



## **Planning and Regulatory Services Committee**

Monday, 04 April 2022

**NOTICE IS HEREBY GIVEN** that a Special Meeting of the **Planning and Regulatory Services Committee** is to be held at **Various Locations via Video-Conference**, on **Monday, 04 April 2022 at 14:00**.

### **BUSINESS**

1 **Sederunt**

2 **Declaration of Group Decisions and Members Interests \***

3 **Resolution**

Consider, and if so decide, adopt the following resolution:  
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 10 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

**Guidance Note**

**7 - 8**

4 **Planning Application 22/00064/APP**

**9 - 68**

Report by Appointed Officer

Section 42 application to vary conditions 8, 13 and 25 of 19/00460/APP to reflect updated drainage layout at Maverston Urquhart Elgin Moray for Maverston LLP

5 **Planning Application 20/01803/APP**

**69 -  
130**

Report by Appointed Officer

Proposed café at West Beach Caravan Park, Harbour Street, Hopeman, Elgin

- |   |  |                             |
|---|--|-----------------------------|
| 6 | <p><b>Planning Application 21/01670/APP</b></p> <p>Report by Appointed Officer</p> <p>Amend road layout add new informal footpath and new house types on Plots 40 41 and 44 Phase 2 at Inchbroom Development Lossiemouth Moray for Tulloch Of Cummingston Ltd</p>  | <p><b>131 -<br/>182</b></p> |
| 7 | <p><b>Planning Application 21/00961/AMC</b></p> <p>Report by Appointed Officer</p> <p>Approval of Matters specified in conditions 1 -19, 23, 25-58 &amp; 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570 sq m flexible retail/commercial floor space (potential Class 1, 2, 3, &amp; 10) including affordable housing with landscaping, parking, access and associated works within part of Area 1 at Site R11 Findrassie/Myreside And I8 Newfield Elgin Moray for Barratt North Scotland</p> | <p><b>183 -<br/>290</b></p> |
| 8 | <p><b>22/00287/PAN</b></p> <p>Report by Depute Chief Executive (Economy, Environment and Finance)</p> <p>Residential Development and Associated Infrastructure at R2 Speyview, Aberlour</p>  | <p><b>291 -<br/>298</b></p> |
| 9 | <p><b>Moray Retail Study</b></p> <p>Report by Depute Chief Executive (Economy, Environment and Finance)</p>  | <p><b>299 -<br/>482</b></p> |

**Item(s) which the Committee may wish to consider with the Press and Public excluded**

- 10 **Unauthorised Work to a Listed Buidling in Keith**
- Information relating to instructions to counsel any opinion of counsel and any advice received, information obtained or action to be taken in connection with any legal proceedings;
- Summary of Planning and Regulatory Services**
- Committee functions:**
- Town and Country Planning; Building Standards; Environmental Health; Trading Standards; Weights & Measures, Tree Preservation Orders, and Contaminated Land issues.

**Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:**  
**[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)**  
**to watch the meeting live.**

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



# THE MORAY COUNCIL

## Planning and Regulatory Services Committee

### SEDERUNT

Councillor David Bremner (Chair)  
Councillor Aaron McLean (Depute Chair)

Councillor Frank Brown (Member)  
Councillor John Cowe (Member)  
Councillor Gordon Cowie (Member)  
Councillor John Divers (Member)  
Councillor Claire Feaver (Member)  
Councillor Marc Macrae (Member)  
Councillor Ray McLean (Member)  
Councillor Louise Nicol (Member)  
Councillor Laura Powell (Member)  
Councillor Derek Ross (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk





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<p><b>GUIDANCE NOTE PRODUCED FOR PLANNING &amp; REGULATORY SERVICES COMMITTEE</b></p> <p><b>MEETING OF 4 APRIL 2022</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 04\_17

**22/00064/APP**  
**19th January 2022**

**Section 42 application to vary conditions 8, 13 and 25 of  
19/00460/APP to reflect updated drainage layout at  
Maverston Urquhart Elgin Moray  
for Maverston LLP**

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**Comments:**

- Advertised for Neighbour Notification.
- Proposal to be reported to Committee under the scheme of delegation where the proposal falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
- No representations received.

**Procedure:**

- If Members are minded to approve, a minute of variation to the existing Section 75 legal agreement will be required.

**Recommendation**

**Grant Planning Permission - Subject to following:**

**Conditions/Reasons**

1. Notwithstanding the provisions of Article 3 and Schedule 1 Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), Planning permission for the haul road hereby approved is granted for a temporary period only and shall cease to have effect on 8 October 2024 (the 'cessation date'). Prior to the cessation date, the haul road shall be removed and reinstated in accordance with a scheme approved in writing by the Council, as Planning Authority under condition 2 of this permission.

**Reason:** In recognition of the temporary nature of the proposed development, to enable the Council, as Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. No development shall commence until a reinstatement plan for the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above. For the avoidance of

doubt the reinstatement plan shall make provision for the replanting of trees along the area of the haul road hereby approved.

**Reason:** To secure removal and appropriate restoration.

3. No development shall commence until a tree survey which identifies all trees to be removed, topped or lopped within the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. This should show that the route of the haul road has been designed to minimise the loss of trees by minimising its footprint and aligning it through the previously cleared woodland blocks as far as practicable, as per the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above.

**Reason:** To ensure that the woodland affected by the haul road route is surveyed and to minimise the impact of the development upon the trees along the route.

4. No development shall commence until a pre-construction badger survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified and a species protection plan. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

5. No development shall commence until a pre-construction reptile survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

6. No development shall commence until a pre-construction red squirrel survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat

Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

7. No development shall commence until a pre-construction bat survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

8. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate, in this case, the removal of 32,200m<sup>2</sup> of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with approved plan HLD K345.18/SL-03 Rev D (or any revision approved under condition 7 above). The Replanting Scheme details shall:
  - a) include the specifications for:
    - i. on-site replanting;
    - ii. off-site compensatory planting;
    - iii. tree maintenance and measures for protection of existing trees (including Deer Management);

and

- b) comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers and include:
    - i. details of the location of the area to be planted;
    - ii. details of land owners and occupiers of the land to be planted;
    - iii. the nature, design and specification of the proposed woodland to be planted;
    - iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
    - v. the phasing and associated timescales for implementing the Replanting

- Scheme;
- vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the replanting scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

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

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

9. No development shall commence until a phasing plan detailing the timescales of all landscaping works as shown on plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above) has been submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved plans and timescales.

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

10. All landscaping works shall be carried out in accordance with the details shown on approved plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above). For the avoidance of doubt with the exception of those trees required to be removed for the construction of the haul road no trees shall be removed from the woodland in the northern part of the site.

Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

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

11. No development shall commence until details of an equipped play area as identified on approved plan 10313-P(00)002 including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority along with details of measures to allow recreational access to



the woodland to the north. The equipped play area shall be provided in accordance with the approved details and available for use prior to the occupation of the 14th house hereby approved. Thereafter the play area shall be maintained in accordance with the approved details.

**Reason:** To ensure the adequate provision of an equipped play area and its future maintenance.

12. All foul and surface water drainage proposals shall be in accordance with the submitted report Drainage Assessment Proposed Residential Development at Maverston, Moray, Issue 01, dated March 2019 and approved plans 117587/2010. No development shall commence until full written and plan details of the detention basins and specifications for the inlet headwalls to the detention basins have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the approved details shall be implemented in full. For the avoidance of doubt.

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

13. No development shall commence until two passing places have been provided on the C19e to the Moray Council standards and specification as indicated on Appendix C of the approved Transport Statement.

**Reason:** To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

14. No development shall commence until a visibility splay 4.5 metres by 165 metres, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the haul road access onto the public road; and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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

15. The width of the access road shall be 5.5m with localised narrowing and 2.0m service verge and drainage provision as shown on Drawing No. 117587/1101 Rev B. The road shall be constructed to Moray Council standards and specification for Roads Construction Consent.

**Reason:** To ensure acceptable infrastructure at the development access.

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

Moray Council specification.

**Reason:** To ensure acceptable infrastructure at individual development accesses.

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

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

18. Parking provision shall be as follows:
- Minimum of 2 spaces for a dwelling with three bedrooms or less; or
  - Minimum of 3 spaces for a dwelling with four bedrooms or more;

No houses shall be occupied until the parking for that plot has been provided. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

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

19. No boundary fences, hedges, walls or any other obstruction fronting onto the prospective public road shall be within 2.4 of the edge of the carriageway and shall not exceed 1.0m in height.

**Reason:** To ensure acceptable infrastructure at the development access.

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

- Duration of works;
- Construction programme;
- Number of vehicle movements (i.e. materials, plant, staff, compounds)
- Schedule of delivery of materials and plant;
- Full details of construction traffic routes to the site including any temporary construction accesses;
- measures to be put in place to prevent material being deposited on the public road; and
- Traffic management measures to be put in place during works including any specific instructions to drivers.

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

**Reason:** To ensure an acceptable form of development in terms of the

arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

21. All development on the site hereby approved shall be connected to the public sewer or to a private system built to adoptable standard.

**Reason:** To ensure that foul drainage is adequately managed.

22. That for any subsequent detailed application relative to this approval, at least 3 units (10% of non-affordable units) shall be designed and built to wheelchair accessible spaces standards (as defined in the Moray Council 'Accessible Housing' Supplementary Guidance). Any application for the 9th, 18th and 27th such unit on the overall site shall each include an Accessible Housing Compliance Statement with sufficiently detailed plans to demonstrate that one accessible housing unit meeting these requirements has been provided as part of each tranche of development so that a minimum of 3 accessible units is provided overall. Thereafter the accessible units shall be provided in accordance with the agreed arrangements prior to the completion of the 9th, 18th and 27th units respectively. For the avoidance of doubt at least 50% of the wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. Thereafter the internal layout of these units shall remain as built and approved in perpetuity unless otherwise agreed with the Council, as Planning Authority.

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

23. The permission hereby granted shall not be exercised in addition to, or in conjunction with the permission approved under formal decision notice 06/01554/REM dated 10 September 2007.

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

24. No development shall commence on building works on the house plots hereby approved until the following works have been completed:
- 1) the temporary construction haul road as shown on approved plan no. 117587/SK1000 A (or any revision approved under condition 3 above) has been constructed;
  - 2) the entrance road which runs between the southwest boundary of the site and the existing 'Maverston' access junction onto the C19e public road (located 590m to the northwest of the site), as shown on approved plan no. P(00) 002 D has been constructed to Moray Council specification; and
  - 3) the traffic calming measures along the entrance road to the site shall be constructed to Moray Council adoptable standards in accordance with RCC 11419536410 ,approved plan 117587-SK1020 and a layout plan to be submitted to and agreed in writing by the planning authority in conjunction with the roads authority.

**Reason:** To ensure an acceptable form of development in terms of the provision of acceptable infrastructure, in the interests of road safety.

25. For the avoidance of doubt, unless amended by the terms of this permission, the development shall be constructed and operated in accordance with the provisions of the application, the approved plans, and the supporting documents including inter alia the Transport Statement, Extended Phase 1 Habitat Survey and landscape maintenance schedule submitted under 19/00460/APP.

**Reason:** In order to clarify the terms of permission.

**Reason(s) for Decision**

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

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

**List of Informatives:**

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

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

This development is subject to a Section 75 Legal Agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare and to meet the affordable housing requirements.

SCOTTISH NATURAL HERITAGE has commented that:-

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

SCOTTISH WATER have commented as follows:

Infrastructure within boundary Scottish Water's Records appear to show proposed infrastructure within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer below. This is believed to be pipework that you as the developer are proposing to lay for this development. If this is not the case please submit plans/drawings to indicate the

position of the new infrastructure. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

#### Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

#### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

#### General notes

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)

[www.sisplan.co.uk](http://www.sisplan.co.uk)

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SuDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link:  
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

Single Property/Less than 10 dwellings:

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

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).

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

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 4ha,
- is in excess of 5km, or
- includes an area of more than 1ha or length of more than 500m on ground with a slope in excess of 25 degrees.

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. The detail of how this is achieved may be required through a planning condition. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel: 01343 547663.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads and for the completion of the existing access road including the installation of traffic calming measures. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works, and a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site at [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

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)

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.

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

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 applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

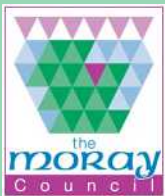
No retaining structures or embankments shall be constructed along the edge of



the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
P(00) 002 A	Location plan
P(00) 002 D	Site layout
117587/2010	Drainage layout
P(00)001	Location plan





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**22/00064/APP**

**Site Address:**

**Maverston**

**Urquhart**

**Applicant Name:**

**Maverston LLP**

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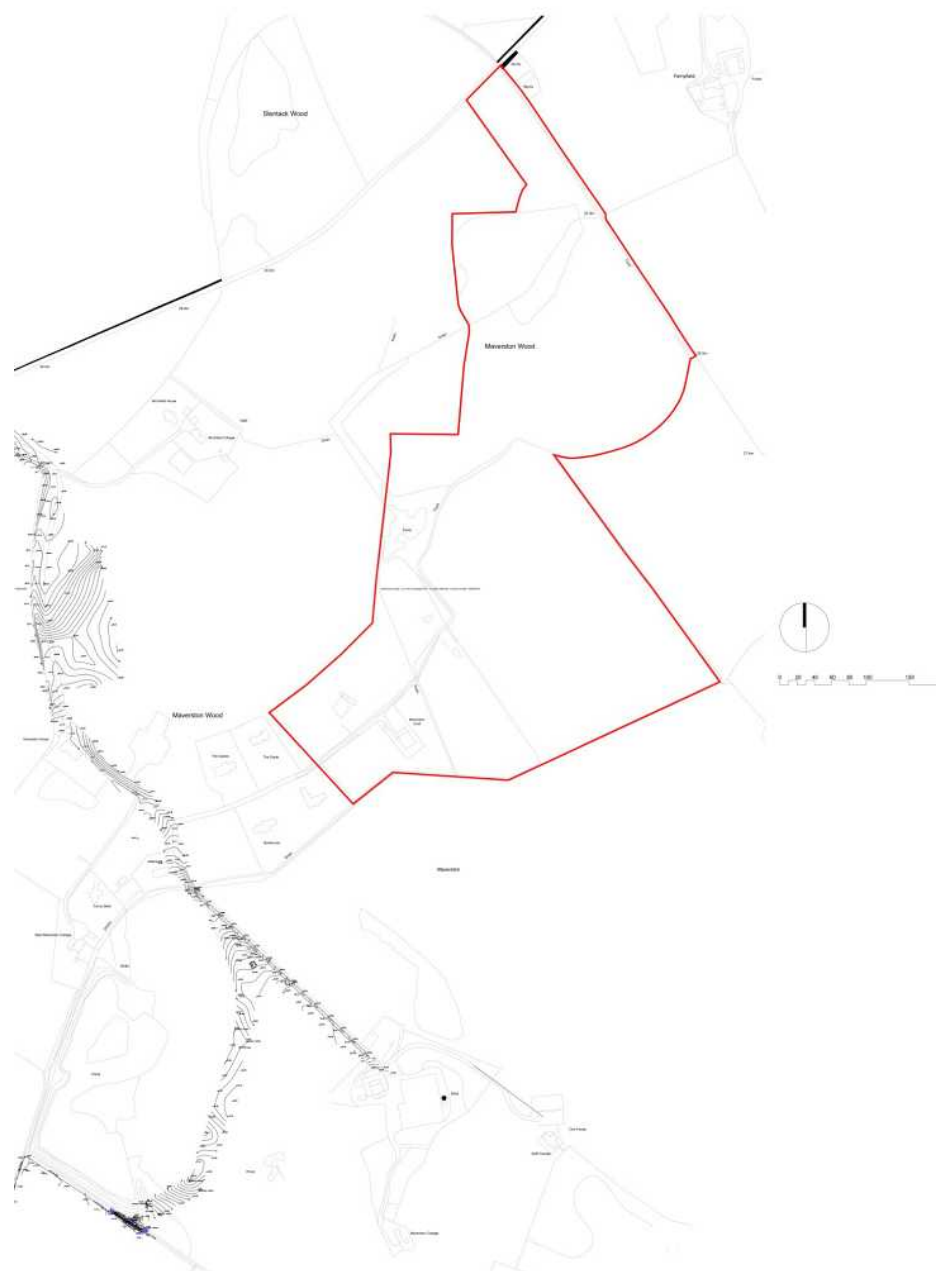
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## Location Plan



## Site Location



## Site Layout

























## PLANNING APPLICATION: 22/00064/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**

- This application seeks to vary the terms of conditions 8, 13 and 25 of planning permission 19/00460/APP
- The 2019 permission is for 28 serviced house plots along with a temporary haul road, play park, access and drainage. This will form phase 2 of development at Maverston
- The 2019 permission shows two large attenuation ponds to serve the site, but the revised proposal is for each plot to have their own surface water soakaway and to alter the boundaries of plots 9 and 10 to reflect the removal of the pond in the south or the site.
- Condition 8 of the 2019 permission requires 3 other approved drawings(HLD K345.18/SL-02, & HLD K345.18/SL-03 Rev D relating to landscaping and 117587/1101 Rev C road layout) to be updated to reflected later changes to the proposed drainage details which showed the attenuation ponds. However, the drainage proposals have now reverted to an earlier iteration of the scheme and these drawings are an accurate reflection of the current proposal and no longer require to be updated. The purpose of this application is to seek the deletion of this condition. Condition 13 requires the development to be carried out in accordance with the submitted drainage statement and drawing 117587/2010 revision C. Both the drainage statement and the drawing have been superseded by submissions as part of this application and this application seeks to have condition 13 amended to refer to these documents instead.
- Condition 25 relates to roads issues but refers specifically to the previously approved site plan 10313-P(00)002\_C . This application seeks to amend the wording of the condition to refer to an updated version of the plan.
- The development is otherwise unaltered with no changes to full drainage, access or impact on trees.

### **THE SITE**

- The site extends to 20.11ha and is to the north east of the existing development at Maverston. It curves from the edge of phase 1 development to public road at the north east.
- The area of the houses is partially cleared but some trees remain.
- The area to the north east of the site is covered by thick woodland which will be retained with the exception of the haul road.
- The public road is to the west of the site.
- There are changes in levels across the site.

- Known sites of archaeological interest are also present across the application site, which have been subject of previous archaeological investigations.
- The trees across the site are recorded on the National Forest Inventory. Part of the site including the area where the play park is proposed is classified as Ancient Woodland. Around 1.56ha is recorded in the Native Woodland Survey of Scotland as upland birch.
- The site is within the Maverston Rural Grouping in the Local Development Plan.

## **HISTORY**

**19/00460/APP** - Formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works including construction haul road at Maverston, Urquhart – Approved 19/02/20

**18/01312/APP** - Formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works at Maverston, Urquhart – Withdrawn.

**18/00232/PAN** - Proposed residential development (circa 30 houses) and all associated infrastructure and landscaping works on Phase 2 – Closed.

**06/01554/REM** - Erect 40 no private dwellings - approval of reserved matters at Malverston, Urquhart – Approved 10/09/07.

**01/00735/FUL** - Application for new period of 5 years for approval of reserved matters for 40 houses in relation to Planning consent 91/00134/OUT at Maverston Farm, Urquhart – Approved 03/09/01.

**91/00134/OUT** - Outline to construct 2 golf courses, 40 houses and leisure facilities at Maverston Farm, Urquhart.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised for neighbour notification purposes.

## **CONSULTATIONS**

**Strategic Planning and Delivery** – No objection. The proposal accords with policy.

**Transportation** – No objection.

**Archaeology** – No objection.

**Contaminated Land** – No objection.

**Moray Flood Risk Management** – No objection.

**Environmental Health** – No objection.

**Developer Obligations** – Obligations have been paid.

**Innes Community Council** – No response at time of writing.

**Nature Scot** – No further comment.

**SEPA** – No further comment.

**Scottish Forestry** – As there are no material changes relating to this application Scottish Forestry (SF) has no additional comment to make and our original assessment is still SF's current position.

**Scottish Water** - No objection.

## **OBJECTIONS-REPRESENTATIONS**

No representations received.

## **OBSERVATIONS**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

This application is submitted under Section 42 of the planning act which allows for applications for a new planning permission or new planning permission in principle for a development but with different conditions from those attached to a previous permission for that development. In determining a Section 42 application, the Planning Authority may consider only the issue of the conditions to be attached to any resulting permission.

For the avoidance of doubt the effect of granting a section 42 application is such that a new permission exists for the development. Therefore it is recommended all those conditions from the previous permission which still apply must be reiterated.

### **Drainage (DP1 & EP12)**

The current application seeks to alter the approved surface water drainage from a shared system with two attenuation ponds to a series of individual soakaways. This is in fact reverting to an earlier, unapproved version of the scheme. An amended Drainage Assessment has been submitted which demonstrates that the land is suitable for ground infiltration. This is supported by detailed calculations and justification for the solution proposed. Moray Flood Risk Management have been consulted and have no objection to the revised proposals. The proposals will ensure that surface water is acceptably and sustainably dealt with in accordance with policies DP1 (iii) and EP12.

Condition 8 of the existing permission (19/00460/APP) requires 3 other approved drawings(HLD K345.18/SL-02, & HLD K345.18/SL-03 Rev D relating to landscaping and

117587/1101 Rev C road layout) to be updated to reflected later changes to the proposed drainage details which showed the attenuation ponds. However, the current application proposes a return to the earlier proposal for individual soakaways and the drawings referred to in the condition are an accurate reflection of the current proposal and no longer require to be updated. The condition is therefore no longer required in its current form and it is recommended that it is deleted.

Condition 13 of the existing permission (19/00460/APP) requires the development to be carried out in accordance with the submitted drainage statement and drawing 117587/2010 revision C. A revised drainage assessment and drawing have been submitted as part of this application and this application seeks simply to have condition 13 amended to refer to these documents instead. Given that the revised drainage arrangements are considered to be acceptable it is recommended that this change is accepted.

### **Road Layout (DP1)**

Only minor changes to the road layout are required to accommodate the revised drainage arrangements. The change relates to the internal road at the south of the site around plots 8-12. It does not affect the access to the public road or the approved haul road. It is noted above that the approved road layout drawing already shows the layout now proposed as it was not updated to reflect the shared drainage arrangements approved under 19/00460/APP. No change to this drawing is required. However, condition 25 which relates to various requirements in relation to access and roads refers explicitly to the approved site plan 10313-P(00)002\_C (site plan) which will be superseded as part of this application. The current application therefore seeks simply to remove 10313 P(00)002\_C from condition 25 and replace it with 10313-P(00)002\_D. This will clarify the terms of the permission and will not involve any alterations to the proposals except those noted above in relation to drainage. It is therefore recommended that this change is accepted.

### **Layout (PP1 & DP1)**

The proposed changes will see the size of plots 9 and 10 increased to take advantage of the removal of the suds pond in the south of the site. A new 'dog-leg' from the main road running through the development will be provided to serve the plots. The revised layout and plot sizes are in keeping with that of surrounding plots. There is no change to the number of houses to be provided and no impact on the wider development. This minor change accords with policies PP1 and DP1.

### **Conclusion**

This application seeks to amend the conditions of the existing permission to allow for an amended surface water drainage scheme. The proposed drainage arrangements are acceptable and in accordance with policy. It is therefore recommended that condition 8 is deleted and conditions 13 and 25 are altered as detailed above. It is also recommended that the other conditions of the existing permission are reiterated in full and unaltered.



