 2011 identifies a requirement for 538 units per annum for the period 2012-2024. This includes an element of flexibility and provided a baseline to which further generosity was added to derive the final housing land requirement for the Local Development Plan. This is significantly higher than the figure used for the Moray Structure Plan 2007 of 380 units per annum and significantly higher than recent completion rates in Moray.
- 10.2 Using the HNDA 2011 figure the five year requirement is therefore  $538 \times 5 = 2690$  units. ***These figures will be replaced in the 2020 Audit with the HNDA 2017 figures and housing supply targets set out in the emerging new Local Development Plan.***

	Housing Land Supply	No. of years supply
Established	12,387	23.0
Effective	4,189	7.8
Constrained	8,198	15.2

Table 8: Land supply/ No. of years supply

- 10.3 This can be broken down further by Local Housing Market Area.

LHMA	5yr requirement	Effective land supply	Projected Completions 2018 - 22
Buckie	410	284	227
Elgin	1,200	2,875	1,257
Forres	575	694	552
Keith	255	159	159
Speyside	240	177	133
<b>Total</b>	<b>2,690</b>	<b>4,189</b>	<b>2,328</b>

*Table 9: Land supply by Local Housing Market Area*

10.4 Table 9 highlights that the effective supply identified in the housing land audit meets the 5 yr requirement for Elgin and Forres LHMA's. Shortfalls in Buckie, Keith and Speyside are being addressed through the new Local Development Plan and Delivery Programme.

10.5 The audit totals of effective, constrained and established housing land supply are set out in Table 10 below.

	2015	2016	2017	2018	2019
<b>Effective</b>	<b>2,474</b>	<b>2,706</b>	<b>4,794</b>	<b>3,638</b>	<b>4,189</b>
<b>Constrained</b>	<b>3,947</b>	<b>10,384</b>	<b>8,318</b>	<b>9,210</b>	<b>8,198</b>
<b>Established</b>	<b>6,421</b>	<b>13,090</b>	<b>13,112</b>	<b>12,848</b>	<b>12,387</b>

*Table 10: Moray Housing Land Supply 2019*



## 11 Long term housing designations

11.1 Long term designations have been identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/ mitigation. The Council will evaluate the need for early release of long term housing land through the annual housing land audit process and monitoring report. The release of LONG term designations is controlled through Policy H2 of the Local Development Plan and a Technical Note approved by the Council's Planning and Regulatory Services Committee on 24th June 2015. The triggers are;

- \* A shortfall in the 5 year effective land supply is identified in the annual Housing Land Audit which cannot be met by:
  - 1) Windfall provision assuming previous trends
  - 2) Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.

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

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscape setting can be secured.
- The site is demonstrated to be effective within the next five years.
- Where the release of LONG term land is required to deliver key objectives of the Council and its Community Planning partners.

In operating the triggers for release of LONG term land when a shortfall in the 5 year effective land supply in the primary or secondary centres is identified in the annual Housing Land Audit, the Council will consider whether;

- a) the shortfall is considered to be significant
- b) whether the shortfall is likely to be met through windfall provision based on previous trends
- c) whether constrained sites are likely to become available for development to meet the shortfall and whether sites are constrained only through programming
- d) whether the shortfall compromises the ability to meet the housing land requirements set out in Policy H1 of the Local Plan.

If the shortfall is significant and unlikely to be overcome in the short term then an appropriate release of LONG term land will be recommended to meet the shortfall.

TOWN	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
ABERLOUR						0	0	18	20	12	12	160
ALVES												250
ARCHIESTOWN	1						0	0				35
BUCKIE	55	65	41	46	31	13	51	41	26	26	18	457
BURGHEAD	5	4	4	4			0			10	10	92
CRAIGELLACHIE								0	0			42
CULLEN	6											85
CUMMINGSTON			1	0	0	0	1	1	1			
DALLAS												14
DUFFTOWN	0	0	10	16	0	0	0	0	6			141
DYKE				0			0	2	2	2	2	9
ELGIN	101	92	177	204	187	143	97	139	208	240	198	6035
FINDHORN	31	0	0	0	17	3	4	2				
FINDOCHTY												55
FOCHABERS		4	8	4	3	24	9	9	15	10	10	169
FORRES	32	83	29	13	63	59	42	89	102	123	62	1329
GARMOUTH/KINGSTON												10
HOPEMAN							16	11	10	10		50
KEITH	3	7	3	22	25	4	1	35	36	22		396
KINLOSS	0	0	0		0	0	1	3	6	3	3	34
LHANBRYDE									25	25		15
LOSSIEMOUTH	10	6	14	9	6	16	17	27	26	27	20	219
MOSSTODLOCH		0	0	0				30	29			60
NEWMILL												10
PORTGORDON	1											95
PORTKNOCKIE												50
RAFFORD												10
REMAINDER OF MORAY	50	50	50	50	50	50	65	65	65	65	65	65
ROTHES												120
ROTHIEMAY												27
URQUHART												25
	295	311	337	368	382	312	304	472	577	575	400	10,059



The amount of land to be released will be dependent upon an assessment of what other sites will become effective to ensure a continuous five year effective housing land supply.