**REASON(S) FOR DECISION**

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

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

**Author/Contact  
Officer:**

Lisa MacDonald  
Senior Planning Officer

**Ext:** 01343 563479

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



## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2015**

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

#### **PP1 PLACEMAKING**

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

20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) **Healthier, Safer Environments**

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

(iii) **Housing Mix**

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

(iv) **Open Spaces/Landscaping**

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

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

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

v) **Biodiversity**

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

(vi) **Parking**

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.

- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) **Street Layout and Detail**

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

(d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.

(e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

## **PP2 SUSTAINABLE ECONOMIC GROWTH**

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

## **PP3 INFRASTRUCTURE & SERVICES**

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

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

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

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

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

**c) Harbours**

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

**d) Developer Obligations**

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

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



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

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

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

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

### **(i) Design**

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

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

**(ii) Transportation**

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

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

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

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

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

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

## **DP2 HOUSING**

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

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

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

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

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

### **c) Housing density**

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

### **d) Affordable Housing**

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

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

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

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

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

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

Proposals must demonstrate tenure integration and meet the following criteria;

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

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

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

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

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

#### **Affordable Housing**

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

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

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

subsidy." This Local Development Plan regards lower quartile earnings as "modest incomes".

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

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

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

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.



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

### **Accessible housing**

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

Policy DP2 aims to;

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

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

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

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

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

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

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

- Location(s) convenient for amenities and facilities e.g. public transport, local shops etc.

- Car parking space as close as possible to the entrance door and at a maximum distance of 15m (HfVNs para 7.13.4 refers).
- Step free paths within curtilage, ramp gradients preferably of 1:20 but no steeper than 1:12 (HfVNs para 7.7.1 refers).

#### Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

### **DP4 RURAL HOUSING**

- a)** A rural development hierarchy is identified, whereby new rural housing is directed to rural groupings that will accommodate the majority of rural housing development, followed by the re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside.

Proposals must meet siting and design criteria to ensure development is low impact, integrates sensitively into the landscape, reflects the rural character of the area and is of a high design quality.

**b) Rural Groupings**

Identified rural groupings create a sustainable network of groupings across Moray, some have identified development opportunities, whilst others restrict development to safeguard the character and appearance of a particular grouping. All proposals for new houses in Rural Groupings must be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry. Proposals must meet the design criteria of this policy. Specific requirements for each grouping and accompanying mapping have been prepared (see volume 3). Proposals must also meet the terms of DP1 - Development Principles and other relevant policies.

**c) Re-use and Replacement**

The conversion of traditional stone and slate buildings in the countryside to houses will be acceptable if:

- The proposed conversion respects the character of the existing building.
- Any extensions are in keeping with the character and scale of the existing building and surrounding landscape.
- Material finishes are in keeping with the traditional building i.e. slate/corrugated roofing, natural stone/wet harl/timber lined walls.
- Proposals for new build housing to enable conversion/rehabilitation will be supported provided they reflect traditional design and layout and are in keeping with the scale and proportion of the original building/s. A maximum threshold of 1 new house per converted unit will be applied.

Existing traditional stone and slate buildings must be retained and incorporated into proposals for conversion. Re-use and replacement of existing traditional stone and slate buildings in the countryside with houses will only be acceptable if evidence is provided to demonstrate the building is structurally unsound and incapable of being incorporated into proposals for conversion and proposals meet the criteria below.

Re-use and replacement of existing buildings in the countryside will only be acceptable if;

- There is clear physical evidence of a previous traditional building, equivalent of level 2 (see diagram on page 45), where the full extent of the building is clearly established, and
- The replacement house(s) must overlap the footprint of the original building, unless micro siting elsewhere within the site is sufficiently justified (i.e. flooding) and
- The redevelopment must be proportionate to the scale and visual impact of the original building/s and the form and positioning of the building/s must reflect the rural character. Suburban layouts will not be acceptable. Where site conditions dictate, 15% of the plot must be landscaped to assist the development to integrate sensitively and
- The design and micro siting of the house(s) is compliant with the design and siting criteria for new houses in the countryside.

**d) New Houses in the Open Countryside**

- (i) In the open countryside, a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure.

Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be supported.

**ii) Pressurised and Sensitive Areas**

Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas see mapping on page 51.

**iii) Areas of Intermediate Pressure**

**a) Siting Criteria**

Proposals for single houses must be well-sited and designed to fit with the local landscape character and will be assessed on a case by case basis taking account of the following siting and design criteria;

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.

4. 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm) to assist the development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded, a safe distance from buildings and positioned to maximise solar gain.

**b) Design Criteria**

The design criteria seek to promote traditional rural design and avoid insensitive suburban development that negatively impacts upon Moray's landscape. Contemporary, innovative design will be supported where it can be demonstrated that a building is of contemporary, innovative, high quality design, responds to its setting and uses appropriate high quality materials and sustainable construction techniques. Proposals of this nature must be supported by a design statement setting out how the building meets the identified requirements.

1. The maximum height of any new house must be 6.75m (measured from the corresponding ground level of the building).
2. The main form of the house must be of an appropriate scale and massing and composed from simple well-proportioned symmetrical elements. Excessive detailing involving gable features, balconies etc. that have a suburban appearance must be avoided.
3. Artificial decorative stone must not be used and no more than two primary external wall finishes (such as timber cladding and wet dash harl) must be used.
4. Houses must have a pitched roof of 35° to 50° and meet the requirements of the gable/pitch formula. All roofing shall be finished in natural slate or an alternative profiled cladding. Concrete tiles must not be used.
5. Windows with a horizontal emphasis must be avoided, with the exception of the very limited use of long narrow rectangular windows to frame views.
6. Boundary treatments must be post and wire fencing, low natural stone walls or native hedgerow. Boundary enclosures such as decorative blockwork and panel style timber fencing will not be permitted.
7. Access arrangements must be sympathetic to the rural setting by avoiding over engineered solutions and where possible following field boundaries.
8. To protect rural character, permitted development rights may be removed to ensure appropriate boundaries are safeguarded and to limit the curtilage associated with the house.

All rural housing proposals must make provision for communal waste collection set out in DP1 - Development Principles.

**Policy Guidance Note on Cumulative Build Up**

Cumulative build-up of rural housing is occurring across Moray, this can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings and identifiable clusters of suburban development.

To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of build up indicators have been developed.

### **Siting Indicators**

- The number of new houses overwhelms the presence of older buildings, such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.
- There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build of new housing experienced when travelling along roads in the vicinity of the site.
- New housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

### **Design Indicators**

- The rural character is eroded by suburban features such as accesses built to an adoptable standard (rather than gravel tracks) and large bin storage areas at the end of tracks required to serve the numerous houses.
- The scale and proportion of new houses contrasts to the generally smaller size of older buildings, cottages and farms and results in the development being out of keeping and incongruous in its setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views, in contrast to the traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

## **EP1 NATURAL HERITAGE DESIGNATIONS**

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

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

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

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

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative

reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

**b) National designations**

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

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

**c) Local Designations**

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

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

**d) European Protected Species**

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

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

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

**e) Other protected species**

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



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

## **EP2 BIODIVERSITY**

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

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

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

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

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

## **EP5 OPEN SPACE**

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

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

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

or replacement open space provision of equivalent function, quality and accessibility is made.

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

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

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

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

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

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

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

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

details existing open space outwith the site, key community facilities in the area and wider path networks.

**i) Accessibility Standard**

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

**ii) Quality Standard**

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

**Accessible and well connected**

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

**Attractive and Appealing Places**

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

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

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

**Promotes activity, health and well being**

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

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

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

**b iii) Quantity Standard**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**e) Compensatory Planting**

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

**GUIDANCE TREES AND DEVELOPMENT**

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

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

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

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

\*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs



and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

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

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

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

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

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

### **Landscape Scheme**

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

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

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

## **EP8 HISTORIC ENVIRONMENT**

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

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

Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant

adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance.

**b) Local Designations**

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

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

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

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

**a) Flooding**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **c) Water Environment**

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

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

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

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

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

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

### **EP13 FOUL DRAINAGE**

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

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

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

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

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

### **Maverston**

Maverston has an extant planning consent for 40 houses, two golf courses, and leisure facilities.

Part of the site includes woodland some of which is listed on the Ancient Woodland Inventory.

Development proposals must retain existing mature trees and further woodland removal will not be supported beyond that already consented in line with Policy EP7 Forestry, Woodlands and Trees.

There is an opportunity to redevelop the site of the existing steading buildings. No more than 16 houses will be permitted and development should be in keeping with the scale and proportions of the original steading building. The layout, siting and design of any new development should be in keeping with the character of the area and must reflect traditional design and layout. No further development opportunities for development have been identified or will be supported at Maverston.

Proposals must be supported by a Flood Risk Assessment the outcomes of which may affect the developable area of the site. A Drainage Impact Assessment is required.

Protected species are known to be present on site and a Phase 1 Habitat Survey is required. The innovative use of greenspace could assist with surface water drainage and accommodating species issues as they arise.

Connection to the public sewer is required.

## WARD 05\_17

**21/01803/APP**  
**25th November 2021**

**Proposed cafe at West Beach Caravan Park Harbour  
Street Hopeman Elgin  
for Mr & Mrs Barry & Ruth Scott**

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**Comments:**

- Application is a local development but referred to Committee as the Appointed Officer considers there to be issues of wider community interest.
- 401 comments of support, 61 objectors and one neutral representation received.

**Procedure:**

- If minded to refuse consider authorising planning enforcement action to dismantle/remove any unauthorised structures on the site.

**Recommendation   Grant Planning Permission - Subject to following:**

**Conditions/Reasons**

1. Prior to the first occupation of the development the Electric Vehicle (EV) charging arrangements shall be implemented in accordance with submitted drawing number 021/0887/02.3 (dated February 2022), and thereafter be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

**Reason:** In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport.

2. Notwithstanding the submitted details (showing 13 spaces) a minimum of 12 car parking spaces shall be provided within the site, of which a minimum of 2 spaces shall be to mobility standards, along with cycle parking for a minimum of 16 spaces. The parking and cycle parking spaces shall be provided prior to the first occupation of the development and thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

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

3. The landscaping identified upon the submitted layout plan 021/0887/02.3 must be carried out in the first planting season following completion of the works, or within

1 year of the decision notice (whichever is the sooner). Within 5 years of permission being granted any bushes that die, or are damaged must be replaced with a plant of similar species.

**Reason:** In order to ensure the approved landscaping is timeously provided and that any planting which requires replacement is done so until the landscaping establishes itself.

4. Prior to completion of the building works a detailed plan, drawn to scale, must be submitted to and approved by the Council for the final position of the surface water soakaway. The soakaway must be provided and designed in accordance with the specifications contained within the GMC Services "Site Investigation & Drainage Assessment – HOPEMAN" dated April 2021 and submitted on 25 November 2021.

Thereafter the surface water soakaway must be built in accordance with the approved details and location and be in place prior to the building coming into use.

**Reason:** In order to ensure that the surface water drainage infrastructure is provided in line with the approved details and at the appropriate time.

5. The proposed café shall not be operated in conjunction, or simultaneously, with any other hot food outlet in the caravan park area as defined within Hopeman settlement designation T1 of Moray Local Development Plan 2020.

**Reason:** In order to avoid any ambiguity regarding the terms of this consent and to ensure that parking standards are complied with.

6. Unless otherwise agreed in writing with the Council, as Planning Authority, the security barrier at the west end of the caravan park track must be kept open and no other impediment to motor vehicles accessing the parking associated with the development shall occur whilst the café is open.

**Reason:** In order to ensure that the parking associated with the development is available for use while the café is open.

7. As per the annotation on the approved site layout plan, drawing number 021/0887/02.3, the double decker bus, comprised of dining table facilities must be relocated away from the café hereby approved (when in operation) to a location accepted in writing by the Council, as Planning Authority. The bus must not be used as additional seating for the café without the prior approval of the Council, as Planning Authority.

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

8. Unless otherwise agreed in writing with the Council, as Planning Authority, the café shall open no later than 7pm on any evening. This may be extended to 9pm during the months of July and August only.



**Reason:** In order to ensure that the amenity of the surrounding area is protected and that the business is operated as described in the supporting documentation.

**Reason(s) for Decision**

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

The proposal accords with the relevant policies of the Moray Local Development Plan 2020 and no material considerations indicate otherwise.

**List of Informatives:**

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

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

THE TRANSPORTATION MANAGER has commented that:-

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:  
<http://www.moray.gov.uk/downloads/file134860.pdf>

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.

The ENVIRONMENTAL HEALTH MANAGER has commented that:-

The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.

The business operator will require to register the premises in terms of the Food Premises (Registration) Regulation 1991.

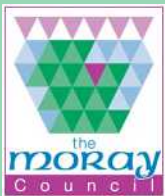
The premises will require to comply with The Health and Safety at Work etc. Act 1974 and associated regulations enforced by this section.

Should Planning consent be attained, the food business is recommended to contact the Environmental Health Section to ensure the premises layout, equipment and facilities complies with the Food Hygiene (Scotland) Regulations 2006.

To comply with food hygiene legislation enforced by this Section the development will require an Intervening Ventilated Space (IVS) between the WC compartments and food preparation and serving areas.

SCOTTISH WATER have given various comments and a copy of their letter has been sent to the applicant.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
021/0887/02.3	Site layout
021/0887/03.1	Site Levels
021/0887/04.1	Floor plans
021/0887/05.1	Elevations
021/0887/01.1	Location plan



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/01803/APP**

**Site Address:**

**West Beach Caravan Park**

**Harbour Street Hopeman**

**Applicant Name:**

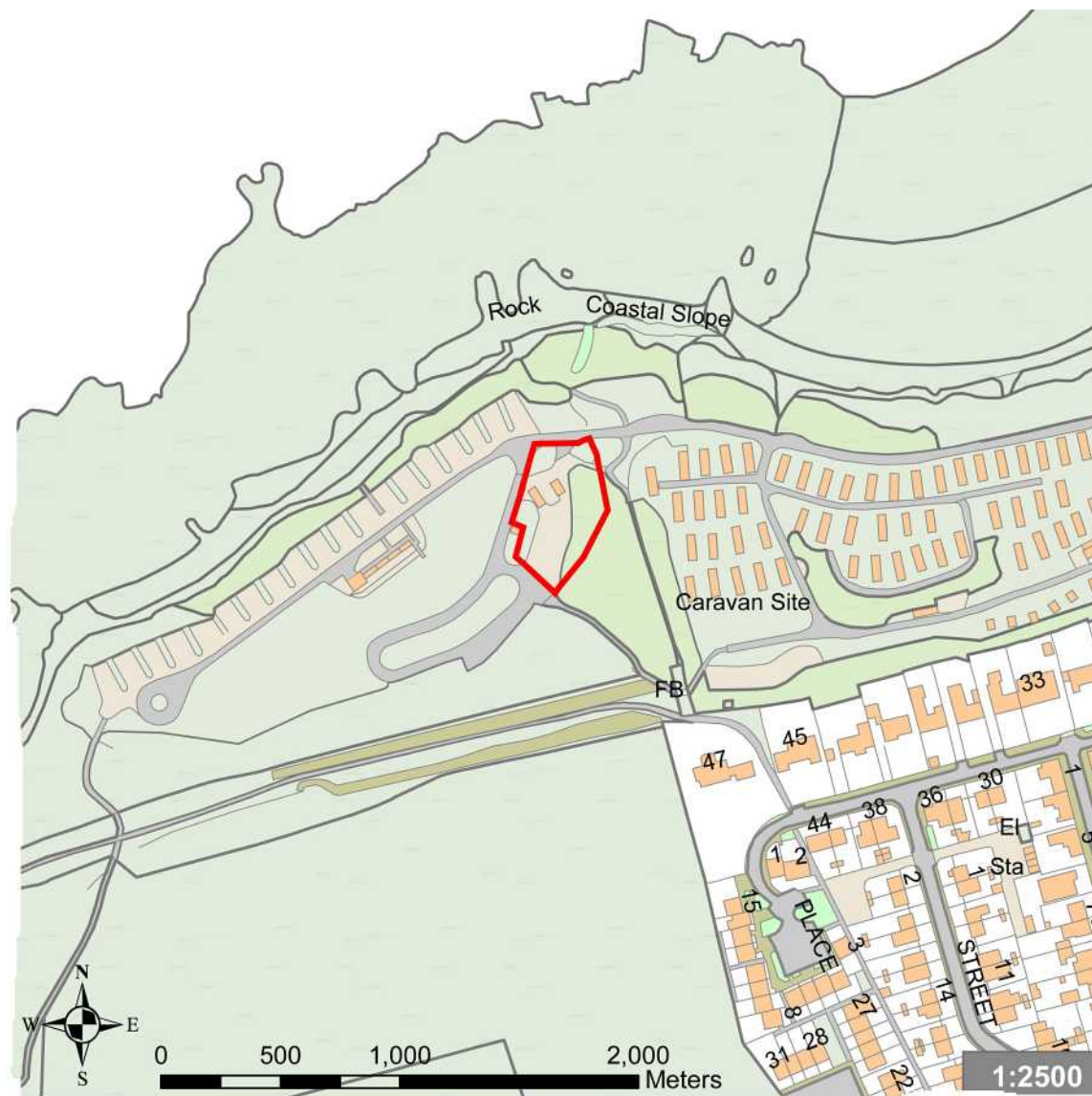
**Mr & Mrs Barry & Ruth Scott**

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## Location Plan





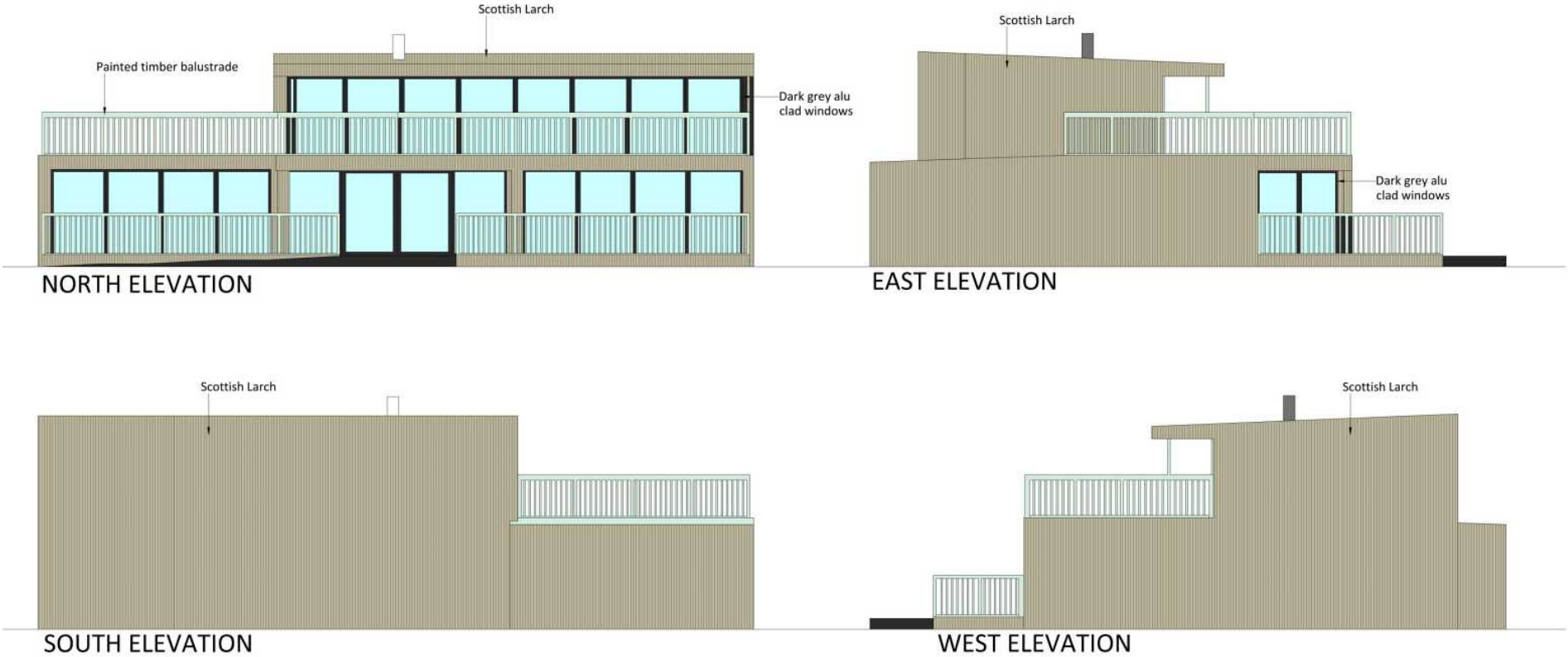
Site Location



**Site layout**

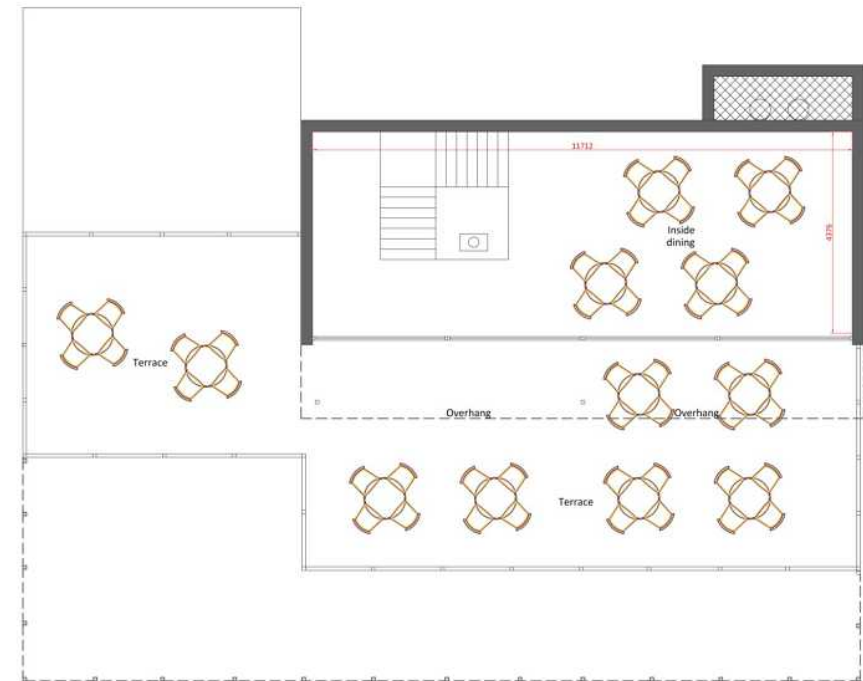
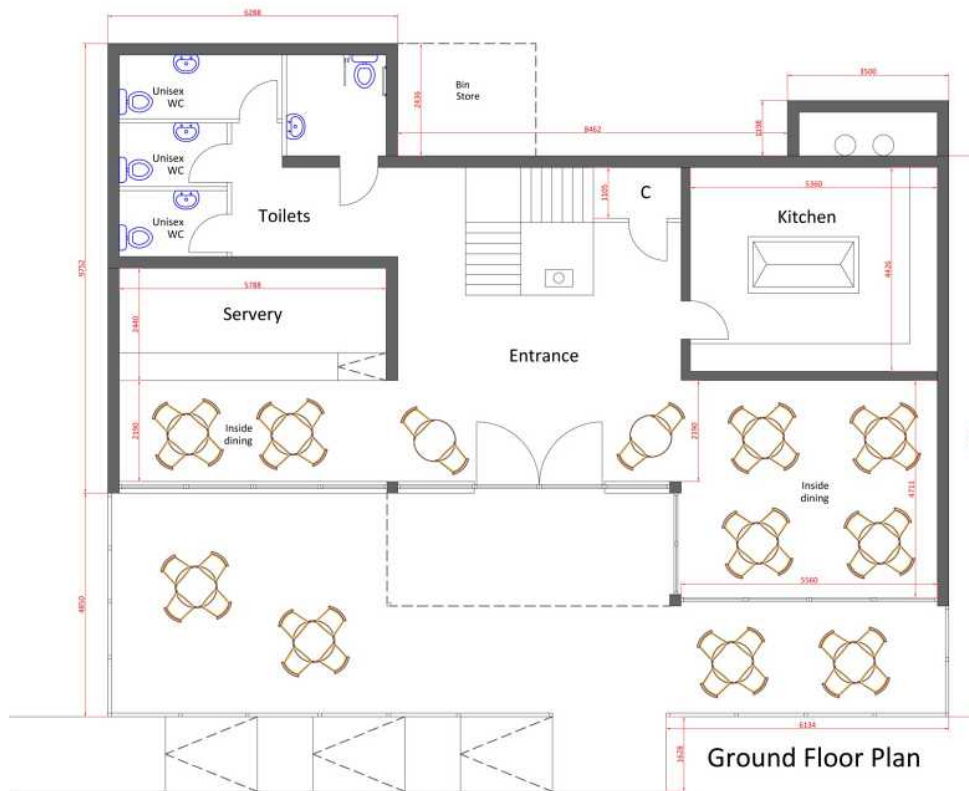


Elevations





## Floor plans



### First Floor Plan

**View facing south west across site**





**View from west across the site**



19/02/2022

**View southward from north of site**



*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**

- Proposed café, with upper floor balcony and decking area. To be constructed of steel shipping containers and finished with vertical Scottish larch cladding, timber balustrade, dark grey aluminium clad windows and an internal staircase. The building would be 5.6m high.
- Proposed upper terrace and ground level decked area to have painted timber balustrade, and will host approximately half the proposed seating.
- Proposal will connect to the public sewer and water supply, with surface water to a surface water soakaway.
- 13 car parking spaces, inclusive of disabled spaces and cycle parking are proposed. Electric vehicle charge points will also be provided in the carpark area.
- At the time of writing this report, works had commenced on the development with foundations laid and some shipping containers in place. The application is therefore being assessed partially in retrospect.
- For clarity, this proposal makes no reference to connecting to the former Greenbrae landfill site to the west, which was subject of a previous planning application 21/00384/APP, see planning history.
- The proposal will operate primarily as a café, with the servery inside the building and opening times are likely to vary and be seasonal, with longer hours and 7 day opening in the peak season. The business will be seasonal and opening hours will extend to match the occupancy of the park. It is likely that it will open 7 days in the school summer holidays and 5 days in the Easter and October holidays. Out with these times the opening days will reduce to weekends and Thursdays/Fridays depending on the weather and percentage of occupancy of the caravan park. Submissions by the applicant state that the café would open no later than except in July and August where hours will be extended to 9pm.exp

## **THE SITE**

- The proposal is located within the Moray Local Development Plan 2020 (MLDP) Hopeman settlement boundary and within designation T1 Caravan Park.
- Located within the coastal Burghead to Lossiemouth Special Landscape Area (SLA) as designated within Moray Local Development Plan.
- The site is bound to the north and east by the existing caravan park (touring and campervan pitches), to the south by an area of gorse and to the east by an embankment partially covered in gorse. A path leads southward on this embankment to a former railway bridge.
- No environmental designations occupy the site.



- The area had previously been excavated and levelled as part of the extended caravan park (see planning history).

## **HISTORY**

For the site itself:

**17/00509/APP** - Amend boundaries layout and number of touring pitches to planning consent approved under reference 15/02159/APP (partly retrospective) at West Beach Caravan Park, Harbour Street, Hopeman, Elgin, Moray, IV30 5RU. Approved in May 2017 after it became evident the site had not been laid out in accordance with the approved plans, and included more pitches than the 12 previously approved (19 constructed).

**15/02159/APP** - Proposed extension to relocate 12 touring caravan pitches on Site Adjacent to West Beach Caravan Park, Harbour Street, Hopeman, Elgin, Moray. Extension to the caravan park approved in May 2016 following an appeal to the Local Review Board.

Related/relevant planning applications:

**21/00384/APP** – Relocation of existing hot food takeaway and formation of a parking area/paths to be accessed via a track and access onto the B9040, on land 500M South west of West Beach Caravan Park, Greenbrae, Hopeman. Seeking to move the catering units constituting ‘Bootleggers Bothy’ outwith the settlement boundary to the south west of the current application site. This application was withdrawn just prior to going to Committee in Autumn 2021.

**21/01272/APP** - Formation of 15 car parking spaces on Land Adjacent to Sports Pavilion Cameron Park, East Beach Road, Hopeman, Moray. Refused by Committee in January 2022.

**21/00513/APP** - Change of use of part of joiners store/workshop to takeaway coffee shop at J And J Joiners, Sea Park, Hopeman, Elgin. Approved under delegated powers in July 2021.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

None required.

## **CONSULTATIONS**

**Environmental Health** – No objections subject to informatives.

**Contaminated Land** – No objections.

**Planning and Development Obligations** – No obligations sought.

**Building Standards** – A Building Warrant is required. Building Standards currently monitoring unauthorised works and the applicant is aware of the need for Building Warrant.

**Transportation Manager** – Conditions and informatives recommended.

**Moray Flood Risk Management** – No objection.

**Moray Access Manager** – No objection.

**Scottish Water** – No objection, but lengthy advice provided, including how trade effluent should be dealt with. The lengthy response has been passed to the applicants.

### **Strategic Planning and Development:**

#### T1 Hopeman Caravan Park

The proposal lies within the boundaries of the T1 Hopeman Caravan Park designation. This designation seeks the retention of the site as holiday caravan site and supports the development of ancillary facilities appropriate to tourist development including a café. Whilst the café will be open to customers who are not resident in the caravan park the scale and location centrally within the caravan park are clearly linked to the function as a caravan park. The location close to tourist assets such as the Moray Coastal Trail and beach also suggest clear links to tourism.

#### DP1 Development Principles/EP2 Biodiversity

Part (i) a) of policy DP1 requires the scale, density and character to be appropriate to the surrounding area. The building is two storey whereas the surrounding caravans and buildings are single storey giving the potential for the building to appear out of scale with the surroundings. It is noted that the land rises to the south and east of the building such that the building will sit within the landform with limited overlooking. The upper floor is also a smaller footprint than the lower level with a terrace surrounding this. In this context the two storey building is considered acceptable. The building has a relatively simple form and the use of larch cladding will help the building blend with the surroundings.

A revised site layout plan shows planting around the building. This is a mix of gorse and beach/marram grass. The choice of species and extent of planting shown is considered appropriate to the surrounding area and will help the building to fit within the setting. Additional detail has now been added providing more detail on the number and size of plants to be provided along with more information on the biodiversity value. This now meets the requirements of DP1 part (i) b) and EP2 Biodiversity.

#### Parking - DP1 Development Principles/PP3 Infrastructure and Services

The site layout now shows the parking area broken up with planting which is welcomed. The site layout also shows EV charging and cycle parking provision. No plans or details of the cycle parking have been provided and this should be covered by condition.

#### Policy EP3 Special Landscape Areas and Landscape Character

The site falls within the Burghead to Lossiemouth SLA and proposals must not prejudice the special qualities of the designation, adopt the highest standards of design, minimise adverse impacts on the landscape and visual qualities the area is important for. As the site falls within the Hopeman Settlement Boundary part i) b) applies and proposals must conform with the Settlement Statement and policy DP1. The consented and operational

expansion of the caravan park consented under 17/00509/APP is acknowledged within this part of T1. Proposals must reflect the traditional settlement character in terms of siting and design. The proposal sits within the existing caravan park and therefore the development would be associated with this existing use. The design of the building has a simple form and the use of larch cladding will provide a more natural material that will blend more easily with the surroundings. Whilst the design of the building is not traditional it is not out of keeping with the caravans and ancillary buildings within the caravan park. The landscaping proposed is in keeping with the coastal location and will help the proposal to fit with the setting.

#### Policy DP7 Retail/Town Centres/DP8 Tourism Facilities and Accommodation

The floor plans for the café show the potential for 92 covers and the proposal therefore has the potential to attract significant footfall in terms of policy *DP7 Retail/Town Centres*. Additional information has been submitted to allow assessment against policy DP7 and DP8.

*Locational Need – Policy DP8 Tourism Facilities and Accommodation* requires proposals to demonstrate a locational need for a specific site. The need to provide facilities on the caravan park is cited as the locational need for the proposal. The applicant considers the proposal is expansion of the existing successful tourist business.

*Footfall and Impacts on Village Centre* – A peak hourly footfall of 73 people on a Saturday and an average of 41 on Saturday has been based on the existing use of the takeaway. 80% of this footfall is expected to be from those staying in the caravan park. This level of footfall would be considered significant within the context of Hopeman, however it is acknowledged a significant portion of this will be those staying at the caravan park.

The additional information confirms the proposal is for a café with no takeaway or ancillary retail. Seasonal opening hours are proposed linked to the occupancy levels within the caravan park. It is also noted that a portion of the seating is outdoors and the maximum peak occupancy is weather/season dependent. The primary catchment of the café is stated as being the caravan park with 20% from Hopeman and other parts of Moray. It is noted that the caravan park has a maximum occupancy of 906 and therefore the café's maximum capacity of 92 could only accommodate a small portion of caravan park visitors at any one time. There are four food and drink outlets in Hopeman – two of which are takeaways. Whilst the applicant has stated the existing "Bootlegger" takeaway has traded without impacts on the village centre it needs to be acknowledged that this has been without consent and not during typical trading periods due to the pandemic. Therefore whilst the applicant has stated that they do not anticipate trade being diverted from other food outlets this is unlikely as greater choice of outlets will likely result in some trade moving from existing businesses to the new café.

Taking into account the average footfall and seasonality of the proposed cafe as well as balancing the positive impacts on the village centre of having a thriving and successful caravan park in terms of footfall on Harbour Street and visits to local shops it is not considered the proposal would have an unacceptable impact on the vitality and viability of the village centre.

#### Strategic Planning and Development Conclusion

The principle of the café within the T1 designation is acceptable. However, a condition is required to confirm details of the type of cycle parking facilities in line with policy DP1 and PP3.

## **OBJECTIONS-REPRESENTATIONS**

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

401 comments in support of the proposal, 61 opposed and 1 neutral representation have been received. All those listed below have submitted one or more representation. All representations have been considered and where material, given weight in arriving at the below recommendation. Also note that at the specific request of some individuals they did not wish their name or details to be contained within the report presented to Committee. Their objections are however summarised below.

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

There were several points of representation made that were unduly personal or acrimonious in nature and bore no relevance to the planning process, so have not been summarised in the public report. Similarly some representations raised other wider planning or issues/matters unrelated to the proposed café, and these have not been included in this summary.

Those representations opposed to the proposal have listed the below matters from the automated list of matters from the e-planning portal. Many of these headings were then expanded upon in subsequent representations as summarised below.

- Affecting natural environment
- Activity at unsociable hours/behaviour
- Community Council/Association Consult
- Height of proposed development
- Inappropriate materials/finishes
- Inadequate Plans
- Lack of Landscaping
- Poor design
- Procedures not followed correctly
- Noise
- Parking
- Contrary to Local Plan
- Drainage
- Precedent
- Road safety
- Traffic
- Litter
- View affected
- Road access
- Over-development of the site
- Reduction in natural light
- Loss of privacy
- Legal issues
- Smell

Other specific grounds of objections are summarised in topic groups and commented upon as follows:



## Moray Local Development Plan 2020 departure

**Issue:** The MLDP states that there would be no permission for building on the land between Hopeman and Cummingston. Acceptance of the proposed café would make a precedent for further encroaching developments.

**Comments (PO):** The café does not lie in the open countryside between Hopeman and Cummingston where this intent is identified, but within the Hopeman settlement boundary and within the existing caravan park designation.

**Issue:** The MLDP (in the Strategy/objectives for Hopeman) states: 'To protect the special qualities of the foreshore and surrounding landscape'. This has already been compromised with the 'Bootleggers Bothy' presently on site.

**Comments (PO):** See observations section, the proposed café is not considered to detrimentally affect the qualities of the foreshore or surrounding landscape and would lie within the operational caravan park. The requirements for development within the SLA and within the settlement are set out in policy EP3.

**Issue:** As designation T1 allows for 'ancillary' uses it should be expected that the café would only be for use by patrons of the caravan park. Why therefore is additional parking being provided? It is clearly the applicants intention to have the café opened up to the wider public. Given how very busy the Bootleggers Bothy has been in the past, the café would generate far more business thus resulting in hundreds of covers per day.

**Comments (PO):** There is no reason why the business should not be open to the wider public and other visitors to the area and can still be classed as ancillary to the caravan park business. See observations section also.

**Issue:** A permanent building in this location is completely out of context, and should not be located in this position next to the open coastline.

**Comments (PO):** MLDP T1 designation, which covers this area does allow for ancillary facilities such as a café. The site sits within the caravan park and not within open undeveloped coastline.

**Issue:** This is not an ancillary facility to the caravan site, but a separate business in its own right, thereby departing from the T1 designation which seeks to retain the site as a caravan park.

**Comments (PO):** The designation for T1 specifically allows for a café to operate from the site. It will be owned and operated by the caravan site, and is clearly in accordance with the ancillary facilities cited in the designation.

**Issue:** Brownland sites should be developed first before undeveloped coastal land is used.

**Comments (PO):** The café would be located within the existing caravan park, and within the Hopeman settlement boundary.

## Traffic, road and pedestrian safety issues

**Issue:** The development is located behind a security barrier, so patrons would not gain access to use the parking, and would end up parking at the harbour and Harbour Street area.

**Comments (PO):** A condition is recommended ensuring that the barrier, nor any other impediment prevents access to the café parking area, while the café is open.

**Issue:** Concerned that there will be a significant increase in traffic on the Hopeman to Burghead Road. Objectors already have problems particularly from April until October with increased traffic including campers and caravans.

**Comments (PO):** The development is not so large as to generate excessive volumes of traffic on the B9040.

**Issue:** There are significant issues already with cars speeding on the B9040 and Harbour Street and the increased traffic would make it worse.

**Comments (PO):** Cars speeding on the B9040 and Harbour is a separate matter, unrelated to the proposed development.

**Issue:** The village of Hopeman is already congested with vehicles throughout the spring, summer and autumn months. Large motor homes and touring caravans continue to cause increased chaos. A restaurant/cafe will further increase traffic and although 12 parking spaces are part of the plan this is not enough for the size of the restaurant and the customers/covers they will attract outside the village. More parking would be required.

**Comments (PO):** The Transportation Manager has assessed the level of parking required for a café of this size, and the number proposed, now 13, is adequate for the size of the venue.

**Issue:** With a capacity for 92 covers in the café, plus various sittings in any one day, hundreds of customers could visit the café in a day showing just how busy it would be with the proposals providing inadequate parking.

**Comments (PO):** The Transportation Manager is satisfied with the parking arrangements showing 13 spaces, inclusive of 2 mobility parking spaces.

**Issue:** The caravan site has doubled in size in the last few years and the owners charge patrons to park a second car meaning the harbour area is also congested with cars parking overnight for up to 2 weeks at a time. The caravan park owners seek to restrict other vehicles from within the caravan park too, which in turn cause congestion in the village.

**Comments (PO):** The caravan park has not doubled in size, with the approved extension to the caravan park far smaller and subservient to the original caravan park. The caravan site policy of restricting additional vehicles at pitches elsewhere in the caravan park, while relevant, would not be a determining factor for this application for a café. The café proposed the appropriate amount of parking to accommodate the business it would generate.

**Issue:** No new development should be allowed in Hopeman until the road safety, traffic and congestion problems have been resolved.

**Comments (PO):** Objection noted, but development in accordance with and/or designated within the MLDP that is acceptable to the Transportation Manager should not be refused on traffic grounds.

**Issue:** The proposal will result in overspill parking using the harbour area and/or Harbour Street. The caravan park clearly results in overspill parking Harbour Street, as the congestion ceases when the caravan park is closed in the winter.

**Comments (PO):** Adequate off street parking is proposed at the café area, and the Transportation Manager has not objected to the proposals. Conditions are recommended to ensure the parking at the café is accessible to patrons.

**Issue:** Camper vans, motor homes and large caravans driving through the village create congestion, especially in the summer when the café would be at its busiest. This is when the café would be at its busiest too.

**Comments (PO):** Noted. It is acknowledged that this would be the case.

**Issue:** Heavy construction traffic and subsequent delivery traffic to the cafe, large motor homes and large caravans driving in and out of the village weaken the old bridge structure and tears up the road surfaces and through time damage drainage. If the bridge were damaged this could limit access to the harbour and its users.

**Comments (PO):** This application relates to a café, not the caravan park itself, so the traffic will not be exclusively towing caravans or campervans. The condition of the public road and structures on the public road network will not be adversely affected by the café proposal and are subject to routine inspection and maintenance by the Council, as Road Authority. The scale of the proposal will not result in a great number of construction HGV movements on the public road network.

**Issue:** The two storey café is too large and oversized for this location and the local road network cannot cope.

**Comments (PO):** The proposed café is not considered to be too large, and has sufficient space to accommodate the necessary roads infrastructure in terms of parking.

**Issue:** The changes to the foreshore from excavating this area has also diverted footpaths.

**Comments (PO):** The excavation, clearance and land forming in the area was carried out under a previous planning application when the caravan park was extended (see history section).

**Issue:** Has the Moray Council undertaken traffic surveys in Hopeman?

**Comments (PO):** In response to parking issues in Hopeman Moray Council has recently installed additional on-street parking restrictions to address issues with vehicles parking too close to junctions and on the narrow section of Harbour Street. This came about following observations of parking issues by Moray Council staff in consultation with Police Scotland who had also been made aware of the parking issues. The Council had previously met with the community association representatives, leading to the recent application for parking near the public park to the east. See history section.

**Issue:** The recent alterations to yellow lines on Harbour Street serves only to assist tourists and visitors and hinders local residents who require to park in the village.

**Comments (PO):** The measures taken to reduce traffic congestion are clearly of benefit to all traffic using Harbour Street. The proposal by virtue of the on site parking should not contribute to wider parking issues.

**Issue:** The double decker bus, with dining tables installed forms part of the set up at present for the unauthorised Bootleggers Bothy takeaway. If it is to be located at the café, it too should be assessed as part of the infrastructure upon the site.

**Comments (PO):** The applicant has confirmed that the bus will be removed from the vicinity of the café and will not be used as part of the café while its operating. A condition is recommended to ensure the bus is removed from the vicinity of the café and is not used as additional seating for the café.

**Issue:** This historic fishing village was not designed for the level of traffic visiting the caravan park as it is. Getting busier still, causing congestion and parking issues, will damage existing businesses in the village.

**Comments (PO):** The Transportation Manager has not objected to the proposals and of note recent action has been taken to alter parking restrictions on Harbour Street to reduce congestion. The proposal is not so large as to result in critical build up of congestion on Harbour Street so as to affect other businesses.

**Issue:** The traffic congestion in the village is so bad it is difficult for emergency vehicles to gain access to Harbour Street or the harbour. The congestion has nearly caused several road traffic accidents.

**Comments (PO):** Emergency services have to deal with existing traffic congestion across the public road network, and the Transportation Manager has not objected to the proposed development.

**Issue:** The parking congestion at the harbour has led to difficulties in launching and retrieving boats from the slipway.

**Comments (PO):** Noted, however this application will provide adequate off-street parking for the café within the caravan park.

**Issue:** Visitors to the area routinely ignore the no overnight parking signs exacerbating parking issues in the harbour area.

**Comments (PO):** Noted. This matter is outwith the control of the applicant.

**Issue:** It is noted that the proposal makes no reference to linking the caravan site to the former landfill site at Greenbrae which was previously used as remote parking for this accessing the Bootleggers Bothy. It was previously stated under a previous application that the caravan park did not have permission to cross the public right of way that is the Moray Coast shared cycling and walking trail. Can it be concluded that this means this path will not be used for diners to use to access the caravan site?

**Comments (PO):** Correct, this proposal makes no reference to access from the west, and the parking and access for the site has been assessed as being taken solely from Harbour Street.

### Environmental issues

**Issue:** The cafe would have a detrimental effect on the environment and landscape in which it is set.

**Comments (PO):** There would unavoidably be a degree of change to the immediate landscape and all development has some impact upon the environment. The site however occupies an area of ground already developed for, and lying within the extended West Beach Caravan Park.

**Issue:** The site was a former landfill site, so concerns over ground gases, public safety and subsidence remain.

**Comments (PO):** There is no record of this site being a former landfill site, nor is it susceptible to subsidence. It is thought that some objectors may be confusing this site with that previously proposed to the south west under planning application reference 21/00384/APP which was ultimately withdrawn by the applicant.

**Issue:** The proposal would involve cutting away more gorse, reducing habitat from the gorse areas adjacent to the café. The gorse has struggled to recover after the gorse fires over the years.

**Comments (PO):** The café would occupy an area where the gorse has already been removed some time ago and the land levelled. There will be no incursion in the ENV5 gorse area.

**Issue:** Protected wildlife in this area will be affected due to an increase in people and movement and during the construction period.

**Comments (PO):** The site already lies within the operational caravan site, and the busy coastal path to the south already results in the movement and presence of people. The area therefore already experiences human activity and any construction period while generating some noise will be temporary in nature.

**Issue:** The increased traffic will increase pollution and noise on the route to the location via Harbour Street.

**Comments (PO):** The anticipated increase in traffic will not materially increase the amount of pollution and noise on Harbour Street. The amount of traffic anticipated to use the café would fall far below the level at which any increase in air pollution would begin to cause concern. Harbour Street also experiences traffic movements, such there would be no material increase in noise.

**Issue:** The proposal will generate light pollution, create fumes and cause littering of the environment.

**Comments (PO):** It is speculative to suggest a café would result in littering of the environment. Environmental Health legislation covering the ventilation of food premises would address any odour control required, but given the café would be set well away from residences, this may not be required. Given the proposed café is not intended to open late into the evening and will operate primarily during the day, and will be lit within its immediate surrounding like any other property within Hopeman there is no basis to suggest it will overtly create light pollution. The café is also orientated northward away from other properties in the village.

**Issue:** It is understood from local knowledge that the site of the extended caravan site, and the proposed café was used as a dump for the village. This preceded the use of the former quarry at Greenbrae as a landfill site and could therefore contain harmful or dangerous materials/gas.

**Comments (PO):** Consultation with the Councils Contaminated Land officers did not identify any contaminated land issues or such uses within this site. They have an extensive database of historic land-use maps and no likely sources were identified. Furthermore, circa 2016 when the extended caravan site was being formed, site visits to the location occurred when the locality was stripped of vegetation and top soil exposed. No evidence of the site having been a tip was evident at that time, and some of the excavations were several metres deep towards the south edge of the park extension. The area has since been backfilled and put to use. The foundations strips laid near the surface, again with no evidence of the any past use as a tip was observed.

**Issue:** Since the caravan park was extended, it has spoilt enjoyment of the coastal path, due to the human activity such as barbecues, noise, smells impinging on an area of seclusion and natural beauty. To further develop the site would completely spoil this otherwise beautiful walk.