A shortfall of effective housing land in one of the five main towns should be met through a LONG term release in the same town.

Where a decision is made to release LONG term land and there is more than one LONG term site in that settlement, an assessment will be made as to which site is considered the most suitable based on considerations such as infrastructure, landscaping, settlement pattern and effectiveness.

Outwith the five main towns, LONG term sites will only be considered for early release where the residential land designations are clearly demonstrated to be constrained for the entire plan period and that constraint cannot be overcome.

A summary assessment of the triggers against each LONG term site will be presented to the Council's Planning and Regulatory Services Committee with a recommendation as to whether there is any need to release LONG term land. This will be based upon further discussion with Homes for Scotland and other consultees during the consultation period after which the table below will be completed.

Settlement	Site	Comment/ Triggers	Recommendation
Aberlour	Braes of Allachie	Effective land supply of 106 units, projected 5 year completions 62 units.	No need to release.
Alves	Alves North	0 effective land supply.	No need to release.
Elgin	North East	Effective land supply of 2197 units, projected 5 year completions 882.	No need to release.
Elgin	South	Effective land supply of 2197 units, projected 5 year completions 882.	150 units already released, phase 1 application under consideration. No need to release.
Fochabers	Ordiquish Road East	Effective land supply of 72 units, projected 5 year completions 53 units.	No need to release.
Forres	Lochyhill	Effective land supply of 591 units, projected 5 year completions 418 units.	No need to release.
Forres	Dallas Dhu	Effective land supply of 591 units, projected 5 year completions 418 units.	No need to release.
Forres	West Park Croft	Effective land supply of 591 units, projected 5 year completions 418 units.	No need to release.
Hopeman	Manse Road	Effective land supply of 47 units, projected 5 year completions 47 units.	No need to release.

Settlement	Site	Comment/ Triggers	Recommendation
Keith	Edindiach Road	Effective land supply of 94 units, projected 5 year completions 94 units.	No need to release.
Urquhart	Meft Road	Effective land supply of 0 units.	No current interest from developers.
Urquhart	Station Road	Effective land supply of 0 units.	No current interest from developers.

Table 11: LONG term sites

Buckie	M/BC/R/038 Former Jones Shipyard	Deleted record- remove as a housing site
Burghead	M/BH/R/006 Granary North Quay	All constrained, previously part constrained with 6 effective units.
Burghead	M/BH/R/04 Clarkly Hill	Pushed programming back, starting 2022.
Elgin	M/EL/R/15/12 Knockmasting wood	Pushed programming back, starting 2022.
Elgin	M/EL/R/15/14 Lesmurdie Fields	Changed to effective, starting 2021
Elgin	M/EL/R/07/05 Bilbohall South and CF2	Changed programming, lowered completions within effective period.
Elgin	M/EL/R/07/06 South West of Elgin High	Pushed programming back, starting 2023.
Forres	M/FR/R/07/04 Lochyhill	Pushed programming back starting 2022.
Forres	M/FR/R/07/08 Mannachy	Pushed programming back starting 2021.
Keith	M/KH/R/035 Caravan park, Dunnyduff Road	Moved to Constrained 2024 onwards
Keith	M/KH/R/015 Edindiach Road/ Balloch Road	Move to constrained 2024 onwards.
Lhanbryde	M/LH/R/07/01 West of St Andrews Road	Moved from constrained to effective, starting completions in 2021, 2023 pause to reflect private/ affordable programme.

The following definitions and classification in the schedules apply:

### Housing Sites - SITE DETAILS GLOSSARY

<b>Site Ref</b>	Area/Settlement or Parish/Residential/Sequential Reference Number.
<b>Location</b>	Address of Site.
<b>Owner</b>	Current owner of the site.
<b>Developer</b>	Agency responsible for the development and management of the site and not necessarily to the actual construction company.
<b>Tenure</b>	Five tenure types are specified:- HA - Housing Association for rent LA - Local Authority PRIV - Private MOD - Ministry of Defence Other - Other tenure, i.e. housing association shared ownership or low cost home ownership and joint venture between a local authority and a private developer.
<b>Area</b>	Site areas are quoted in hectares and represent the gross area of the site.
<b>Units</b>	The capacity of sites is expressed as a number of house units. For sites where no detailed housing layout has yet been prepared and no density has been specified, then an estimate has been made.
<b>Serviced</b>	Indicates the number of housing units which are serviced.
<b>Not built</b>	Total number of house units on the site which have not yet been built at the date of the update.
<b>Effective</b>	Currently effective (EFF) or constrained (CON)
<b>LPR</b>	Local Plan Site Reference
<b>Land Use</b>	Categorises the main existing or former use of a site before it is re-zoned or developed. The land use categories used are:-  AGR 1-7      Agricultural Land by Class (1, 2 & 3. 1 = prime) AG BLDG      Agricultural Building WOOD      Woodlands (may also be grazed) HORT      Allotments and nurseries PRIV/PUB OS      Privately or publicly owned open space (e.g. Grounds of a large house or hospital)  RESID      Residential COMM      Commercial EDUC      Educational RAIL      Railway MOD      Ministry of Defence PUB BLD      Public Building UNUSED      Derelict, Vacant, Backland etc. COMMTY      Community IND      Industry
<b>Greenfield/ Brownfield</b>	Describes whether the site is within an urban area or previously developed (brownfield) or outwith the urban area and not previously developed (greenfield).

## APPLICATION DETAILS

<b>Applic Ref</b>	Reference number of planning applications relating to the development of the site. Note where applications are made for individual plots within a site, these have been grouped together under the Application Reference 'Individs' with no decision date given.
<b>Units</b>	Number of units relating to each planning application.
<b>Type</b>	Describes the type of permission application:- OUT      Application for Outline Planning Permission DET      Application for Full Permission or Permission of Reserved Matters
<b>Decision</b>	Details of decision on the application. Apart from self explanatory terms – Approved, Refused, Withdrawn, Expired, Pending, it has been necessary to indicate the latest classified either as 'Superseded' or 'Duplicate'.
<b>Dec. Date</b>	Date of final decision on the application.

## COMPLETION DETAILS

<b>Built</b>	Take up rates (in house units) for the previous 5 years are listed on an annual basis and assessments of subsequent completions are also listed annually for the next 5 years.
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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 21 MAY, 2019**

**SUBJECT: CONFIRMATION OF STOPPING-UP OF SECTION OF U123E MOSS OF BARMUCKITY ROAD, ELGIN**

**BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES**

## **1. REASON FOR REPORT**

- 1.1 The Committee is asked to confirm, as an unopposed Order, "The Moray Council (Section of U123E Moss of Barmuckity Road - Stopping-Up) Order 2018."
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to the functions of the Council as Planning Authority.

## **2. RECOMMENDATION**

- 2.1 **The Committee is asked to confirm as an unopposed Order, "The Moray Council (Section of U123E Moss of Barmuckity Road - Stopping-Up) Order 2018" and instruct the Head of Legal and Democratic Services to make the Order.**

## **3. BACKGROUND**

- 3.1 Planning permission was granted on 14 July 2011 under delegated powers, to form a road layout and access for a Business Park at BP1 Barmuckity, Elgin, Moray (Planning consent reference 09/00883/FUL). Access to the new Business Park, Barmuckity Farm and Barmuckity Farm Cottages will be taken from a new 4 arm roundabout to be constructed on the A96 Trunk Road approximately 340 metres south east of the U123E Moss of Barmuckity Road. A Stopping-Up Order is required bringing to an end all rights subsisting in the existing junction of the A96 Trunk Road/U123E Moss of Barmuckity Road which will be closed off, except to emergency vehicles. The section of road which is affected by the Order, is more particularly detailed on the plan shown as **Appendix 1** to this Report.
- 3.2 In terms of the procedure under the relevant Act, the proposed Stopping-Up Order was advertised in the appropriate publications on 3<sup>rd</sup> August, 2018 and relevant notices were served on statutory undertakers. One objection was received from Atkins Global/Vodafone during that period relating to apparatus

lying within the area covered by the Order. The information was passed to the developer to ensure that the infrastructure will not be affected by the Stopping-Up of the section of road at the locations identified and the objection has been withdrawn.

- 3.3 In terms of Section 207 and Schedule 16 of the Town and Country Planning (Scotland) Act 1997, as amended, the Planning Authority may confirm the Stopping-Up Order themselves without submitting the Order to the Scottish Government if there are no unresolved objections at the end of the statutory period. The observation referred to in para 3.2 above has been considered and addressed and there are no outstanding issues from the consultation process.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

This report assists with the aim of having a growing and diverse economy in terms of the provision of infrastructure .

**(b) Policy and Legal**

The Stopping-Up of the section of road is required to ensure proper implementation of the Planning Consent which has been granted. The proposal complies with the Town and Country Planning (Scotland) Act 1997 as amended.

**(c) Financial Implications**

The costs involved in promoting and making the Order and implementing the works will be met in full by the developer as agreed by the Council and the developer.