**Comments (PO):** The coastal path occupies a former railway cutting, which for much of its length near the proposed site, would unlikely see the proposed café. The perception that no human activity should occur near the coastal path would not be reasonable, and at either end of the coastal path it interacts with the settlements it connects.

**Issue:** Increased visitor numbers are causing additional erosion of the foreshore west and east of the village.

**Comments (PO):** It is not considered that the addition of a café to this location would substantively lead to coastal erosion of footpaths. There are established paths leading to the location from the caravan park and from the south, which do not encourage movement onto the foreshore area.

**Issue:** There is a lack of bins in the area as was witnessed at the Bootleggers Bothy takeaway.

**Comments (PO):** The proposal is for a café, where waste would be generated and dealt with by staff within the building, or outdoor table areas.

### Building design

**Issue:** The building would be poorly designed, an eye sore on the edge of the village for residents and visitors, visible from the Hopeman to Cummingston coastal trail and is not in keeping with its presence in the Special Landscape area. Its two storey element does not seek to protect the special qualities of the foreshore and surrounding landscape.

**Comments (PO):** See observations section, it is not considered the proposed building would be an eyesore, or inappropriate to this locality. The building being less than 6m in height would not be overtly prominent or dominate the surrounding landscape. It is bound by an embankment to the south east which provides a degree of enclosure and a backdrop if viewed from the west.

**Issue:** The proposed building will be unattractive, and is poor design. It bears no resemblance to the local architecture given its contemporary design.

**Comments (PO):** There are a mix of architectural styles in Hopeman, and given the function and purpose of the building its design, position and choice of materials all seek to minimise any impact upon the local landscape. See the observations section.

**Issue:** This large and high building is clearly over-development of the site.

**Comments (PO):** The building would sit within an area of the developed caravan park that has sufficient space surrounding it for the building and associated parking. At approximately 5.6m high the structure would be no higher than a pitched roof single storey building.

**Issue:** The building would block views from the surround area.

**Comments (PO):** Whilst there is no entitlement to a view the building, sitting within the caravan park, on low lying ground would block views from the surrounding area. The building would sit well below the majority of Hopeman.

### Other objections

**Issue:** It is unclear if the café would serve alcohol.

**Comments (PO):** Given the applicants currently sell alcohol on the caravan site, and have a license to do so, it is anticipated that the café would also serve alcohol.

**Issue:** There are already a sufficient number of food outlets in the village, no more are required. The proposal will take trade away from other established businesses in the village.

**Comments (PO):** The economic impact of the café is assessed below, but generally speaking the presence of other comparable businesses would not constitute grounds to prevent other similar businesses from being approved.

**Issue:** They already have a fastfood takeaway on site which has no parking, and customers park and congest in the village.

**Comments (PO):** The proposed café would replace Bootleggers Bothy and conditions are recommended to ensure the businesses do not run concurrently and that the proposed parking is made available to all customers when the café is in use.

**Issue:** A big cafe will affect the quaint tranquillity and ambience of Hopeman. The amount of visitors to the village is already spoiling the village.

**Comments (PO):** The café will sit within the existing caravan park, and is not the type of use that would impact upon any perceived tranquillity. The village is already busy in the summer months and other food outlets exist within the village without having such an effect.

**Issue:** The proposed café may even deter tourists and visitors.

**Comments (PO):** It is unclear how a café within an existing caravan park would result in such an outcome.

**Issue:** Moray Council should be supporting the existing businesses, especially given the struggles the Covid-19 pandemic has brought about.

**Comments (PO):** Moray Council does, but this does not mean that new businesses should be prevented from starting.

**Issue:** The applicant is generating support for the proposal using social media, which is inappropriate and not how the Council should operate the planning system.

**Comments (PO):** The means by which any representation is generated is not a matter covered by the planning system, and all representations received in time are considered. Cooperation between those opposed to the development or in support of the proposal is immaterial to the consideration of the issues they raise. Anyone is entitled to make representation regardless of whether or not they were encouraged to do so.

**Issue:** Scottish Water state there are no sewer connections available in this vicinity and private arrangements should be sought.

**Comments (PO):** Scottish Water have not objected to the proposal and the applicant is aware of the need to extend the existing sewer connection for the caravan park along to meet the proposed café. No private sewage treatment is proposed.

**Issue:** Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains. The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. The planning application does not indicate how

they will legally dispose of their waste, nor take into account any of the other obligations as stipulated by Scottish Water.

**Comments (PO):** Any grease trap would be dealt within under any Building Warrant application and the other matters have been brought to the attention of the applicant as standing advice from Scottish Water. Waste collection will occur in line with the existing commercial refuse collection that takes place at the caravan park. The matter of waste segregation would not be a determining factor for the planning application but would be expected to take place.

**Issue:** Query as to why the development was not advertised under Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 as a development likely to affect residential property via noise, light, increase activity etc.

**Comments (PO):** As discussed elsewhere, the site occupies a discrete location at the west end of and within the caravan park, and is located over 100m away from the nearest residence to the south east. It is also proposed, as a café, to open no later than 7pm (9pm in July/August) out of deference in part to the visitors staying overnight close by in the caravan site as well as local residents. It is not anticipated therefore that it would raise any amenity issue for local residents.

**Issue:** Place the parking and amenity needs of local residents ahead of commercial expansion.

**Comments (PO):** Consideration has been given to the impact on local residents, and the assessment of amenity takes into consideration that the café itself will lie some distance away from local residences. The parking issue concerning residences is being addressed within on site parking at the café.

**Issue:** It is unclear what the opening hours and times of the café will be.

**Comments (PO):** The business will be seasonal and opening hours will extend to match the occupancy of the park. It is likely they will open 7 days in the school summer holidays and 5 days in the Easter and October holidays. Out with these times the opening days will reduce to weekends and Thursdays/Fridays depending on the weather and percentage occupancy of the caravan park. A condition is recommended to ensure the café will not generally operate beyond 7pm.

### **Supporting comments**

Those commenting in support of the application have made the following representations which are summarised and commented upon below.

**Issue:** The business, like the Bootleggers before it would bring custom into the village, which benefits the whole village and enhance the caravan site. Another café in the village can only be good for Hopeman and enhances visitor attractions in our coastal villages. The coast loses out to newer bigger attractions inland such as Macallan Distillery visitors centre.

**Comments (PO):** Noted. The presence of other competing tourist attractions would not be grounds to approve the café. All acceptable economic development is supported within Moray.

**Issue:** The business would create much needed employment jobs in the village and create business for local suppliers. It would be good to see visitors spending more money and staying in the village longer.



**Comments (PO):** Noted.

**Issue:** The proposed site is in a well located position, within what is a well maintained and run caravan site, it would be an asset to the village.

**Comments (PO):** Noted. See recommendation for approval.

**Issue:** The current Bootleggers Bothy is very much weather dependent, so it would be an enhancement to the village to have this venue provide a seated setting which would help attract more visitors to the area.

**Comments (PO):** The provision of a seated café in place of the Bootleggers Bothy accords with the MLDP designation for the area.

**Issue:** The café would be located in a discrete location bound and screened by an embankment and would not be visible, or barely visible, from the Moray Coastal Trail.

**Comments (PO):** It is agreed that whilst within the settlement boundary the proposed café would occupy a discrete corner of the caravan site and would not impact upon any neighbouring uses.

**Issue:** The proposed café does not lie within a traditional part of the village or sit amongst traditional houses, so the design of café is entirely in keeping with the caravan park in which it is set. There are other contemporary designs of buildings within Hopeman.

**Comments (PO):** See observations section, design of café acceptable.

**Issue:** Many large caravan parks have their own café, with most also being open to other guests.

**Comments (PO):** It is agreed that allowing such a café to be open to other customers and visitors is acceptable.

**Issue:** Given that many of the people using the café will already be staying at the caravan park and just walking to the café, the parking is sufficient. The proposed parking should address wider parking concerns.

**Comments (PO):** Agreed, the parking standard sought does not take account of this to ensure beyond any doubt that sufficient parking has been provided.

**Issue:** The new café will be on the same position as the current Bootleggers Bothy takeaway, so no intrusion into the surrounding habitat or further loss of gorse will occur. The successful operation of a takeaway business at this location over the past two years shows that it would be an appropriate position for a café.

**Comments (PO):** Noted, and the landscaping condition proposed seeks to re-introduce some gorse in and around the café. The previous Bootleggers Bothy food takeaway did not benefit from having planning permission, and no weight is being attached to its presence in this locality.

**Issue:** The road network and bridge receive HGV's all the time and are regularly inspected.

**Comments (PO):** The Transportation Section have not objected to the ongoing use of the bridge, which is routinely inspected as part of the public road network.

**Issue:** The proposed café will replace Bootleggers Bothy, which has operated without harming other business in Hopeman for several years. There is only one comparable café, and there is no reason why several should not exist in Hopeman giving visitors a choice.

**Comments (PO):** See the observations section re the impact on other food related businesses in Hopeman.

**Issue:** The traffic congestion experienced in 2020 alone was a unique situation and due to Covid and Lossiemouth east beach being closed.

**Comments (PO):** Agreed, see observations section re traffic issues.

**Issue:** A takeaway near the harbour in Hopeman gained planning consent earlier in the year.

**Comments (PO):** Noted.

**Issue:** There is a lack of choice for cafes in this part of Moray, so an additional café would be welcomed.

**Comments (PO):** Noted.

**Issue:** The Sundancer venue at the caravan park in Nairn could be comparable to the proposal. It is enjoyed for food and views.

**Comments (PO):** It is acknowledged that caravan parks can often host a café, open to others beyond patrons of a caravan park.

**Issue:** Given the difficult time the hospitality sector has endured over the past two years, support should be given for proposals such as these.

**Comments (PO):** MLDP is already generally supportive of new businesses, and the Hopeman settlement statement designation T1 supports ancillary facilities at the caravan park such as a café.

**Issue:** The café would be well positioned to serve those using the Moray Coastal Trail.

**Comments (PO):** Noted.

**Issue:** The building is well designed and appropriate for this location. It is architecturally attractive, with balcony's common to other development overlooking the sea and will enhance the area. The choice of indoor and outdoor seating will add appeal to visitors.

**Comments (PO):** See the observations section of the report considering the design of the café.

**Issue:** The applicants have listened to the concerns of local residents and have provided the appropriate parking entirely within the caravan site.

**Comments (PO):** Adequate parking has been proposed.

**Issue:** This development supports the MLDP initiative to provide sufficient land for development and supports sustainable economic growth including the tourism economy.

**Comments (PO):** The proposal is considered to accord with the MLDP.

**Issue:** With staycations being more of a requirement due to Covid, developments like this should be showcased as the way local businesses have innovated to support the changing business models for the future.

**Comments (PO):** Noted.

**Issue:** This development will continue to support the upgrading of existing infrastructure along the moray coast. The creation of safer "walk" pathways has created opportunities for those with limited mobility or those physically disabled who require use of a wheelchair/

mobility scooter. Due to the update of paths this development will create a new location for those who are disabled to enjoy.

**Comments (PO):** The proposed café will provide disabled parking and must also satisfy the various building standards requirements for mobility impaired access to the building but this is separately assessed under the building warrant process.

**Issue:** This supports Morays Health and Social Care agenda where the future is to support people in their own home and community. Home First is a strategic driver which is key to supporting the development of local assets which this development aligns to. Having more all year round disabled friendly facilities offers a superb place for people to visit and enjoy. The views of the seaside can support mental well-being for individuals whilst enjoying food and drinks.

**Comments (PO):** Noted, however the proposed development will close over the winter period when the caravan park is closed.

**Issue:** In terms of character, the proposed café is in keeping with the brand identity on the site.

**Comments (PO):** See observations section. Given the unique nature of the proposal within the caravan site, the design of the café is considered acceptable to the location in which it is proposed.

## **OBSERVATIONS**

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

### **Background**

The 'Bootleggers Bothy' has been a hot food takeaway business operated from within the West Beach Caravan Park which has been in situ since approximately 2019. The premises and associated structures being permanently located at the west end of the caravan park require planning permission in their own right and discussions on the need to regulate the use with planning took place in 2020. However advice from the Chief Planning Officer from the Scottish Government in 2020 in response to the Coronavirus pandemic advised that certain businesses hit hardest by the pandemic may be allowed to diversify in order to sustain themselves financially, and furthermore planning enforcement during this period should take recognisance of that. The Chief Planning Officer states in April 2020 that Planning Enforcement should take a 'reasonable and pragmatic view' towards business affected by the pandemic, and for that reason the business, which brings income into the otherwise closed caravan park, was allowed to continue.

The takeaway food outlet grew in popularity, especially during periods in 2020 when mainstream restaurants and other attractions were closed. This resulted in a very busy period in 2020 when the numbers of visitors to the food outlet was notable within the village. Since then, and with the re-opening of other food outlets closed due to Covid in 2020, the same level of activity was not witnessed in 2021. The current situation now sees all hospitality food outlets in Moray operating close to pre pandemic levels, such that the intensity of use witnessed in 2020 would not occur again. Anecdotally, the same period in 2020 also saw Lossiemouth East beach closed due the foot bridge being condemned, and this resulted in one of the busiest beaches in Moray having its visitors displaced elsewhere.

Notwithstanding the support and relaxation for businesses contained within the Chief Planner Officer letters, the proposed cafe would constitute a new business and requires regulation moving forward. While the applicant has chosen, contrary to advice, to progress with development, the current application still needs to be assessed on its planning merits.

The application submission now includes a Site Investigation & Drainage Assessment and a statement of response to questions raised by Moray Council surrounding retail impact.

### **Principle of development in caravan park (T1 Hopeman Caravan Park)**

The west end of the caravan park is bound to the north by designation ENV6 (Natural/Semi-Natural Greenspace) along the shoreline and to the south by designation ENV5 Green Corridors along the coastal path and gorse areas. The proposed café impinges upon neither of these areas and the site is entirely within the T1 Hopeman Caravan Park designation. Access to the site is shown through the caravan park also, linking to the public road network.

Designation T1 Hopeman Caravan Park states “Ancillary facilities appropriate to tourist development, such as a shop, café, laundry and shower facilities will be supported within this area.” There is therefore a clear statement to support such facilities within the caravan park, and the proposed café will be in accordance with the Hopeman settlement statement designation. Like other facilities within caravan parks in Moray and beyond, visitor facilities at caravan parks are open not only to those staying at the caravan park, but also visitors to the caravan-park or local residents. While the focus is upon provision of ancillary facilities to the caravan park, these need not be restricted to patrons of the caravan park alone. There is no stipulation within the MLDP that such a café must be for patrons of the caravan park alone and chorally the applicant has been asked to ensure adequate parking and other infrastructure is provided to account for any café of this scale that would be open to public visitors.

Also discussed below is the impact the proposal would have upon the special qualities of the foreshore, Special Landscape Area in which the development would also be located.

### **Economic issues and retail (PP2, DP1, DP7 and DP8)**

Policy DP7 Retail/Town Centres requires applications that will attract significant footfall to demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the network of town centres identified in Table 6 'Retail Centres and Roles' of policy DP7. Although Hopeman is not referred to in table 6, it is identified as a "smaller town and village" in the spatial strategy which is the same as settlements such as Rothes and Dufftown which are local centres within table 6. Hopeman does not have a town centre but Harbour Street effectively functions as the High Street of the settlement and contains a number of shops/businesses catering for the demand of the community and visitors.

It is therefore appropriate to give some consideration to the impacts of the proposed café upon other relevant businesses in Hopeman. This matter is discussed in depth above within the consultation response from Strategic Planning and Development Section and their conclusion is reasonable that the impact of the café of the size proposed is not on balance likely to cause unacceptable impacts upon other food outlets in the village. Weight must be attached to commercial benefit for the village from a caravan park that attracts business to the village, and the local plan designation acknowledges this in stating that ancillary facilities such as a café on site would be supported as contributing to vitality

of the caravan park. It must also be borne in mind that the café would lie within the settlement boundary, approximately 300m from Harbour Street and the harbour area which is within reasonable walking distance. It is therefore concluded that there would be no detrimental impact on the commercial vitality of Harbour Street from having a further café within the village and the proposal satisfies the requirements of policy DP7.

Policy DP8 Tourism Facilities and Accommodation requires proposals to demonstrate a locational need for a specific site. Locational need is where it is necessary for the proposed development to be located on (or in close vicinity) to the site. Necessary in this context means more than convenience. The locational need is justified by the existing presence of the caravan park in which it is reasonable to allow the proprietor to provide ancillary facilities and attractions to the visitors to the caravan park. Furthermore the MLDP designation specifically identifies that a café could be located within the T1 designation, providing an ancillary facility to patrons of the caravan park. With the MLDP having primacy as a consideration in the determination of the application, the reference to a café within designation T1 establishes the principle that this location is appropriate, necessary and acceptable for such a proposal.

The seasonal nature of the business and the fact that approximately half the seats indicated in the submitted floor plans are outdoors will likely see the café operating below capacity much of the time. As the site lies within the village settlement boundary, and is within reasonably close proximity to the harbour and northern end of Harbour Street, it is not considered that it would unduly draw custom away from the rest of the village. The proposal is therefore considered to comply with policy DP8 and will provide another establishment drawing visitors to Hopeman alongside the other existing food outlets.

#### **Transportation, Access and Paths DP1 (DP1 and PP3)**

DP1 Development Requirements and PP3 Infrastructure and Services require any development to be accessed safely and safeguard and enhance pedestrian facilities. Notwithstanding the strong likelihood that patrons of the caravan site will be predominant users of the café, and will walk to the café from their respective caravans, the parking requirements discussed below ensure that the development would be wholly compliant with the parking requirements of any café.

The Transportation Section have not objected to the proposals as the proposal has provided sufficient parking, disabled parking, vehicle turning cycle storage and electrical vehicle charging points for a development of this size. 10 spaces and 2 disabled spaces would have been sufficient, but 11 standard spaces and 2 disabled are proposed which is sufficient for a business of the size proposed. The Transportation Manager, mindful of traffic issues in Hopeman has also commented that additional on-street parking restrictions within Hopeman have recently been installed to address issues with vehicles parking too close to junctions and on the narrow section of Harbour Street leading to the site.

The site will take access via the private caravan park roadway leading through the caravan site. It is noted that the applicant will have to alter the management arrangements of a barrier that restricts access for vehicles along the front of the caravan park. A condition is recommended to ensure that the security barrier does not impede access for vehicles to the proposed café. As the hours of opening will vary depending upon the time of season, the café and caravan site will need to coordinate this requirement together.

The proposal would not impede any publicly accessible footpaths and would have no impact upon the use of the Hopeman to Burghead coastal path to the south of the site. Existing commercial refuse collection arrangements for the caravan site would presumably serve this development also. It should be noted, the applicant has confirmed that the double decker bus, currently sited at this location and containing dining tables, will be moved away from this area, and will not be utilised to provide extra space for additional covers.

The proposal is not of a scale that would result in a detrimental increase in traffic on the local road network, and would therefore not depart from the traffic and infrastructure requirements of the policy DP1 or part (ii) of policy PP3 relating to Transportation. The conditions recommended ensure compliance with policy and the provision of adequate infrastructure associated with the site.

### **Siting, Design and Materials within Special Landscape Area (PP1, DP1 & EP3)**

The settlement statement for Hopeman states that the distinctive character of the village should be safeguarded. The site also lies close to the foreshore area, the protection of which is a further objective of the Hopeman settlement statement. The site is also located within the Burghead to Lossiemouth SLA where the Council seeks to encourage the highest standards of design and in line with policy EP3 Special Landscape Areas and Landscape Character. Furthermore, as the proposal lies within the existing settlement boundary it must comply with the requirements of any settlement statement in which it is located (in this case T1 Hopeman Caravan Park).

DP1 and other relevant policies, seek to minimise adverse impacts on the landscape and visual qualities within the area in which development is located. To this end the site sitting at the west end of the caravan park is bound immediately by an embankment to the south and west, that would partially obscure the building from the east. The design of the building, with a shallow mono-pitch roof would not occupy an overtly prominent position within the SLA, with the existing village more dominant to the south and south east. At approximately 5.6m high the structure would be no higher than a pitched roof single storey building despite accommodating two floors of development. Of note, far more prevalent will be the housing development recently approved within designation R1 Manse Road on higher land directly to the south of the current site. The application site is on a low lying area of land, with an open aspect northward across the caravan site toward the coast, and will be largely obscured from view from the majority of Hopeman and the existing coastal path to the south of it that sits within a cutting. It would not therefore be detrimental to the landscape and visual qualities of the SLA where it lies within the existing caravan site.

The building materials using natural larch cladding on all four elevations will see a natural material sympathetic to its location on the edge of the village. The modular use of shipping containers is of limited significance to the exterior of the building. The use of muted dark grey windows, timber decking, balustrades and larch cladding on vertical faces ensures that observers are not unduly drawn to view the building by virtue of its materials. While the building will appear as a bespoke café, unlike other buildings in the village, its discrete location, traditional materials and low profile will ensure it causes no negative impact upon the wider SLA. There are other timber clad buildings close to shore in Hopeman at the harbour, Sea Park and the beach huts toward the east of the village. The plainer facades of the café face the customer parking and embankment to the south and would not be prevalent from the village to the south east and east. The requirement within policy EP3 to reflect the traditional settlement character in terms of siting and design is less pertinent to a one off development such as this, where only one caravan park exists in the village, and

the designation allows for a café within the designation. Design and materials of residences within Hopeman vary according to the age of the properties.

The re-introduction of gorse around the building will also in time assist its integration with the existing gorse areas to the south. Of note policy EP3 Special landscape Area and Landscape Character does not seek to veto development within settlements and where the proposed café sits within the caravan park in an area of land that has already been cleared and levelled for that purpose, it would not fundamentally change the landscape area of the land upon which it is proposed.

The proposed parking would also site within a discrete location, adjacent to the proposed café and within the existing caravan site. The parking would only be visible from very limited vantage points at the north-west edge of the village, and vehicles would also typically be present at the touring caravan pitches anyway, so no change in character will occur.

In terms of siting, design and materials the proposal is appropriate to the surrounding area and its location, policy DP1 (i)(a) and policy PP1 Place making (i) and EP3.

### **Drainage and flood issues (DP1, EP12 and EP13)**

Policy EP12 Management and Enhancement of the Water Environment seeks to ensure that all development is appropriately drained, and does not cause any environmental issues, nor contribute to flooding if applicable on site. The applicants submitted a Site Investigation & Drainage Assessment which confirms that the permeability of the site is sufficient to accommodate a surface water soakaway. As the final position of the surface water soakaway has not been shown on amended plans, a condition is recommended to ensure this soakaway is provided in accordance with the submitted assessment.

The T1 designation refers to discouraging development within 5m above sea level to avoid the possibility of coastal flooding. The submitted information show the development with a finished floor level of 9.6m above ordnance datum. The proposal also sits to the south of already developed pitches within the extended caravan site, so will not be introducing development into an area currently devoid of development.

The designation requires a Flood Risk Assessment to be carried out for development within the T1 designation. The application has been submitted with an accompanying Site Investigation & Drainage Assessment. It is noted that this specific area is not recorded as being susceptible to surface water, coastal or river flooding and from inspection of the site, the very sandy, permeable ground conditions would not give rise to flood issues.

Scottish Water have raised no objection to the principle of the development connecting to the public water supply, but comment that the sewer does not reach this location yet. The applicants are aware of this and have indicated their intent to connect the development to the existing sewer connection serving the caravan site. The drainage infrastructure requirements of policy DP1 Development Principles (ii) (c) & (iii) (a) and policy EP12 Management and Enhancement of the Water Environment and EP13 foul Drainage have been satisfied.

### **Protected Species & Biodiversity (EP1 & EP2)**

This site has already been cleared of gorse, regraded and has since circa 2017 been a managed area of land within the Hopeman caravan park. The activity in the form of the fast food takeaway and caravan site use results in a level of human activity that will

witness limited ecological or habitat value. The proposal does now include however landscaping details that would see coastal grasses and gorse re-introduced around the building to see it better blend into the remaining gorse area to the south. This would hopefully re-introduce some appropriate flora to the site, most likely to compliment the gorse habitat to the south. No protected species will have been present within the site.

Given the current condition of the site the proposals are acceptable in relation to biodiversity and comply with policy EP2.

### **Other issues**

Policy EP6 Settlement Boundaries discourages any development immediately outwith settlement boundaries, but as the site falls entirely within the settlement boundary, no departure from this policy occurs.

In terms of any impact on amenity policies DP1 Development Principles and EP14 Pollution, Contamination & Hazards the proposed café will operate seasonally, during the day predominantly, and no later than 9pm during the peak of the season. The café would sit approximately 100m from the nearest residence on Duff Street and it is not considered that it would have any detrimental impact upon residential amenity. The café would also sit below the nearest properties on Duff Street, which lie further inland and higher than the proposed development. As it sits within the existing caravan park, it would not be within the interests of the site operator to allow the café to generate excessive noise or odours where patrons of the caravan park itself would be expecting a reasonable degree of amenity. The orientation of the decking and balcony seating also faces northward away from the village and it is not therefore anticipated that any noise, odour or lighting issues would arise.

There are no contaminated land issues recorded at this location for this site causing concern under policy EP14.

### **Conclusion**

The proposal has attracted a large number of representations of support, but also a notable number of representations opposed to the development. Notwithstanding any strength of feeling in either direction, the proposals required to be determined subjectively against the MLDP and the T1 caravan park designation specifically identifies the capacity for a café in this location. The proposed café, taking note of its size and anticipated number of covers, will not manifest in any detrimental impact upon the wider village or existing food outlets. The proposed café is also located in a discrete location within the Special Landscape Area (SLA) and within the currently operating caravan park, so will not have unacceptable impacts upon the coastal landscape and visual quality of the area.

The proposed café is proportionate in scale to the size of the caravan site, and is well located so as to have minimal impact or effect on village residents to the south east.



**REASON(S) FOR DECISION**

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

The proposal accords with the relevant policies of the Moray Local Development Plan 2020 and no material considerations indicate otherwise.

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## **APPENDIX**

### **POLICY**

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

##### **PP2 SUSTAINABLE ECONOMIC GROWTH**

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

##### **PP1 PLACEMAKING**

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

- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

**(ii) Healthier, Safer Environments**

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

**(iii) Housing Mix**

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

**(iv) Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active

travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

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

**v) Biodiversity**

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

**(vi) Parking**

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

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

**(vii) Street Layout and Detail**

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

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

**PP3 INFRASTRUCTURE & SERVICES**

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

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

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

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

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

**c) Harbours**

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

**d) Developer Obligations**

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

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

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



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

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

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

### **(i) Design**

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

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

**(ii) Transportation**

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

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

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

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

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

## **DP5 BUSINESS & INDUSTRY**

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

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

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

- b) Business Parks**

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

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

- c) Industrial Estates**

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

- d) Existing Business Areas**

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

- e) Other Uses**

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the

supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

**f) Areas of Mixed Use**

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

**g) Rural Businesses and Farm Diversification**

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

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

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

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

**h) Inward Investment Sites**

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

Proposals must comply with Policy DP1 and other relevant policies.

**DP7 RETAIL/ TOWN CENTRES**

**a) Town Centres**

Developments likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities must be located in town centres.

Within Core Retail Areas (identified on settlement maps, CRA), at ground level, only development for Use Class 1 Shops, Use Class 2 Financial, professional and other

services, or Use Class 3 Food and drink will be supported. Above ground floor level residential use will, in principle, be supported as an appropriate use.

Proposals must be appropriate to the scale, character and role of the town centre (Table 6) and support a mix of uses within the town centre. Proposals that would lead to a concentration of a particular use to the detriment of the town's vitality and viability will not be supported.

**b) Outwith Town Centres**

Outwith town centres, development (including extensions and sub-divisions) likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities must;

- a) Demonstrate that no sequentially preferable sites are available. Locations will be considered in the following order of preference;
  - Town centres (as shown on settlement maps).
  - Edge of centre.
  - Commercial Centres (as shown on settlement maps, CC).
  - Brownfield or OPP sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.
  - Out of centre sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.
- b) Demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the network of town centres (Table 6), where appropriate by a Retail Impact Assessment.

Flexibility will be allowed to ensure that community, education and health care uses are located where they are easily accessible to the communities they serve.

**c) Neighbourhood Retail**

Small shops that are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary will be supported. Depending on scale, proposals may be required to demonstrate that they will not have an unacceptable adverse impact on the vitality and viability of the network of town centres (Table 6), by a Retail Impact Assessment or Retail Statement. Within a neighbourhood one unit of up to 400m<sup>2</sup> designed to meet the day to day convenience needs of the neighbourhood will be supported. Other small units of up to 150m<sup>2</sup> that contribute to creating a mix of uses in a neighbourhood centre/hub will be supported. This could include small retail uses (Class 1 non-food), financial and professional services (Class2) and cafes and small restaurants (Class 3). Neighbourhood hubs/centres should aim to contribute to the sense of community and place, the sustainability of an area, reduce the need to travel for day to day requirements and provide adequate parking and servicing areas.

Change of use of established or consented neighbourhood retail units will only be supported where it can be demonstrated that active marketing has failed to find a retail use for the premise. For a change of use to be considered, the premises must have been vacant and actively marketed for a minimum of three years at an appropriate market rent/value. Where the unit is part of a consent for wider development, the three year marketing period will be counted from the completion of the development as a whole i.e. change of use of a retail unit will not be considered

half way through completion of a development or in the three years after the completion of the whole development.

**d) Ancillary Retailing**

See policy DP5 Business and Industry in respect of ancillary retailing to an industrial or commercial business.

**e) Outwith Settlement Boundaries**

Outwith settlement boundaries, proposals for small scale retail development will only be supported if these are ancillary to a tourism or agricultural use. Small scale extensions to existing retail activity will only be supported where this does not undermine the vitality and viability of the network of town centres (Table 6).

**DP8 TOURISM FACILITIES AND ACCOMMODATION**

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

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

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

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

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

**EP2 BIODIVERSITY**

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

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

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

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity

features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

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

## **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.

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

### **a) Flooding**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is

necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

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

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

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

#### **c) Water Environment**

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

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

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

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification

is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

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

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

### **EP13 FOUL DRAINAGE**

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

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

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

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

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

### **EP17 COASTAL CHANGE**

New development will not generally be supported in areas that are vulnerable to adverse effects of coastal erosion and/or wider coastal change as identified in Scotland's Dynamic Coast project (National Coastal Change Assessment).

In vulnerable areas, proposals for new developments will only be permitted if they demonstrate that they:

- are adaptive to anticipated coastal change, and
- avoid the need for coastal defence measures over their lifetime, and
- will not have a detrimental impact on coastal processes.

Beyond this, only in exceptional circumstances will proposals within areas vulnerable to coastal change be approved and only where it has been demonstrated that there are:

- no alternative solutions, and
- imperative reasons of over-riding public interest including those of a social or economic nature.

## **T1 Hopeman Caravan Park**

### **Suitable Uses**

- This must remain as a holiday caravan site as part of Hopeman's tourism infrastructure. Development for alternative uses will not be permitted.
- Ancillary facilities appropriate to tourist development, such as a shop, café, laundry and shower facilities will be supported within this area.

### **Site specific requirements**

- In order to protect the foreshore to the north, further expansion beyond the boundary of the caravan park will not be permitted.
- Development on land below 5m AOD must be avoided due to the risk of coastal flooding.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the Moray Firth Special Area of Conservation (SAC) or the proposed Moray Firth Special Protection Area (pSPA) or cause changes in water quality affecting the habitats and prey species that SAC and pSPA qualifying interests rely on.

## WARD 05\_17

**21/01670/APP**  
**20th October 2021**

**Amend road layout add new informal footpath and new house types on Plots 40 41 and 44 Phase 2 at Inchbroom Development Lossiemouth Moray for Tulloch Of Cummingston Ltd**

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**Comments:**

- Application seeks to amend the layout and house types on three plots on part of an approved housing development.
- The application is referred to the Planning and Regulatory Services Committee for determination because the original application was previously reported to Committee.
- Advertised for neighbour notification purposes.
- One representation received.

**Procedure:**

- No legal agreements required or further procedures.

**Recommendation: Grant Planning Permission - Subject to following:**

**Conditions/Reasons**

1. No development shall commence until a landscape management plan has been submitted to and approved in writing by the Planning Authority providing details of the ongoing management of the woodland areas as shown on the approved Phase 2 Landscaping Plan. The woodland shall thereafter be managed in accordance with the approved plan throughout the lifetime of this consent.

**Reason:** To ensure that the development is integrated into the landscape, existing trees are safeguarded and managed, and to ensure that biodiversity is retained, protected and enhanced.

2. No development shall commence on site until tree protection measures have been implemented in accordance with the approved Phase 2 Landscaping Scheme. These measures shall be retained until completion of the development. No trees shall be felled unless a survey for red squirrels has been undertaken with the results submitted to and approved in writing by the Planning Authority.

**Reason:** To ensure that, existing trees are safeguarded and managed, and that biodiversity is retained, protected and enhanced.

3. All landscaping, and tree planting shall be implemented in accordance with the approved Phase 2 Landscaping Scheme (and any additional planting required as a result of provision of the visibility splays as required by condition 7 ) in the first planting season following completion of occupation (whichever is the sooner) of the development hereby approved. Any trees which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

**Reason:** To ensure that the development retains, enhances and protects features of biological interest on the site and provides for their appropriate management and maintenance.

4. No residential unit shall be occupied until its surface water drainage arrangements have been completed in accordance with the approved plans and Drainage Statement. The drainage arrangements shall be maintained thereafter in accordance with the approved Drainage Statement throughout the lifetime of the development hereby approved.

**Reason:** In order to ensure the development is served by appropriate surface water drainage.

5. No residential unit shall be occupied until a scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway (minimum width of 2.5 metres), including the extension of street lighting and timetable for implementation, from the Phase 1 Development Access to the south-east boundary of the site has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Transportation Manager. The scheme shall thereafter be implemented in accordance with the approved details and timetable

**Reason:** In the interests of achieving an acceptable form of development to provide safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom development site, linking to Core Path CP-LM 27 to the south-east of the site.

6. The construction of the development hereby approved shall not commence until the completion of Phase 1.

**Reason:** To ensure acceptable pedestrian and roads infrastructure to access the development and to ensure acceptable development that does not create any hazard to road users in the interests of road safety.

7. No development shall commence until:
  - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the composite visibility splay of 4.5 metres by 70 metres in both directions at the Phase 2 access onto the public road and 2.4 metres by 100 metre to the north-west and 2.4 metres by 160

- metres to the south-east at the same access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
- ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
  - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

These plans shall also provide details of any trees which may be affected or lost by the provision of the required visibility splays – and a plan of compensatory planting shall be provided should any trees need to be removed.

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

8. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

9. Parking provision for houses shall be provided at the following rates:
  - 1 Bedroom = 1 space
  - 2-3 Bedrooms = 2 spaces
  - 4 or more bedrooms = 3 spaces

Parking shall be provided prior to the completion of each house which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

10. No boundary fences, hedges, walls or any other obstruction whatsoever over

0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

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

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

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

12. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651 " as submitted with planning application 08/01685/FUL.

**Reason:** In the interests of ensuring an acceptable form of development which and to mitigate any noise pollution.

13. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house plot numbers 40 and 41. They shall also be installed in east facing bedrooms of house plot 44. The attenuated ventilators shall have an element normalised level difference,  $D_{n,e}$ , of at least 32dB in the 500Hz octave band.

**Reason:** In the interests of ensuring an acceptable form of development which and to mitigate any noise pollution.

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

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

This proposal to amend the layout of an existing consent is in accordance with the relevant provisions of the Moray Local Development Plan 2020. There are no other material considerations that indicate otherwise.

### **List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:

A Building Warrant will be required.



Please note that under the terms of the Wildlife and Countryside Act 1981 red squirrels and their resting places (dreys) are protected - no trees should be felled until the developer has checked that there are no squirrels in the trees. More information on Nature Scotland website on this link. Trees should also be checked for nesting birds

[https://www.google.co.uk/url?esrc=s&q=&rct=j&sa=U&url=https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-red-squirrels&ved=2ahUKEwj75t2ovKz2AhX\\_oHIEHV7NAuQQFXoECAQQAg&usg=AOvVaw14FYsgS2f8CiiFoswHUU3T](https://www.google.co.uk/url?esrc=s&q=&rct=j&sa=U&url=https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-red-squirrels&ved=2ahUKEwj75t2ovKz2AhX_oHIEHV7NAuQQFXoECAQQAg&usg=AOvVaw14FYsgS2f8CiiFoswHUU3T)

THE MORAY COUNCIL TRANSPORTATION MANAGER has commented that:

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

Plots 39-41 are to be served by a private access as the number of dwellings served by this access is less than five.

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

<http://www.moray.gov.uk/downloads/file134860.pdf>

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 [constructionconsent@moray.gov.uk](mailto:constructionconsent@moray.gov.uk)

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

The developer shall be responsible for all costs associated with preparing and implementing the Road Traffic Regulation order for waiting restrictions, including any associated engineering or infrastructure costs.

The developer shall be responsible for all costs associated with the extension of the existing street lighting provision. The developer should contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals.

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.

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

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

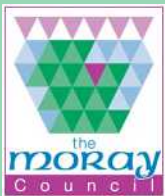
The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The applicant should seek a Road Traffic Regulation Order from the Roads Authority prior to commencing development relating the alteration and repositioning of speed limits resulting and required for the development.

SCOTTISH WATER has commented that:

The developer will require to contact the Agency to ensure that there are no impacts upon Scottish Water assets in the vicinity – more information in their consultation response.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
IB/PH02/03		Drainage Plan and Levels
IB-PH02/03		Services
IB-PH02/05		Landscaping
IB-PH02/06		Block plan
IB/PH02/02		Location plan
IB/PH02/01	rev B	Site layout
IB/PH02/BLERVIE	A	Blervie House Type
IB/PH02/CULBIN	A	Culbin house type



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/01670/APP**

**Site Address:**

**Inchbroom Development**

**Lossiemouth**

**Applicant Name:**

**Tulloch of Cummingston Ltd**

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## Location Plan



**Site Location**







**Landscape plan**





**Comparison of approved and proposed site plan**



# 21/01670/APP- Photograph Positions





**Photo 1 Vista of site from core path**





**Photo 2 looking west to site access**



**Photo 4 looking north to phase 3**





**Photo 5 example of existing houses**





**Photo 6 access looking north**





## PLANNING APPLICATION: 21/01670/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**

- Revised road layout and 3 revised house types on part of the eastern portion (phase 2) of a previously approved housing site (reference 08/01685/FUL).
- Replace houses on plots 40 and 41 (formerly plots 45 and 46) with a pair of two storey, hipped roof, 4 bedroomed houses with integral single storey double garage-Blervie house type. House on plot 40 will be handed.
- House on plot 41 (formerly plot 45) was an L shaped single storey 3 bedroom hipped roof property with integral garage. House on plot 40 (formerly plot 46) was 1 ½ storey 3 bedroom property with integral garage.
- Replace house on plot 44 (formerly plot 50) with a Culbin 3 house type which is a single storey U shaped hipped roof 3 bedroomed property with integral garage
- Previous house type on plot 44 (formerly plot 50) was a 3 bedroom house with accommodation in attic space with roof lights and dormers.
- New house types all finished with brown roof tiles, beige harling, oak doors and windows and fifestone feature work on frontages.
- Revised road layout which moves the access point slightly further south-eastwards whilst still overlapping the original access point; introduces a slight kink in the main road into this part of the scheme; and a hammerhead into the cul-de-sac serving plots 39-41.
- Revisions to the road layout necessitate minor changes to plot boundaries and slight movement of house positions.
- New 1.5 metre wide link gravel footpath proposed from end of new hammerhead beside plot 40 through the woodland belt to connect onto the B9103 Inchbroom public road into Lossiemouth – path will be routed to avoid trees.
- Applications for non-material variations have been submitted for minor re-positioning/design changes on plots 39, 42 and 43 - currently under consideration.
- Comparison plan detailing these changes provided.
- Landscape scheme provided detailing 23 trees will be lost to accommodate development, with 23 new trees planted. All other existing trees within the Scots Pine roadside tree belt here will be retained and protected.
- Servicing to public water and drainage supplies with surface water disposed of by soakaway within each plot.
- Drainage statement sets out ground conditions suitable for surface water infiltration and soakaway solutions with no flooding issues.
- Roads surface water drainage to be dealt with by soakaway trenches adjacent to road. House drainage to be soakaways within plots with drainage for private driveways to be via filter trenches.

## **THE SITE**

- Site lies within a partially completed residential development to the east of the B9103 Inchbroom Road leading into Lossiemouth from Elgin.
- It is located in the south eastern part of this development site, known as phase 2. Phase 1 to the north is largely completed and served by an access point onto Inchbroom Road.
- The site has been partially excavated and is slightly undulating.
- An existing house at Tree Tops lies to the north of site between it and Phase 1 to the north.
- A Core Path runs along the eastern site boundary with scrub land and the sand dunes leading to the River Lossie beyond this.
- Oakenhead wood lies to the south screening the site from the cemetery and there is woodland on the opposite (west) side of the public road.
- There is a belt of Scots Pine trees along the site frontage to Inchbroom Road - Some evidence of damage to trees from recent storms.

## **HISTORY**

There is a long planning history here. There have also been a number of consents granted for various changes to layouts over the years. Key cases summarised as follows.

**05/01755/FUL** – Erection of 101 residential units (including 18 affordable units) and construction of roads refused by the Planning and Regulatory Services Committee following departure hearing on 9 November 2007. Appeal to Scottish Ministers dismissed on 25 June 2008.

**08/01692/FUL** – Erection of three houses on Inchbroom Avenue to far north granted planning permission by Planning and Regulatory Services Committee on 11 February 2009.

**08/01685/FUL** – Erection of 57 houses and garages, construction of roads and play area granted planning permission by the Planning and Regulatory Services Committee on 10 February 2010 subject to conditions and legal agreement relating to affordable housing provision and woodland management. This consent covers phases 1 and 2. The current submission is located within this site and seeks to amend the layout slightly.

**10/00492/APP** – Amended layout including remix of house types and layout in northern part of site - granted planning permission by Planning and Regulatory Services Committee on 31 January 2012.

**11/01215/APP** – Erection of 6 flats and 4 semi-detached dwellinghouses (10 units) on land adjacent to 52 Inchbroom Avenue Lossiemouth – granted planning permission by Planning and Regulatory Services Committee on 28 February 2012. – Site in far north adjacent to the main 2008 consent site.

**12/02143/APP** – Remix of houses granted planning permission under delegated powers on 5 April 2013 - located in northern part of site.



**14/01836/APP** – Remix of house types granted planning permission by the Planning Regulatory Services Committee on 28 January 2015 in northern part of site. – 4 two storey houses instead of single storey.

**16/01656/APP** – Substitute approved 4 bedroom split level house with 2no semi-detached 3 bedroom houses on plots 1A and 1B granted planning permission by Planning and Regulatory Services Committee on 17 January 2017 – located in northern part of site adjacent to Inchbroom Avenue.

**19/01178/APP** – Erection of 12 flats in lieu of 8 granted under 08/01685/APP on plots 29 and 30 - approved by Planning and Regulatory Services Committee on 9 September 2020.

**20/00265/APP** - Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F at Inchbroom Pines Development Lossiemouth. (These plots are located in the flatted development approved under 19/01178/APP which was the only part of the site undeveloped at the time of that application). The opportunity was taken to update the planning conditions as it was effectively a fresh consent - approved by Planning and Regulatory Services Committee on 9 September 2020. Work in underway on site.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

- The application was advertised when first received in November 2021 in the local press for neighbour notification purposes.

## **CONSULTATIONS**

**Transportation Manager** – Initially objected to the application on the basis of inadequate visibility because the application showed reduced extent of visibility splays onto the B9103 Lossiemouth –Sherrifston Road as compared to the original applications. The Team noted that this road is a key route into Lossiemouth and since the implementation of a weight restriction on Arthur's Bridge to the south of Lossiemouth it has been subject to increased movement by heavy goods vehicles. As the new housing will be screened by roadside trees there will be no visual clues to drivers of the presence of the development whereby it is important to ensure that there is adequate visibility from the access point which lies just within the 30 mph limit. On receipt of additional information the Team has confirmed that they have no objections to the proposals subject to appropriate planning conditions to achieve satisfactory visibility and provision of necessary infrastructure alongside Inchbroom Road including footpath/cycleway as well as standard roads conditions relating to matters such as electric vehicle charging, construction traffic management plan and parking.

**Ministry of Defence** - No safeguarding objections.

**Contaminated Land** - No objections. On receipt of a Contaminated Land Assessment report they have further confirmed that they have seen this report previously and it effectively fulfils the requirements of the conditions on consent 08/01685/FUL relating to contaminated land issues in respect of the most easterly part of the development (the current site) The team has confirmed that there is no requirement for any contaminated land conditions for this application.

**Developer Obligations** - Note that the application is part of a larger previously approved application and results in a net increase of 0.6 SRUE (standard sized residential unit) whereby no further developer obligations are required.

**Flood Risk Management** - Initially required further information on climate change calculations and roof areas of houses. On receipt of additional information Team has confirmed no objections.

**Environmental Health Manager** - No objections.

**Moray Access Manager** - No objections.

**Scottish Water** - No objections - developer will require to contact them to ensure that there are no impacts upon Scottish Water assets in the vicinity.

## **OBJECTIONS-REPRESENTATIONS**

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

One representation has been received from:

[REDACTED]

**Issue:** Concerned to ensure wildlife, flora and fauna protected.

**Comments (PO):** The development is on a site which has been partially scraped for development, and benefitting from a live planning consent. The proposed changes will have little additional impact upon habitats. A landscape plan has been submitted to show which trees require to be removed to facilitate visibility splays, identifying trees to be retained and also new planting, whereby there is an opportunity to ensure that biodiversity interests are safeguarded.

## **OBSERVATIONS**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main issues are considered below:

## **Background and Principle of Development**

The reason this application is being referred to Committee for determination is because it proposes to alter the roads layout and the house types on three plots as compared to the layout and house types previously considered by members. There is no increase in numbers of units. The change in house type is understood to be in response to market demand and experience of this site, and the proposed changes to the road layout are understood to be in order to simplify the layout slightly.

## **Principle (DP2)**

The principle of housing here is well established by the existing extant consent dating from 2008. A number of applications have been approved over the years (as noted in the history section) for changes to the original 2008 layout, key ones being the introduction of more flats in the northern part of the site and the removal of the requirement for a link road onto the A941 Elgin to Lossiemouth road.