**(d) Risk Implications**

Failure to complete the statutory process to stop-up the section of U123E Moss of Barmuckity Road, Elgin will lead to the Planning Consent which has previously been granted not being suitably implemented with related risks in respect of transport and infrastructure.

**(e) Staffing Implications**

There are no specific staffing implications arising from the proposal.

**(f) Property**

There are no specific property implications arising from the proposal.

**(g) Equalities/Socio Economic Impact**

There are no issues in this case.

**(h) Consultations**

The Transportation Manager, Richard Adam (Network Asset Engineer - Environmental Services), Iain Robertson (Senior Technician – Environmental Services) , Richard Smith, (Principal Planning Officer –

Development Management) and Lissa Rowan (Committee Services Officer) have been consulted and any comment incorporated into the report.

Colin Matheson Traffic Sergeant, Police Scotland has been consulted and is in agreement with the report.

Further consultation will be carried out through newspaper advertisement which will finalise the advertising process.

The relevant Ward Members have been consulted and any views they may have can be made known at the meeting.

## **5. CONCLUSION**

**The Committee is asked to consider the recommendations set out in Section 2 of the Report and confirm, as an unopposed Order, “The Moray Council (Section of U123E Moss of Barmuckity Road - Stopping-Up) Order 2018.”**

Author of Report: Emma Dawson, Paralegal (Property and Contracts)

Background Papers: (a) Planning Consent in respect of Application  
09/00883/FUL

Ref: EDOC-229-6644





A3

9.6m

Item 9

Shelters

A96

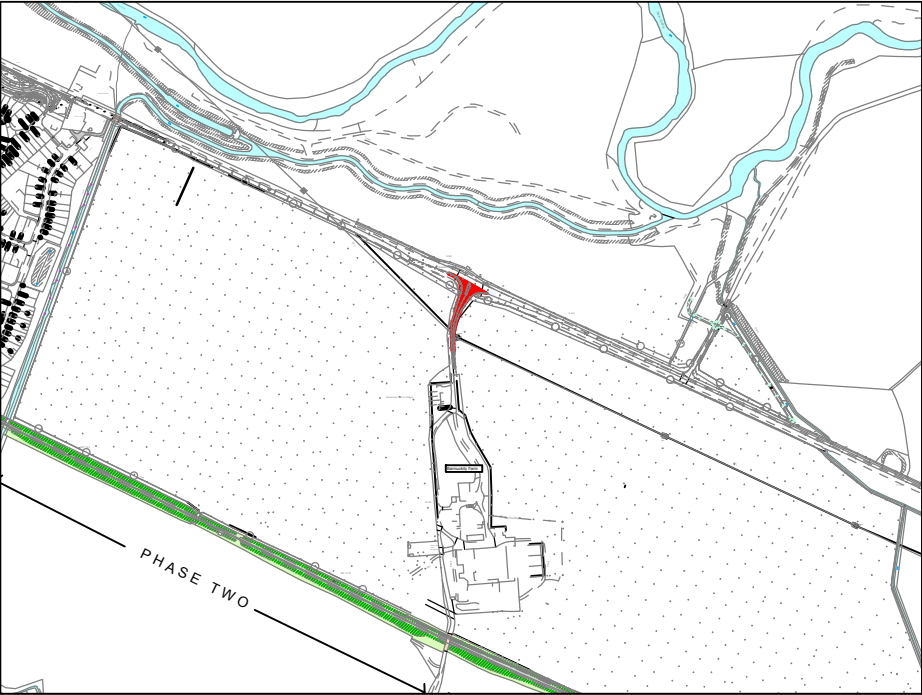
Land in ownership of Elgin Business Park Limited

Denotes area of road to be stopped up

Land in ownership of Elgin Business Park Limited

Electricity Pylon

Proposed Road



Location Plan 1:10000

**Important notes for clients / contractors**  
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. "DO NOT SCALE". The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.

Rev	Date	Remarks	By	Ch.
B	30.05.18	Hatching Amended.	PD	
A	28.02.18	Location Plan added to drawing.	PD	

Springfield Properties Plc

<b>Elgin Office</b> Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, IV30 6GR  Tel: 01343 552 550 Fax: 01343 551 776 Email: info@springfield.co.uk	<b>Larbert Office</b> Springfield House, 3 Central Park Avenue, Larbert, FK5 4RX  Tel: 01324 555 536 Fax: 01324 574 890 Email: larbert@springfield.co.uk
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STOPPING UP ORDER

Project ELGIN BUSINESS PARK BARMUCKITY FARM ELGIN			
Drawing STOPPING UP ACCESS TO BARMUCKITY COTTAGES			
Scale 1:500	Date 12.12.17	Drawn by PD	Checked by BM
Drawing no. BBPE_E_115			Rev B