The application site is part of a wider site which is specifically designed for residential use as Site R3 - Inchbroom in the settlement statement for Lossiemouth. This statement notes that the site is suitable for indicative capacity of 67 units, for low density housing interspersed with trees with existing tree belts on either side of Inchbroom to be retained. As such the principle of housing here is well established, with Policy DP2 Housing setting out that development on designated sites must comply with the site development requirements as set out in the settlement plan and all other relevant policies.

The current proposals simply seek to amend the road layout slightly, change house types on three plots, alter the plot boundaries slightly to align with the revised road layout, and introduce a new foot path link. It is the detail of these changes which fall to be considered. The overall layout and numbers are fundamentally unchanged and development is well underway on the wider site with phase 1 almost completed. Consequently it is not necessary to revisit wider place making considerations for an application that essentially seeks consent for relatively minor changes and complies in principle with the Development Plan settlement statement.

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

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Policy DP1 Development Principles sets out the new development will be supported where it meets a number of criteria including ensuring density, scale and character is appropriate to the surrounding area and creates a sense of place and supports the principles of a walkable neighbourhood. DP1 also requires that development does not adversely impact upon neighbouring properties in terms of privacy, daylighting or overbearing loss of amenity. Finally Policy PP1 also requires all developments of 10 or more to provide a Placemaking Statement - this does not apply to this development to revise house types on three plots.

The proposed development involves the introduction of two storey hipped roof housing on two plots (plots 40 and 41) set back from the public road, with a wide tree belt of Scots Pine between the plots and the public road. The plots are large and readily able to accommodate this scale of development whilst there are other examples of two storey development on the wider site whereby the proposed house type is not out of keeping. The wider scheme is characterised by a range of single storey, 1 ½, split level and 2

storey development set in large plots and the proposals continue to respect this character, scale and density as required by policy. The houses have been designed so that they have the single storey garage element on the side gables whereby they will lead in well visually to the lower, single storey house on plot 39 to the north and the 1 ½ storey house on plot 42 to the south on either side with no overlooking or privacy issues arising.

The second house type change involves a larger house type – still single storey – on plot 44. There is still ample space on site to accommodate this house type and no overlooking or amenity issues arising. It will also relate well visually to the single storey house approved on the adjacent plot 43. On other sides of plot 44 is woodland so again there are no particular issues arising.

In these circumstances the revised house types are considered to comply with planning policies.

Similarly the minor changes to the road layout are not considered to raise any amenity issues with the proposed footpath link offering the opportunity for enhanced, more attractive pedestrian access through the tree belt.

### **Environmental Issues - Biodiversity and Landscaping/Trees (PP1, DP1, EP1, EP2, EP3 and EP7)**

Policy DP1: Development Principles sets out that development should conserve and enhance the natural and built environment and cultural resources. This is reinforced by Policy EP1 Natural Heritage Designations which seeks to ensure that development does not have an adverse effect on wildlife and protected species, with species protection plans required where necessary. Policy EP2 Biodiversity also seeks to ensure that all development proposals where possible retain, protect and enhance features of biological interest and provide for their appropriate management, with compensatory habitat creation required necessary. Similarly Policy EP7 Forestry, Woodland and Trees also seeks to retain healthy trees and incorporate them in the development unless it is technically unfeasible to retain them with suitable tree protection plans and compensatory planting on one for one basis required.

In this case the formation of an access road and plots here was always going to result in the loss of some of the Scots Pine trees here. The original 2008 application was approved subject to a legal agreement which required the developer to ensure that the woodland was managed way in accordance with the Woodland Management Overview and Plan which formed part of the agreement with as many trees as possible should be retained and with replanting required where any felling was required.

The revised proposals will have little additional impact with the main new infrastructure proposed (link path) being routed to avoid any tree loss. The opportunity has been taken with this current application to secure a landscape scheme which identifies the 23 trees to be removed and provides for the same level of new planting. Tree protection by way of heras fencing has also been detailed. In these circumstances the proposals are considered to be comply with Policy EP7 subject to an appropriate planning condition requiring implementation of these landscape/tree protection proposals. However during a recent site visit it has been noted that, presumably as result of recent extreme storm events, a number of the mature Scots Pine have been blown over and/or damaged and it is therefore considered prudent to secure by condition any future replacement planting and ongoing management.

As noted earlier, this current application does not change any of the fundamental layout of the proposals here and as such there is no need for any further habitat surveys. At the time of the original application in 2008 it was noted that squirrels were present in the area with a drey located in one of the trees in the south eastern corner of the site outwith the area to be developed. At this time a squirrel bridge (essentially high level rope) was shown on the approved plans across the site access and a condition applied requiring the tree with the drey and those around it to be protected. Squirrels are a mobile species and the applicants advised that there are no squirrels present in any of the trees to be felled at present and that the originally identified drey is no longer in use. They therefore suggested that the squirrel bridge may no longer be required.

A Red Squirrel survey has now been carried out by an ecologist and this concludes that there is no evidence of squirrels on site. It also concludes that providing a rope bridge for squirrels is not considered to be necessary as it would simply connect woodland habitat which does not support a resident population of squirrels, with a sub-optimal cul-de-sac where, also, no signs of red squirrel were apparent. In these circumstances it is agreed that there is no longer a case to require provision of a squirrel bridge or to expressly protect the tree that formerly hosted the squirrel drey. As noted earlier trees will be protected under the terms of the landscape scheme anyway.

There are not considered to be any particular landscape impacts arising from the proposed revisions within an existing approved housing scheme, nor any impacts upon the qualities of the Burghead to Lossiemouth Coast Special Landscape Area. Consequently the development is considered to comply with Policy EP3 Special Landscape Areas which sets out that development within defined settlements such as this requires to comply with all policies as appropriate and reflect the traditional settlement character in terms of siting and design.

Finally Policy DP1 also requires that proposals must address and mitigate any potential contaminated land issues. In this regard the Contaminated Land Officer has no objections to the proposals.

### **Servicing – Transportation Issues (PP3 and DP1)**

Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 of the 2020 Plan also sets out the need for appropriate servicing, parking and access as well as ensuring that car parking does not dominate the street scene.

As noted in the consultations section initial comments raised by the technical consultee (Transportation Team) have been addressed subject to appropriate planning conditions being attached covering key servicing issues such as visibility splays upgrading of the existing footway along the site frontage, and provision of street lighting. These conditions have been discussed and agreed in principle with the applicant and the Transportation Team has no objections to the proposals. Finally there is sufficient space for car parking within the plots with provision for electric vehicle charging shown.

On this basis the development is considered to readily comply with policy.

### **Servicing - Other issues (DP1, EP12, EP13 and PP3)**

Policy DP1 requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This

is expanded upon in Policy EP12 Management and Enhancement of the Water Environment of the 2020 Plan and Policy EP13 Foul Drainage. The proposed arrangements for surface water disposal within the site are considered to be satisfactory to the technical consultee (Flood Risk Management Team). Appropriate planning conditions can be attached to secure compliance with the submitted drainage proposals.

Also in terms of servicing, connection is to be made to public supplies for water and drainage which is acceptable in principle to the technical consultee Scottish Water.

Finally, Policy PP3 requires all new development to be served by fibre broadband unless justification can be provided that it is not technically feasible. The wider housing development is served by fibre broadband, and the applicants have confirmed that a contract is in place with BT for provision of fibre broadband here whereby policy PP3 is met.

### **Amenity Issues - RAF Lossiemouth – Noise and Safeguarding (EP14 and EP15)**

Policy EP14 Pollution, Contamination and Hazards sets out that proposals which may cause significant air, water, soil or light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report with measures to mitigate any impacts. The site is located within noise contours of aircraft operating at RAF Lossiemouth. Whilst the Environmental Health Service has raised no objections to the proposal, the previous conditions of the original consent (08/01685/APP) for the wider development required acoustic double glazing and this is still considered to be still relevant to this application in order to ensure sufficient mitigation is provided for noise from aircraft. These conditions can readily be applied to ensure compliance with policy.

The site also falls within an area identified as safeguarding area for RAF Lossiemouth where Policy EP15: MOD Safeguarding applies. This policy sets out that new development must not impact upon Ministry of Defence safeguarding operations. In this case the MoD has raised no safeguarding objection to this application.

### **Affordable Housing (DP2)**

Policy DP2 Housing sets out that all housing developments must provide a contribution towards the provision of affordable housing. In this case no new units are proposed with the proposal simply being for revised private house types, whereby there is not a requirement for any contributions. The necessary provision of affordables has been met elsewhere at Inchbroom.

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

Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. Again no new residential units will be created as a result of the current proposals whereby, as noted by the Developer Obligations Team there is not a requirement for obligations in this case.

### **Conclusions and recommendations**

In these overall circumstances the minor re-working of plot boundaries, slight changes to the roads layout and spur serving these plot along with introduction of footpath link and the revised house types are considered to comply with relevant planning policies. Overall the changes are considered to enhance the development through the introduction of a new footpath link through the woodland belt at the front of the site and also through the securing of a landscape plan which identifies trees to be retained and offers the

opportunity to attach conditions to secure this objective. Relevant conditions of the original consent as reworded in the recent section 42 case may be applied here.

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

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

This proposal to amend the layout of an existing consent accords with the relevant provisions of the Moray Local Development Plan 2020 and there are no other material considerations that indicate otherwise.

**Author/Contact  
Officer:**

Katherine Donnachie  
Planning Officer

**Ext:** 01343 563101

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





## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2020**

##### **PP1 PLACEMAKING**

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

(ii) **Healthier, Safer Environments**

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

(iii) **Housing Mix**

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

(iv) **Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

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

v) **Biodiversity**

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

(vi) **Parking**

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

- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) **Street Layout and Detail**

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

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

### **PP3 INFRASTRUCTURE & SERVICES**

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.

- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

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

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

**c) Harbours**

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

**d) Developer Obligations**

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

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

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

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

the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

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

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of



400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

## **(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.

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

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

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

- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING**

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

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

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

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

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

- c) **Housing density**

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

- d) **Affordable Housing**

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

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

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

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

**e) Housing Mix and Tenure Integration**

Proposals must demonstrate tenure integration and meet the following criteria;

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

**f) Accessible Housing**

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

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

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

### **Affordable Housing**

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

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the

affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at [http://www.moray.gov.uk/moray\\_standard/page\\_90100.html](http://www.moray.gov.uk/moray_standard/page_90100.html) The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT). Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

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

### **Accessible housing**

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing." Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people

to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.

- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

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

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

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

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

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

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

#### **External requirements**

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

#### **Internal requirements**

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

Accessible housing requirement figures will be rounded down.

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

## **EP1 NATURAL HERITAGE DESIGNATIONS**

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

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

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

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

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

### **b) National designations**

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

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

### **c) Local Designations**

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

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

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

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the

planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

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

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

**e) Other protected species**

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

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

**EP2 BIODIVERSITY**

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

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

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

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



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

## **EP6 SETTLEMENT BOUNDARIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**e) Compensatory Planting**

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

**GUIDANCE TREES AND DEVELOPMENT**

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

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

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

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.

- Category rating for all trees within the site (U, A, B or C \*). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

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

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

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

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

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

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

### **Landscape Scheme**

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

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

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

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

### **a) Flooding**

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

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

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

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

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

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

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

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

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

- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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

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

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

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

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

**c) Water Environment**

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

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

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

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

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

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

**EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless

connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

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

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

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

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

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

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

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

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
  - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
  - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
  - iii) For nationally significant infrastructure developments identified in the National Planning Framework,
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
  - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
  - ii) Proposals reflect the traditional settlement character in terms of siting and design.

- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

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

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

b ii) **Landscape Character**

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

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

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

### **a) Pollution**

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

### **b) Contamination**

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

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

### **c) Hazardous sites**

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

## **EP15 MOD SAFEGUARDING**

Development proposals must not adversely impact upon Ministry of Defence safeguarding operations. Details of consultation zones for Kinloss Barracks and RAF Lossiemouth and development types which will be subject to consultation with the Defence Infrastructure



Organisations are available from Moray Council. The outer boundaries of the zones are shown on the Proposals Map.

**R3 Inchbroom 7.3 ha 67 units**

- Development commenced. 31 units remaining.
- Low density housing interspersed with trees.
- Wide tree belt either side of Inchbroom must be retained.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.

## WARD 05\_17

**21/00961/AMC**  
**27th August 2021**

**Approval of Matters specified in conditions 1 -19, 23, 25-58 & 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570 sq m flexible retail/commercial floor space (potential Class 1, 2, 3, & 10) including affordable housing with landscaping, parking, access and associated works within part of Area 1 at Site R11 Findrassie/Myreside And 18 Newfield Elgin Moray for Barratt North Scotland**

**Comments:**

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

**Procedure:**

None.

**Recommendation**

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

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

**Conditions/Reasons**

1. No development shall commence until details of the affordable housing delivery have been 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. This 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, and thereafter

evidence of a signed contract between the organisation and applicant which is to be submitted to the Council prior to start of construction of the proposed apartment building (affordable flats) hereby approved, unless otherwise agreed by the Council. Thereafter the development shall be implemented in accordance with the approved details.

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

2. The accessible housing units (minimum 11) shall be provided in accordance with the submitted drawing numbers 17045(PL01)007\_D, 17045(PL)114-2,4 and 5 Type K, unless otherwise agreed in writing by the Council, as Planning Authority. Thereafter, the units shall at all times remain as accessible housing and capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

3. All surface water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, updated 4 March 2022, and associated drainage drawings submitted with this application (with the exception of the proposed swale on the north/south road adjacent to plots 13 to 16 and 36 to 52, which shall be planted with street trees as per condition 25 below). All measures for the management of surface water as outlined within the abovementioned DIA (including maintenance) shall be fully implemented prior to the first occupation of any residential unit hereby approved.

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

4. That all foul water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, updated 4 March 2022, and associated drainage drawings submitted in support of this application.

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

5. The properties facades identified in yellow on figure 6 of the Noise Impact Assessment supporting document by KSG Acoustics, dated 24 February 2022 (rev 1), and titled "Findrassie Area E2. Noise Impact Assessment addressing Planning Conditions 58, 61, 63 & 64 relating to Planning Consent reference 19/01085/APP prepared for Barratt North Scotland" shall have enhanced double glazing and acoustically rated ventilation required to an insulation value of R w

(C;C tr) of 37 dB (-1;-5) for glazing and 40 dB (dn,e,w) ventilation. These mitigation measures shall be implemented and maintained throughout the lifetime of the development.

**Reason:** In order to protect residents from road traffic noise.

6. A 2 metre high acoustic fence barrier of minimum surface density of 15 kg/m<sup>2</sup> shall be provided at the locations (plots 1, 57 and 140) identified on the Site Layout plan reference number 17045(PL01)002\_F. A scaled drawing (1:50) and details of the final selected acoustic barrier in terms of chosen material, design, surface density shall be submitted to and approved in writing by the Council, as Planning Authority prior to the occupation of the houses on these plots, and shall thereafter be installed and maintained throughout the lifetime of the development.

**Reason:** In order to protect residents from road traffic noise and to ensure a satisfactory form of development.

7. Dust emissions associated with the construction phase of the development shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated July 2020, and titled "Findrassie, Elgin – Area 1 (E1 and E2) Dust Management Plan".

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

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

**Reason:** To ensure the times of construction are controlled so as to prevent noise disturbance to neighbouring residential amenity.

9. Noise, vibration, dust and artificial lighting during the construction phase shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated August 2021, and titled "Findrassie E2. Construction Environmental Management Plan (CEMP)."

**Reason:** To ensure environmental impacts are suitably managed and maintained during the construction phase.

10. This planning permission does not include approval for any external ventilation/ extraction or odour control plant or equipment associated with the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor

shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan". Should any of these units give rise to such plant or equipment this shall be the subject of a formal planning application for the approval of the Council, as Planning Authority prior to first operation/use of that unit.

**Reason:** To ensure any future external development is subject to suitable planning controls and as these details are currently lacking from the application.

11. Unless otherwise agreed with the Council, as Planning Authority, none of the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall be operated/used until a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) has been submitted to and approved in writing by the Planning Authority, in consultation with the Environmental Health and Trading Standards Manager, detailing all noise sources associated with that unit. The Assessment shall also identify all measures (including their location, design specifications and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, all resulting noise mitigation arrangements shall be implemented in accordance with the approved details prior to the first use of the flexible retail/commercial unit(s).

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

12. Fixed plant and machinery noise emissions associated with any flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall, between the daytime of 0700 to 2300 hours, not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a one-hour duration within any day-time period.

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

13. Fixed plant and machinery noise emissions associated with any flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall, between the night time of 2300 to 0700 hours, not exceed Noise Rating Curve (NR) 20, as determined within the bedroom of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a five-minute duration within any night-time period.

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

14. The temporary external construction lighting arrangements for the development shall be implemented in accordance with the submitted details, as shown in the plan titled "Findrassie Traffic Plan" (approved as part of application reference 20/00753/AMC). No further lighting shall be provided, installed or used within this phase except where otherwise agreed in writing by the Council, as Planning Authority.

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

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

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

16. The mitigation measures as detailed within the submitted documents titled 'Condition 43 Mitigation Statement' dated 19 August 2021 and 'Findrassie E2 Construction Environmental Management Plan (CEMP)' dated August 2021 prepared by Enviro Centre, and Pollution Prevention Plan drawing number CSL001 shall be fully adhered to by the developer and appointed contractor during the construction period and operational life of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

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

17. The pre-work checks, future survey requirements and mitigation as detailed within the submitted documents titled 'Findrassie E2 Ecology Survey 2019-2021' and 'Findrassie E2 Construction Environmental Management Plan (CEMP)' dated August 2021 prepared by Enviro Centre shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council, as Planning Authority.

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

18. Condition 51 of the Planning Permission in Principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding implementation and completion of a Programme of Archaeological Works is discharged for this application for approval of matters specified in conditions (AMC) only, and shall continue to remain applicable to any

future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

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

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

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

20. No trees other than those identified for removal in the submitted Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated February 2022 shall be removed without the prior written approval of the planning authority.

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

21. The mitigation and enhancement recommendations as set out within Chapter 4 of the Tree Survey Report, prepared by Envirocentre dated February 2022 shall be fully adhered to by the developer and appointed contractor, unless otherwise agreed in writing by this Council, as Planning Authority. Any protection measures shall be implemented prior to any development commencing within that part of the site and retained until completion of that part of the development.

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

22. The mitigation, planting and habitat establishment/management measures as set out within the submitted Biodiversity Plan document and accompanying drawing titled "Landscape Proposals Sheet 1 of 7", number 415.52.01f (to be amended in accordance with condition 25 of this consent) shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council, as Planning Authority.

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

23. No development shall commence until a phasing delivery plan which shows the provision of the equipped play area within the central open space upon completion of 50% of the character area to which it pertains has been submitted to and approved in writing by the Council, as planning authority. This relates to the Character Area defined as the 'Open Space' area, shaded pink in the submitted Placemaking Statement, and the approved equipped play area shall be provided

by the completion of the 35<sup>th</sup> residential unit within this character area. Thereafter the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

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

24. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the submitted Placemaking Statement and Play Equipment document (prepared by HAGS) accompanying the application, and show the following:
- a) Details (scaled drawings 1:100 and equipment specification schedule) of the equipped play area, surfacing, benches/picnic table including maintenance arrangements, which shall be inclusive for all abilities (and is to be agreed in consultation with ParentAble Moray);
  - b) Details of all public artwork on the site, which shall reflect local and cultural associations with Thomas Telford and/or Pitgaveny's farming legacy, including timescale for delivery;
  - c) Revised details of the waveform drystone dyke incorporating shorter sections with landform/banking orientated southwards to more closely mirror the arrangement approved at Phase E1 (to tie E1 and E2 together and provide a cohesive "theme" at this gateway location);
  - d) Details of all seating, benches and litter bins to be provided on the site, including timescale for their provision;
  - e) Phasing plan including timescales for provision of all landscaping works, which shall be carried out upon completion of each character area; and
  - f) Details of the external material finishes of the bin stores for the flats and retail/commercial units.

Thereafter the development shall be implemented in accordance with these approved details, plans and timescales.

**Reason:** To ensure that the works to install the approved equipped play area, benches/picnic tables, seating and bins are timeously carried out and properly maintained for the lifetime of the development; and to ensure that the play area is inclusive, providing equipment so the facility is for every child/young person regardless of ability; provision of a revised entrance drystone/landform feature which ties phase E1 and E2 together and provides a cohesive "theme" at this gateway location in accordance with the masterplan; ensure distinctive urban form with public art to provide good orientation and navigation; and provides seating opportunities for all generations and mobilities.

25. No development shall commence until revised landscape plans have been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the approved landscape plans, biodiversity plan and Placemaking Statement accompanying the application, and show the following:
- a) Updated landscape schedule identifying fruit/orchard trees within the central open space identified for community growing;
  - b) Revised landscape plans and schedules incorporating the provision of at least 6 street trees along the north/south route between plots 16 and 52, and



- 2 trees to mitigate parking for plots 106/107, and 121 along that route;
- c) Revised landscape plans and schedules incorporating hedge planting showing the parking broken up at plots 122/123, 105 and at the front and rear of the retail/apartment building;
- d) The AP-E planting incorporating the retention of existing trees within the northern part of the site (identified as tree group TG4) and recommended in the Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated February 2022; and
- e) Details of long-term maintenance arrangements for the AP-E planting area;

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

**Reason:** To ensure that the approved landscaping works are timeously carried out and properly maintained for the lifetime of the development, and ensure provision of additional street trees along the main north/south route in accordance with the masterplan/placemaking principles and to mitigate parking impacts.

26. The temporary bus turning loop and supporting infrastructure (Shelters/flags etc) shall be maintained and available for use until either alternative public transport infrastructure has been provided, or the infrastructure is no longer required in agreement with the Council, as Planning Authority in consultation with the Roads Authority. Thereafter, once no longer in use/required, the bus turning loop and supporting infrastructure area shall be removed and the impacted area shall be landscaped and reconfigured in the first planting season, in accordance with the drawing titled "Proposed Treatment for removed Bus Loop" number 415-42-09. Any 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 ensure that the approved landscaping works are timeously carried out in accordance with the masterplan, and properly maintained in a manner which will not adversely affect the development or amenity and character of the area

27. Prior to the completion of the 150<sup>th</sup> dwellinghouse and/or flat/apartment within phases E1 and E2 combined, the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall be completed and made available for use. Notwithstanding the submitted floorplan identifying the proposed use classes the flexible retail/commercial units can be operated within any Use Class 1, 2, 3, and 10 and shall include the following: One unit a minimum of 200 sqm GFA for Class 1 (Shops, food) and Class 3 (Food and Drink) and a minimum of three flexible ground floor retail/commercial units for Class 1 (Shops), Class 2 (Financial, Professional and other services) and Class 3 (Food and Drink) and

Class 10 (non-residential institutions) (a minimum of 250 sqm GFA in total) (as set out in the Findrassie Masterplan dated November 2015 (including any subsequently reviewed Findrassie Masterplan which supersedes or replaces the identified provisions of the current Findrassie Masterplan during the life-time of the permission hereby approved). The units shall be advertised for sale or lease on the open market by a chartered surveyor, for a minimum of 5 years/60 months from the completion of phase E2 after which a review of the marketing period will be required if units remain vacant. In order to inform this process the following details shall be provided for written approval by the Council, as Planning Authority:

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

**Reason:** In order to ensure the timely and effective delivery of the ground floor retail/commercial units within the Lossiemouth Road Character Zone to ensure the masterplan is delivered and that a sustainable community is provided, including a unit of sufficient size that will meet the day to day convenience needs of the neighbourhood.

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

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

29. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Defence Infrastructure Organisation covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

**Reason:** To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

30. No tree felling shall commence on site until a compensatory planting scheme for the removal of the 37 trees from the site has been submitted to and approved in

writing by the Council, as Planning Authority. The replanting scheme shall comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, shall include:-

- a) details of the location of the area(s) to be planted;
- b) the nature, design and specification of the trees to be planted (to be mixed native species);
- c) the timescales for implementing the Replanting Scheme;
- d) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc;

The approved Replanting Scheme shall thereafter be implemented in accordance with the timescales set out therein, unless other arrangements are agreed in writing by the Council, as Planning Authority.

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

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

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

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

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

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

33. Prior to the operation of the northern access, as detailed in condition 18 of decision notice (19/01085/APP), a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show:
- i) the modifications to the A941/Myreside Road junction, design specifications and timescale for delivery of the junction modification to prevent vehicular access from the A941 onto Myreside Road;

- ii) the proposed design for restricting vehicular access at the western end of Myreside Road; and
- iii) written evidence to confirm that a Road Traffic Regulation Order has been secured to remove rights of access for motorised vehicles on the section of Myreside Road between the A941 and Myreside Farm Cottage.

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

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

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

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

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

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

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

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

37. No works shall commence on any phase of the development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:
- a) A Construction Traffic Management Plan which shall include the following information:
    - duration of works;
    - construction programme;
    - number of vehicle movements (i.e. materials, plant, staff, components);
    - anticipated schedule for delivery of materials and plant;
    - full details of construction traffic routes from the Strategic Road

Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;

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

and

b) Details of any required/proposed temporary construction access which shall include the following information:

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

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

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

38. Prior to the commencement of the 50th dwelling (house and/or flat/apartment) within E1 and E2 combined OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the following shall be provided:

- written details of the timescale for delivery of junction improvements at North Street/Morrison Road.

Thereafter, and prior to the commencement of the 100th dwelling (house and/or flat/apartment) within E1 or E2 combined OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the North Street/Morrison Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

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

39. Notwithstanding the details submitted on Drawing 2714 Rev A 'Bus Tracking Plan' which are not accepted, no development shall commence until details (Plans scale 1:500 minimum) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which demonstrate that bus and HGV swept paths can be safely accommodated with opposing vehicle movements, within turning areas and at junctions with safe clearance from any features (landscaping, walls, parked vehicles etc) and without over-run of any area not designed to accommodate vehicle over-run. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure an acceptable infrastructure is provided to accommodate the development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

40. Notwithstanding the details submitted in the Street Engineering Review and shown on Drawing 17045(PL01)002\_F 'Site Layout', for the 'steps' located to the south of plot 105 which are not accepted, no development shall commence until details (Plans scale 1:500 minimum) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which show provision of a path either in place of, or in addition to the proposed steps which are DDA compliant. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure acceptable infrastructure is provided on the route to/from the development and the provision of details currently lacking.

41. Notwithstanding the details shown on Drawing 17045 (PL01)008\_A and 17045 (PL01)002 F (which are not accepted), no development shall commence on Plot 85 until revised details (Plan scale 1:500 min) have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority, which show the proposed 1800mm pier wall and fence boundary set back a minimum of 2 metres from the edge of the public road. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure an acceptable form of development and the provision of visibility for Plot 85 in the interests of road safety and the submission of details currently lacking or incorrectly shown.

42. Prior to any Flexible Retail/Commercial unit being first occupied or brought into use, whichever is the sooner, a Deliveries Management Plan for that unit shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority, for the management of all deliveries to the development, with all loading and unloading to be undertaken within the dedicated servicing area, and thereafter all deliveries shall be undertaken in accordance with the approved plan.

**Reason:** In the interests of road safety and the submission of details currently lacking from the submission.

43. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details (Plans 1:500 min and Specifications) showing the design of an enclosed bus shelter, flags to be provided at the bus turning loop.
  - b) Details (Plans 1:1000 min) showing the extents of all roads and paths to be completed to enable access to be provided for bus services.
  - c) evidence of a written agreement with local bus operators for the provision of bus services to serve that phase, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at a half hourly frequency, Monday to Friday inclusive, and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years.

Thereafter, the bus stop infrastructure, and roads required to access the infrastructure from the A941 shall be completed and bus services shall be provided in accordance with the approved details prior to the completion of the first house within the development (E2).

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

44. No development shall commence until the following details have been submitted for approval in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details to confirm the proposed phasing/build out programme of roads within the site including timescales for the completion of the southern and northern A941 accesses.
  - b) Evidence that the statutory process (Roads Construction Consent) to consider the details of the northern A941 site access including, kerbing, street lighting and drainage has been completed.

Thereafter, unless otherwise agreed by the Council, as Planning Authority in consultation with the Roads Authority, the development shall be completed in accordance with the approved details and no house or flat shall be completed prior to the completion of the A941 site access and roads required to provide access.

The following requirements shall be complied with:-

- a) Visibility splays shall be provided in both directions at the site accesses from Findrassie onto the A941 Lossiemouth Road and shall be maintained clear of any obstruction above 0.6 metres in height, measured from the level of the carriageway;
- b) The visibility requirements and landscaping provision within the 9m x 215m visibility splay shall be reviewed upon any proposed change to the agreed junction layout or the A941 speed limit and the advanced planting shall be planted in the first bare root planting season following the completion of any approved changes to the junction layout or the speed limit; and

- c) The visibility splay arrangement shall be reviewed no-less than 3-years from the commencement of construction, and thereafter every 18 months until such time as the splays are reduced, as confirmed by the Council, as Planning Authority in consultation with the Roads Authority. Within 3 months of the reduced splay being confirmed, a revised scaled landscape plan showing the re-introduction of the trees (as many as is practicably possible) within the affected splay areas including timescales for planting shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

45. No house or flat shall be occupied until parking has been provided and made available for use by that house or flat and unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

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

46. Notwithstanding the details submitted (Drawings EVC P003 Rev E, 17045(PL01)004\_D, 17045(PL01)005\_C and 17045(PL01)006\_C) and the EV charging provision and car park layout for the proposed flats (Plots 143-156) and retail/commercial units (which are not acceptable), no development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details (Plans scale 1:500 min) showing provision and layout of EV charging infrastructure and parking spaces serving the flats (Plots 143-156) and Retail/Commercial units compliant with Moray Council Planning Policy and Guidance.
  - b) Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall/within a garage.

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

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



47. No house or flat shall be completed until the roads and paths connecting it to the existing A941 and Elgin-Lossiemouth cyclepath have been completed and opened to the public.

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

**Reason(s) for Decision**

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

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

**List of Informatives:**

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

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

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

SCOTTISH WATER, has commented that:

See attached consultation responses dated 10 September 2021.

THE DEFENCE INFRASTRUCTURE ORGANISATION, has commented that:

See attached consultation responses dated 28 September 2021.

THE ENVIRONMENTAL HEALTH AND TRADING STANDARDS MANAGER, has commented that:

Conditions 61,63,64 - the lack of details on the proposed end users to the shell commercial uses on the ground floor of supporting drawing reference 17045(PL01)400-B , combined with the unknown nature of any external or internal plant and delivery activities, requires these issues to be addressed by the existing conditions on consent 19/01085/APP. It is anticipated that further applications for

planning permission will be required and will necessitate detailed assessment of noise and odour impacts in accordance with the most up to date guidance at the time of application.

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, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk).

Road Safety Audit requirements for the proposed development shall be determined through the Road Construction Consent process as required.

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

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

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

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

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

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

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

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

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

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

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

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

THE HOUSING STRATEGY AND DEVELOPMENT MANAGE, has commented that:

The applicant is advised that the WC turning circle will not be required in the ground floor WC in the accessible units and may wish to consider to enlarging the kitchen instead as this would be more useful to the likely occupants. The protected area for potential future through floor lift and a WC turning circle in the first floor bathroom would be sufficient.

<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
EVCP003 E	Electric charging areas
17045(PL)130 B	Single garage
17045(PL)190	1.8m feature boundary wall
17045(PL)191	700mm high wall
17045(PL)193	700mm wall
B	Site compound with covid signage
DET/07/03/01	1800mm screen fence
P13779-SK60-A	Morrison Road A941 Revised Mitigation
17045(OS)006 A	Location plan
	CTMP
415.29.51 K	SUDS and Lossiemouth Landscape 2-E1
17045(PL)312	Type 2 semi - elevations and floor plans
17045(PL)140-1A	Type Z - elevations and floor plans
17045(PL)140-2A	Type Z - elevations and floor plans

17045 PL 344		Type 4 Ralston CA1-K
17045 PL 390		Type 10 Duns CA1-K
17045 PL 391		Type 10 Duns CA2-K
17045 PL132		Refuse storage
17045_PL01_008		Site boundary treatment
17045_PL01_003		Site layout Topo
17045_PL01_004		Electric vehicle charging - sheet 1
17045_PL01_005		Electric vehicle charging - sheet 2
17045_PL01_006		Electric vehicle charging - sheet 2
17045_PL01_008	A	Boundary treatments
17045_PL01_010	D	Materials plan
17045_PL01_050	C	Site sections
17045_PL01_400	B	E Flats - floor plans
17045_PL01_401	B	E Flats - elevations
415-42-01	F	Landscape - sheet 1
415-42-02	F	Landscape - sheet 2
415-42-03	F	Landscape - sheet 3
415-42-04	F	Landscape - sheet 4
415-42-05	F	Landscape - sheet 5
415-42-06	F	Landscape - sheet 6
415-42-07	F	Landscape - sheet 7
13779 - 2500	K	Drainage layout - phase E2
13779 - 2520	D	Proposed overland flow
13779 - 2522	E	Proposed flooding extents

415-42-09	Remove bus loop planting
17045(PL)107-3	House Type G - elevations and floor plans
13779 - 2550 E	Site levels sheet 1 of 2
13779 - 2551 E	Site levels sheet 2 of 2
13779 - 2570 E	Burn plan and sections
13779 - 2700 E	Roads general arrangement plan - phase E2
13779 - 2709 C	Indicative service trench location
13779 - 2709 C	Tracking plan - Phase E2
13779 - 2712 C	Street lighting layout - Phase E2
17045(PL)107-2	House type G - elevations and floor plans
13779 - 2713 D	Kerbing plan - Phase E2
13779 - 2714 B	Bus tracking plan
13779 - 2715 A	Bus terminus layout
13779 - 650 J	Surface water drainage strategy
13779 - 9000 N	Volumetric analysis
13779 - SK25 F	Flooding
13779 - SK66	Safe route to school
CSL001	Pollution Prevention plan layout
17045 PL 103-4 TYPE C_CA2 - K	Type C - elevations and floor plans
17045 PL 103-4 TYPE D_CA1 - K	Type D - elevations and floor plans
17045 PL 104-2 TYPE D_CA1	Type D - elevations and floor plans
17045 PL 104-6 TYPE D_CA3-CREAM	Type D- elevations and floor plans
17045 PL 104-7 TYPE D_CA3-WHITE	Type D - elevations and floor plans

17045 PL 108-2 TYPE H_CA3-WHITE	Type H- elevations and floor plans
17045 PL 108-3 TYPE H_CA2-PINK	Type H - elevations and floor plans
17045 PL 109 TYPE V_CA2-PINK	Type V - elevations and floor plans
17045 PL 109-1 TYPE J_CA2-CREAM	Type J - elevations and floor plans
17045 PL 109-2 TYPE J_CA3-CREAM	Type J- elevations and floor plans
17045 PL 109-3 TYPE J_CA3-WHITE	Type J - elevations and floor plans
17045 PL 109-4 TYPE J_CA3-K	Type J Glamis - elevations and floor plans
17045 PL 109-5 TYPE J_CA2-PINK	Type J - elevations and floor plans
17045 PL 114-4 TYPE K_CA3-CREAM	Type K - elevations and floor plans
17045 PL 109-6 TYPE J_CA2-K	Type J Glamis - elevations and floor plans
17045 PL 112-3 TYPE M_CA3-CREAM	Type M - elevations and floor plans
17045 PL 114-2 TYPE K_CA3-K	Type K - elevations and floor plan
17045 PL 114-5 TYPE K_CA2-PINK	Type K - elevations and floor plans
17045 PL 200-3 TYPE N_CA2-CREAM	Type N - elevations and floor plans
17045 PL 200-4 TYPE N_CA2-PINK	Type N - elevations and floor plans
17045 PL 204-1 TYPE S_CA2-K	Type S - elevations and floor plans
17045(PL)1)007           D	Accessible housing location
17045_PL_371_TYPE 8_CAS-CREAM	Type 8 - elevations and floor plans
17045 PL 208 TYPE W_CA3-CREAM	Type W- elevations and floor plans
17045 PL 205-2 TYPE T_CA3-WHITE	Type T- elevations and floor plans
17045 PL 206-4 TYPE U_CA3-K	Type U - elevations and floor plans

17045 PL 206-4 TYPE U_CA3-K	Type U- elevations and floor plans
17045 PL 300 TYPE 1_CA2-PINK	Type 1 - elevations and floor plans
17045 PL 303 TYPE 1_CA1-K	Type 1 - elevations and floor plans
17045 PL 304 TYPE 1_CA2-CREAM	Type 1 - elevations and floor plans
17045 PL 310 TYPE 2_CA3-WHITE	Type 2 - elevations and floor plans
17045 PL 351 TYPE 5_CA1-K	Type 5 - elevations and floor plans
17045 PL 352 TYPE 5_CA2-CREAM	Type 5 - elevations and floor plans
17045 PL 353 TYPE 5_CA2-K	Type 5 - elevations and floor plans
17045 PL 360 TYPE 6_CA3-CREAM	Type 6 - elevations and floor plans
17045 PL 361 TYPE 6_CA3-WHITE	Type 6 - elevations and floor plans
17045 PL 363 TYPE 6_CA2-PINK	Type 6 - elevations and floor plans
17045 PL 370 TYPE 8_CA1	Type 8 - elevations and floor plans
17045 PL 372 TYPE 8_CA3-CREAM	Type 8 - elevations and floor plans
17045 PL 373 TYPE 8_CA3-WHITE	Type 8 - elevations and floor plans
17045 PL 374 TYPE 8_CA2-PINK	Type 8 - elevations and floor plans
17045 PL 380 TYPE 9_CA1	Type 9 - elevations and floor plans
17045 PL 381 TYPE 9_CA2-CREAM	Type 9 - elevations and floor plans
17045 PL 382 TYPE 9_CA1-K	Type 9 - elevations and floor plans
17045 PL 383 TYPE 9_CA3-WHITE	Type 9 - elevations and floor plans
17045 PL 384 TYPE 9_CA3-CREAM	Type 9 - elevations and floor plans
17045 PL 385 TYPE 9_CA2-K	Type 9 - elevations and floor plans

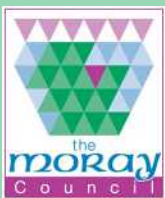
17045 PL 400 TYPE 11_CA2-K	Type 11 - elevations and floor plans
17045 PL 401 TYPE 11_CA3-WHITE	Type 11 - elevations and floor plans
17045 PL112-4 TYPE M_CA2-PINK	Type M - elevations and floor plans
17045 PL 105-1	Type E Campbell - elevations and floor plans
17045 PL 105-2	Type E Campbell - elevations and floor plans
17045 PL 131	Double garage
17045 PL 211-1	Type Y Strathconnon CA3-K
17045 PL 211-2	Type Y Strathconnon CA2-K
17045 PL 342	Type 4 Ralston CA2-K
17045 PL 343	Type 4 Ralston-CA3-K
17045(PL01)001      D	Presentation layout
17045(PL01)002      F	Site layout

Additional information to be issued with decision:

Scottish Water consultation response dated 10 September 2021  
 Design, Compliance and Placemaking Statement February 2022 – Issue 4  
 Placemaking Statement February 2022  
 Biodiversity Plan received 11 March 2022  
 Drainage Impact Assessment and Level 1 Flood Risk Assessment Rev B - 04.03.2022  
 Noise Impact Assessment by KSG Acoustics rev 1 -24 February 2022  
 Construction Environmental Management Plan by Envirocentre – August 2021  
 Dust Management Plan by Envirocentre – July 2020  
 Tree Survey Report by Envirocentre V4 – February 2022  
 Condition 43 Mitigation Statement by Envirocentre – 19 August 2021  
 Ecology Survey Report by Envirocentre – 21 June 2021  
 Play Equipment Document by HAGS - 3 March 2022







## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/00961/AMC**

**Site Address:**

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

**Applicant Name:**

**Barratt North Scotland**

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### Location Plan



Site Location



# Site plan





Street scene

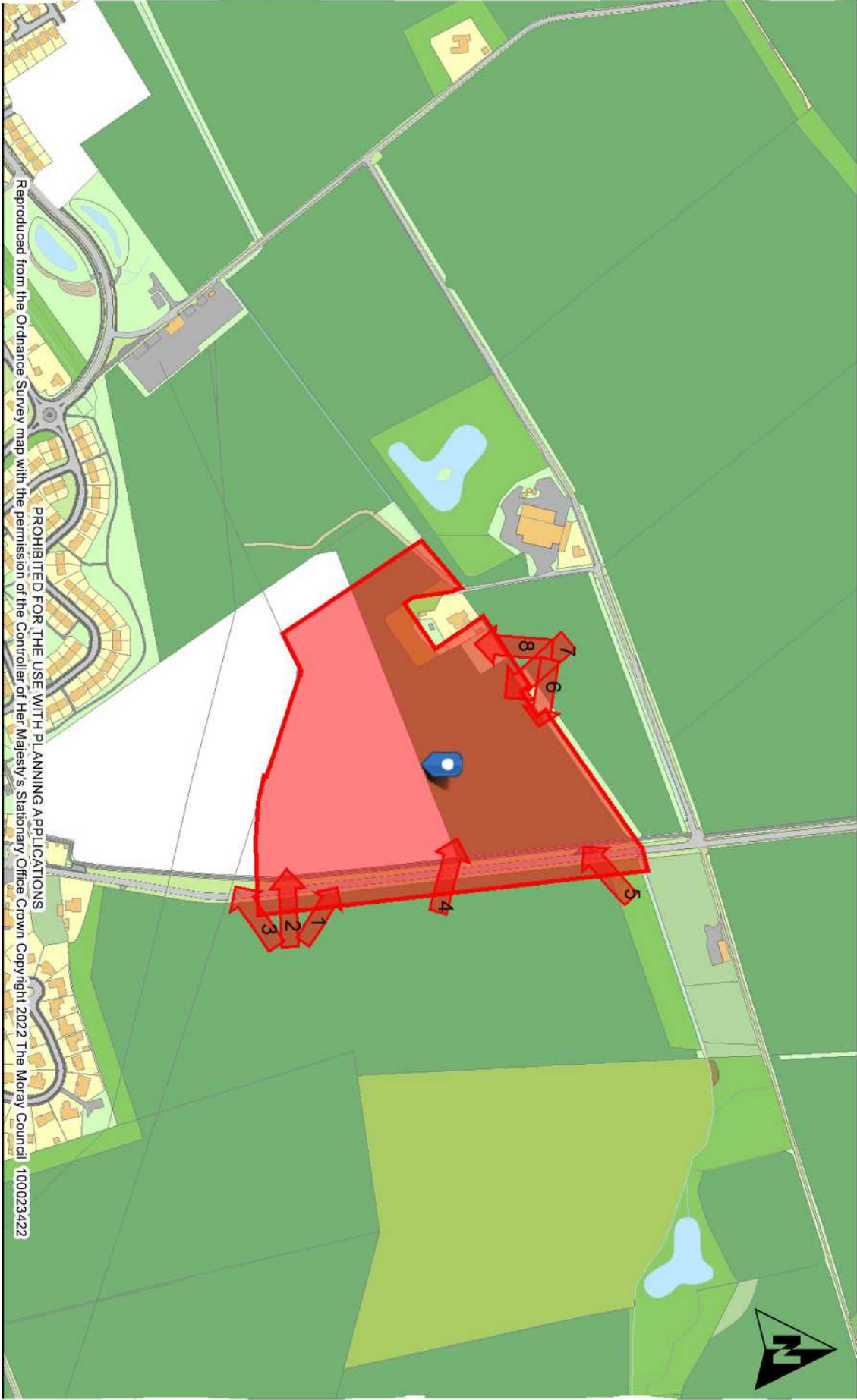


SECTION A-A  
SCALE 1:500



SECTION B-B  
SCALE 1:500

Photograph Positions



Map Description: Arrows point in direction photograph was taken.

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Scale: 1:5,000 @ A4



**Photo 1**





**Photo 2**





**Photo 3**





**Photo 4**



**Photo 5**





**Photo 6**





**Photo 7**





**Photo 8**





## PLANNING APPLICATION: 21/00961/AMC

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

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### **THE PROPOSAL**

- This AMC application (revised) seeks approval of matters specified in conditions 1 - 19, 25-58 & 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570sqm flexible retail/commercial floor space (potential Class 1, 2, 3, & 10) including affordable housing with landscaping parking access and associated works within Phase E2 of Area 1 at site R11 Findrassie/Myreside Site and I8 Newfield Elgin.
- The application originally sought approval for 178 units, however this has been reduced to 156 units to allow for the retention of existing mature trees within the northwest part of the site.
- The application comprises the following:
  - 156 residential units with associated infrastructure in housing phase E2 and E2B of the masterplan area. This would comprise a series of roadways, cycle/footpaths and landscaped open spaces with housing laid out across the area;
  - A landscape strip (and access junction) within Advanced Planting Area A-PE (East) along Lossiemouth Road within the eastern part of the site. This would consist of avenues of Lime trees along both sides of the A941 Lossiemouth Road and an access junction providing access to the Elgin R11 development; and
  - A SuDS detention basin within the north of the site (already approved under 20/00753/AMC), within the south-eastern part of the P1 Primary Open Space phase of the masterplan area;
- The housing site would be served by two primary vehicular accesses, the first onto Lossiemouth Road to the east and the second to the south which would connect into the E1 phase of housing currently under construction. Footpath and/or cycle path connections are proposed to the north, northwest and south.
- 117 residential units would be private/open market and 39 would be affordable.
- Nineteen open market house types (all two storey) are proposed:- K (2 bedroom terraced house), C (3 bedroom terraced), M (3 bedroom semi-detached), D (3 bedroom semi-detached), J (3 bedroom plus office/study detached with integral garage), H (3 bedroom plus office/study detached with integral garage), E (3 bedroom plus office/study detached), Y (3 bedroom detached), Z (3 bedroom terraced), G (4 bedroom detached with integral garage), 1 (3 bedroom semi-detached), 2 (3 bedroom semi-detached with integral garage), 4 (3 bedroom plus office/study detached), 5 (3 bedroom plus office/study detached), 6 (4 bedroom detached with integral garage), 8 (3 bedroom plus office/study detached), 9 (3 bedroom plus office/study detached), 10 (4 bedroom detached) and 11 (4 bedroom plus office/study detached).



- Eight affordable types are proposed – U (4 bedroom terraced 2 storey), T (3 bedroom terraced 2 storey), N (2 bedroom terraced bungalow), W (5 bedroom detached 2 storey), V (3 bedroom bungalow), S (2 bedroom bungalow), F2 (1 bedroom apartment) and F3 (3 bedroom apartment).
- 10% of the private dwellings would be accessible units (11).
- The site layout would comprise three character areas - Lossiemouth Road, Open Space and Internal Housing Pockets, with each distinguished by different material finishes to the houses and flats. These include smooth white render, pink and cream drydash render, cast/precast stone, re-constituted slates/concrete roof tiles and window/doors of various colours.
- Surface water drainage infrastructure would consist of a range of SuDS measures including roadside swales, tree pits, a bio retention system (rain garden) and roads drainage which would discharge to a detention basin and swale within the northern part of the site (with outfall to the adjacent watercourse (Sey Burn)). These latter elements (basin and swale) were approved under planning consent 20/00753/AMC as part of the phase E1 development to the south and are currently under construction.
- The houses and flats would be connected to the public sewer and water supply network. This would be via a new permanent pumping station/rising main located on ground to the northeast of the proposed SuDS detention basin on the opposite side of the A941 that would connect to the Moray West Water Treatment Works at Lossiemouth.
- Detailed landscaping plans for the site set out species, sizes, spacing and maintenance information across the site and along the adjacent A941 corridor. An accompanying Tree Survey contains details of 116 trees and three tree groups; this confirms the removal of 37 trees (23 Category C, 1 Category A, 8 Category and 5 U Category) surveyed to accommodate the proposed development.
- Supporting information includes:
  - Design, Compliance and Placemaking Statement
  - Placemaking Statement
  - Landscape Scheme, Planting Specification and Maintenance Information
  - Biodiversity Plan and Biodiversity Net Gain Barratt Good Practice Guide
  - Traffic Impact Assessment and addendum report
  - Drainage Impact Assessment and Level 1 Flood Risk Assessment
  - Noise Impact Assessment (Construction Noise and Vibration)
  - Construction Environmental Management Plan
  - Air Quality Assessment and Dust Management Plan
  - Geotechnical Design and Environmental Risk Assessment
  - Tree Survey Report
  - Mitigation Statement detailing measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites
  - Ecology Report
  - Archaeological evaluation (Data Structure Report)
  - Planning Conditions Tracker
  - Policy EP7 Compliance Statement
  - Parking Strategy Statement

## **THE SITE**

- The application site extends to 8.22 hectares and lies to the north of the E1 phase of housing development currently under construction at Findrassie. It forms part of Area 1, an irregular shaped area of land approximately 48.6 hectares (with planning permission in principle 17/00834/PPP and 19/01085/APP) which represents the south-eastern part of Elgin R11 Findrassie Site and western edge of the I8 Newfield Elgin designations (Findrassie Masterplan), as identified in the Moray Local Development Plan 2020.
- The application site encompasses the following areas as identified in the phasing plan for Area 1: housing phases E2 and E2B, Advanced Planting Area A-PE (East) and the eastern part of the P1 Primary Open Space phase to accommodate a SuDS detention basin and drainage pipework.
- No development is proposed within the Elgin I8 Newfield designation except for a 20m wide strip of landscaping located on the edge of the A941 Lossiemouth Road.
- The site currently comprises grassland, areas where works are ongoing to lay sewage and SuDS basin infrastructure and an area of woodland and garden ground associated with a property named Myreside. The A941 Lossiemouth/Elgin Road and adjacent cycle way also run through the eastern part of the site. The Sey Burn runs west-east along north boundary of the site.
- Agricultural land lies the north and west, prospective phases E3 and E4 to the southwest, agricultural land to the east (I8 Newfield Elgin), and phase E1 to the southwest/south, which is currently being developed. Myreside farm lies to the west.
- The SEPA flood map shows the site being at 'little or no risk' from river flooding, and indicates that parts of the eastern and northern areas of the site are at risk (low, medium and high) from surface water flooding.
- An overhead electricity power line runs along the southern site boundary. A second smaller overhead to the north would be underground.
- Land within Area 1 is not subject to any landscape or natural or cultural heritage designations except in relation to known areas of archaeological interest located over parts of the site.

## **HISTORY**

**20/00753/AMC** – Application for Approval of Matters Specified in Conditions 1-17, 19, 25-34 and 36-58 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 113 homes including affordable housing with landscaping parking access and associated works within part of Area 1 (E1) at Site R11 Findrassie/Myreside and I8 Newfield, Findrassie. Consent issued 27 January 2021. Construction works commenced early 2021 and are ongoing.

**19/01085/APP** - Application approved under Section 42 to vary conditions 1-12, 14-16, 18, 20, 21, 23-25, 31, 32, 37, 38, 40, 41, 43-51, 53-58, 60-62 and 65 (total 46 of 65) of planning consent 17/00834/PPP to allow for development of the site and associated infrastructure to be built in phases through submission/approval of details of elements (including triggers for infrastructure requirements) in accordance with an overall phasing plan at Site R11 and I8 Newfield, Findrassie. Consent issued 18 August 2020.

**19/01220/AMC** - Application for Approval of Matters Specified in Conditions 1-17, 19, 23, 25-30, 37-44, 45-47, 52, 53 and 58 on planning consent 17/00834/PPP for proposed residential development of 92 homes including affordable housing with landscaping

parking access and associated works within part of Area 1, R11 Findrassie/I8 Newfield – this extends to 5.3ha, forms the southern corner of the Area 1 site. Application withdrawn 29 June 2020.

**17/00834/PPP** – Planning permission in principle for "mixed use development" with Class 9 residential development including affordable housing and student residential accommodation, community facilities including a primary school with playing fields, associated neighbourhood uses within Class 1 (Shops), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotel), Class 8 (Residential institutions) and Class 10 (Non-residential institutions) (Use Classes Order 1997 refers) together with associated infrastructure, for example, roads, drainage, services, open space, and landscaping including advance landscaping at sites R11 Findrassie/Myreside Site and I8 Newfield Elgin. This was granted subject to 65 conditions and a S75 legal agreement requiring developer obligations towards primary education facilities (2.5ha serviced site for a primary school), secondary education facilities, healthcare, transportation and sports and recreation facilities; and delivery of positive boundary treatment to western edge of existing electricity sub-station. Consent issued 1 July 2019.

**16/00413/PAN** - Proposal of Application Notice (PAN) for mixed use development with Class 9 residential development including affordable housing and student residential accommodation, community facilities, a primary school with playing fields, associated neighbourhood uses within Class 1 Shops, Class 2 Financial, professional and other services, Class 3 Food and drink, Class 4 Business, Class 5 General Industrial, Class 6 Storage and distribution, Class 7 Hotel, Class 8 Residential institutions, Class 10 Non-residential institutions (Use Classes Order 1997 refers) together with associated infrastructure (for example roads, drainage, services, open space, landscaping including advance landscaping) at R11 Findrassie/Myreside and 18 Newfield - response (28 March 2016) confirms the requirements for consultation with the local community. Following consideration of the PAN, the Planning & Regulatory Services Committee advised (19 April 2016) that consideration should be given to placing overhead electricity lines underground, and to note the current pressure of school rolls in the area [paragraph 13 of Minute refers].

**16/01374/SCN** - Screening Opinion for mixed use development comprising Class 1 Shops, Class 2 Financial, professional and other services, Class 3 Food and drink, Class 4 Business, Class 5 General Industrial, Class 6 Storage and distribution, Class 7 Hotel, Class 8 Residential institutions, Class 10 Non-residential institutions (Use Classes Order 1997 refers) sui generis student residential accommodation and associated infrastructure works (including roads drainage open space and landscaping) at Findrassie - formal Screening Opinion adopted/issued (17 October 2016) confirmed that the proposed development was not EIA development.

## **POLICY - SEE APPENDIX 1**

## **ADVERTISEMENTS**

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

## **CONSULTATIONS**

**Strategic Planning & Delivery:** The proposals meet the relevant policy requirements set out in the Moray Local Development Plan 2020. Design issues are addressed in detail within the Quality Audit carried out in relation to the application, and the proposal satisfies the criteria and 7 principles set out on PP1 Placemaking and other provisions of the plan, including PP1, PP3, DP1, DP2, DP7, EP2, EP5, EP7, EP12 and EP15.

The Findrassie Masterplan seeks to create a mixed use neighbourhood that will provide facilities such as a school, community hub, retail/commercial space, as well as a significant central open space for residents to enjoy. The whole masterplan area is identified in the Moray Local Development Plan 2020 as being effective for the plan period and has an indicative capacity of 1500 units. This site represents the second phase of the Findrassie Masterplan and is located within the Lossiemouth Road Character Zone.

PP1 Placemaking, R11 Findrassie and Findrassie Masterplan - The purpose of PP1 is to create distinctive places with their own character and identity that support healthier lifestyles and climate change. This is reflected within the Findrassie Masterplan. The site designation text for site R11 Findrassie sets out that proposals must comply with the Findrassie Masterplan SG. The Findrassie Masterplan was approved in December 2015. Whilst the Masterplan is not Supplementary Guidance to the LDP2020 it continues to be a material consideration in the determination of planning applications. A review of the Masterplan to reflect the new LDP2020 policies is being progressed.

Quality Audit - A Quality Audit (QA) was undertaken on the proposal by a multi-disciplinary team consisting of Council Officers from Strategic Planning and Development, Development Management, Transportation, Housing, Flood Risk Management and Nature Scot. The QA represents the collective view of internal consultees and Nature Scot in terms of whether the proposal complies with PP1 and the Masterplan. The QA assessed the proposal against the seven fundamental placemaking principles of PP1 and the Findrassie Masterplan. To comply with PP1 and the Masterplan and deliver a distinctive place with all the health and environmental benefits associated with this the proposal must achieve green in all categories of the QA.

Officers have worked with the applicant to achieve revisions to the proposals. This has involved several meetings with the applicant and assessment of revised proposals. It is noted that the applicant had taken cognisance of the discussions on Placemaking from the previous E1 application with significant progress made in the Character and Identify category when the application was first submitted.

The final QA that accompanies this response shows that the proposal scores green on 9 out of the 9 categories on the proviso that the conditions detailed in this response and in the QA are attached to the consent. The revisions made by the applicant are summarised within the observations and summary table below.

PP3 Infrastructure and Services: The proposal must have the necessary infrastructure and services to serve the development. Consultees will respond individually in terms of whether the proposal meets the policy requirements for transportation, foul and surface water drainage (including SuDS) and active travel requirements.

Plans showing EV charging points in-curtilage and at communal parking areas have been provided. However, there is a shortfall of EV charging spaces in the communal parking areas for the flats and retail/commercial. Conditions are required to ensure adequate provision is delivered as set out in the response from Moray Council Transportation.

Developer obligations pertaining to this application have previously been secured through a s.75 agreement for planning application 17/00834/APP.

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

A car parking plan has been submitted within the Placemaking Statement showing a maximum of 50% of parking to the front of buildings. On most streets, hedging, trees or on some corner plots, walls have been used to mitigate the impacts of parking on the street scape. However, additional tree planting is required to mitigate the impact of parking on the street identified as "O" within the Placemaking Statement at plots 106, 107 and 121. Parking at the front of plots 121-123 and in front and to the rear of the retail units/apartments must be broken up with hedging, trees or shrub planting. These elements require to be conditioned.

On the basis that parking provision has been agreed with Transportation Services, the parking arrangements are considered to comply with policy DP1, PP1 and the PPG, subject to the required mitigation being provided.

DP2 Housing: A comprehensive layout for this phase of the Findrassie development has been provided as required by policy.

The quantitative requirements for affordable and accessible housing have been met. Affordable housing is considered to be integrated within the development and has similar architectural styles and materials to private houses.

Subject to a condition in respect of the detailed delivery arrangements for affordable housing the proposal is considered to comply with policy DP2 Housing and condition 8 of planning consent 17/00834/PPP and S42 application 19/01085/APP.

DP7 Retail/Town Centre: Small shops intended to primarily serve the convenience needs of a local neighbourhood are supported by part c of policy DP7. Other small units of up to 150sqm that contribute to creating a mix of uses in a neighbourhood are also supported. 570 sqm of retail and commercial floor space is proposed in line with condition 22 of consent 20/00753/AMC and the uses proposed within the masterplan. This will help to create a "walkable" neighbourhood and help to meet the day to day needs of the neighbourhood. This is considered to be in line with policy DP7. As required by condition 22 of consent 20/00753/AMC the units are to be advertised for sale or lease on the open market for a minimum of 5 years from their completion after which a review of the marketing period will be required if the units remain vacant. 200sqm of space should be reserved for class 1 (shop, food) and class 3 in line with condition 22 of consent 20/00753/AMC. The smaller units contribute to creating a mix of uses in a neighbourhood centre as supported by policy DP7.

Therefore the proposal is considered to comply with policy DP7 Retail/Town Centre and condition 14 of planning consent 17/00834/PPP and S42 application 19/01085/APP.

EP2 Biodiversity: Policy EP2 requires proposal to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development.

The applicant has provided a Biodiversity Plan (within Placemaking Statement) and separate written biodiversity statement in conjunction with a detailed landscape plan. This shows a number of measures will be incorporated into the layout to promote and enhance biodiversity. The plan shows that plots will have hedgehog highways in gardens to allow movement of hedgehogs. Swift bricks are to be incorporated into a number of houses. The rain garden will be planted with emergent/species in the central open space and swales on the north/south route and on site edges planted with a wet meadow mix. Most of the trees around Myreside Farmhouse and the habitat along the Sey Burn corridor is to be retained. The layout also features hedges as boundary treatments and planting along streets helping to soften the streetscene but also promote biodiversity and green networks. A variety of shrub species that act as pollinators have been proposed throughout the phase.

On the basis of the measures provided in the Biodiversity and Landscape plans the proposal is considered to comply with EP2.

EP5 Open Space/PP1 Placemaking c (iv) Open Space/Landscaping:

#### Open Space Provision

The layout includes a central rectangular open space within the grid/block structure. This acts as a focal point within the development and is a feature reflected across the first and future phases of Findrassie. The space includes a play area, rain garden, space for future community growing, and seating. This gives the space a clear function and provides opportunities for social interaction. In terms of quantity the central open space and other landscape areas meet the policy requirement for 20% of the site to be open space. An assessment against the quality criteria of EP5 was undertaken as part of the QA and resulted in a score of over 75% for quality. However, this was based on indicative proposals for the play area as finalised details of the play area have not been provided. Whilst an indication has been provided that the type of equipment that could be included incorporates accessible inclusive play the design and detail of the play area are not finalised. This must be subject to a condition to ensure this meets the quality requirements of EP5 and requirements of PP1. A condition covering the detailed design and delivery of the central open space (including play area and community growing space) should be applied, this should also cover the requirement for inclusive accessible play equipment, surfaces and access.

A condition will also be required to ensure that the play area is delivered upon completion of 50% of the character area to which they pertain i.e. Character Area 2/Open Space. A condition will also need to be attached regarding maintenance arrangements for play equipment, seating, paths and landscaping etc.

#### Landscaping and Planting

Landscaping throughout the development incorporates a variety of tree, hedge and shrub species. This variation has been used to help define character areas. A detailed

landscape plan has been provided which shows the location, number and height/species/girth of all trees and planting proposed.

The planting of trees adjacent to Lossiemouth Road is impacted upon by the junction arrangement and associated visibility splay until an alternative road junction arrangement such as a traffic light system is necessary to serve a higher level of development. A condition will need to be attached to ensure for the provision of the avenue of trees as much as practically possible subject to the review of the road network at regular intervals and taking into account road and junction design and road safety.

Policy PP1 requires planting on all routes and within communal parking areas to be semi-mature. The landscape schedules submitted indicated that this has been provided for. A condition however is required on the timeframe for delivery of the landscaping/open space in each character area.

Subject to conditions in respect of the detailed design of the play area, timing of the play area delivery and delivery of the wider landscaping in each character area (as set out above) then the proposal is considered to comply with EP5, the Findrassie Masterplan SG and conditions 7, 41 and the relevant part of condition 12 of planning consent 17/00834/PPP and s42 application 19/01085/APP pertaining to phase AP-E (adjacent to Lossiemouth Road).

EP7 Forestry, Woodland and Trees: Initial layouts included the removal of the trees around Myreside Farmhouse to accommodate housing. Policy EP7 requires the retention of healthy trees unless it is technically unfeasible to retain these. The applicant has therefore revised the proposal substantially to incorporate the retention of the majority of trees around Myreside Farmhouse which has resulted in a reduction in the number of homes proposed by 22. However, in order to establish access to Myreside Farmhouse 37 trees require to be removed of which 1 is category A and 8 category B. It would not be technically feasible to retain these and create safe access to Myreside Farmhouse and therefore their removal is acceptable under the terms of policy EP7. However, compensatory planting for the 37 trees being removed is required. The application has identified an area of compensatory planting to the back of plots 23 and 24 but the number and types of trees to be provided have not been specified. A condition should be applied to ensure that compensatory planting is delivered on a 1 for 1 basis for the 37 trees to be removed.

Subject to a condition in respect of the delivery of compensatory planting the proposal is now considered to comply with policy EP7 and condition 41 of planning consent 17/00834/PPP and s42 application 19/01085/APP subject to the application of appropriate conditions.

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

EP15 MOD Safeguarding: The application site is located within the statutory birdstrike and the statutory height and technical safeguarding zones surrounding the RAF Lossiemouth



aerodrome. The MOD have provided a consultation response which is to be taken into account in the determination of this application in order to comply with policy EP15.

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

**Estates Manager:** No objection.

**Developer Obligations:** Developer obligations for Area 1 of the Findrassie development were secured via a s75 legal agreement under planning application 17/00834/PPP and the legal agreement was subsequently modified under planning application 19/01085/APP. This AMC application does not trigger further developer obligations or modifications to the existing s75 legal agreement.

**Environmental Health Manager:** No objection subject to conditions requiring the insertion of glazing/ventilation to windows of dwellings within the eastern part of the site closest to the A941 (as identified in the Noise Impact Assessment), erection of an acoustic fence barrier to plots 1, 57 and 140, adherence to mitigation measures regarding noise, vibration, dust and artificial lighting as outlined within the CEMP and Dust Management Plan, control of construction hours and assessment/approval of any proposed external plant and equipment which will necessitate submission of separate planning applications.

**Environmental Health, Contaminated Land:** No objection.

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

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

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

**Transportation Manager:** No objection subject to the re-application of conditions 18, 19, 23, 26, 27, 28, 32 and 35(ii) attached to 19/01085/APP, and additional conditions to address specific details of the application, namely;

- 1) Updated bus and HGV swept path plans;
- 2) Provision of a DDA compliant path in lieu of/in addition to steps south of plot 105;
- 3) Revised wall/fence arrangement to plot 85 set 2 metres back from edge of public road;
- 4) Bus stop infrastructure, associated roads and evidence of written agreement with local bus operator for the provision of bus services;
- 5) Phasing/build out programme of roads, timescales for completion of north and south A941 accesses and evidence of completion of RCC process, and thereafter provision of visibility splays at the A941 accesses and review of visibility splays upon any proposed change to the agreed junction layout or A941 speed limit to allow completion of advanced planting;
- 6) Parking provision for flats and houses;
- 7) Updated EV charging details for the flats and retail/commercial units and
- 8) Deliveries Management Plan for retail/commercial units.

Recommends the planning conditions 16, 20, 21, 22, 24, 29, 30, 31, 33, 34, 35(i) and 36 attached to 19/01085/APP can be discharged in respect of the current application (Phase E2 of the Masterplan).

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

**Moray Council, Housing Strategy & Development Manager:** No objection subject to conditions regarding submission/approval of details of delivery arrangements of 39 units of affordable housing, and provision of the accessible housing as per the submitted plans.

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

**Moray Flood Risk Management:** Following submission of revised drainage information, no objection.

**Scottish Environment Protection Agency (SEPA):** No objection, with responses for each condition outlined as follows:

- Conditions 37 Foul drainage and 38 Surface Water Drainage: No comments/concerns raised as the proposal raises no matters in relation to SEPA's interests.
- Condition 39 Flood Risk: Following review of submitted cross sections and flood risk plan SEPA notes that this phase is outwith the 1 in 200-year flood extent. SEPA also offers no comments in relation to finished flood levels and development in the vicinity of culverts.
- Condition 40 Water Engineering: No comments raised as no water engineering is proposed in this phase.
- Condition 45 Construction Environmental Management Plan: SEPA has reviewed the submitted information (which includes an existing CARS licence and pollution prevention plan for the E1 to E4) and confirms that satisfactory information has been provided in relation to Condition 45 (CEMP) in terms of SEPA's interests.
- Condition 46 Groundwater Abstractions: No comments raised on the basis that there are no identified private water supplies relevant to this phase.
- Condition 47 Schedule of Green Measures: Notes that a 10m buffer is generally shown on site layout plan - although buffer from edge of driveway at plots 21/22/23 (including to culverted watercourse) may be less than 10m. This is acceptable to SEPA in this instance as open space is to be provided on opposite bank of watercourse & watercourse to be de-culverted in future.
- Condition 49 District Heating: SEPA has reviewed the district heating report and confirms that it is acceptable in relation to SEPA's interests.

**NatureScot:** Submitted information meets relevant conditions 43, 44 and 45 and is satisfactory to NatureScot.

Condition 45: We can confirm that we are happy that the applicant's 'Mitigation Statement' combined with their Construction Environmental Management Plan (CEMP) does address the points in this condition and we remain satisfied that the proposal will not adversely affect Loch Spynie's protected features.

Condition 44 & 45: The applicant has confirmed the intention to carry out pre-construction surveys with due time to consider any licensing implications and mitigation needs should they be required. Their CEMP includes the measures that will be required during the construction phase to ensure impacts to any wildlife using the site at the time can be minimised. We are satisfied that their proposals and CEMP are adequate to protect species and habitats.

**Aberdeenshire Archaeology Service:** Notes that Condition 51 cannot be discharged in full at this time, but this can however be partially discharged in respect of this part of Area 1 (of which the current application forms part) where archaeological mitigation has been carried out. Recommends a further condition taken forward on the application to cover the remainder of necessary archaeological mitigation confirming that condition 51 shall continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

**Ministry of Defence:** No safeguarding objection on the basis that the maximum build height of the flats will not exceed 15.2m, and subject to a condition regarding a construction management strategy to ensure that construction work/equipment (cranes or other tall equipment) on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems. Further notes that, as with the previous consultation the developers have taken on board previous recommendations in designing the drainage scheme for this part of the development to ensure that the development (SuDS basin) does not result in the creation of new habitats which may attract and support populations of large and, or, flocking birds close to aerodromes. As the roof for the retail/commercial building/proposed flats will be steeply pitched a Bird Management Plan will not be necessary.

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

**Scottish & Southern Energy:** No comments received.

**Scottish Gas:** No comments received.

**Elgin Community Council:** No response received.

**Heldon Community Council:** No comments received.

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

**ParentAble Moray:** Notes comprehensive list of recreational equipment, which if included would be a good addition to the development. Also satisfied with responses to queries set out below regarding inclusive/accessible elements of the scheme:-

1. Queries what recreational facilities are included within the development?

*Applicant's response:* In addition to the play area this phase provides a central community growing area this will be accessible with footpaths and raised/low planters and fruit trees allowing all abilities of the community to take part in a collaborative way.

2. What provision is being made to make these recreation facilities inclusive and accessible for all ages and abilities, paying particular attention to those users who have physical disabilities, wheelchair/buggy users, visually impaired and hearing impaired?

*Applicant's response:* Variety of play equipment proposed which includes allowance for all abilities of user. All areas of equipped play also ensure assortment of equipment is designed into the proposal so there is variety throughout E1 - E4.

3. What considerations have been given to the proposed landscaping of the development in terms of making the general accessibility within the development inclusive for all abilities?

*Applicant's response:* Varieties of planting/species/landscaping has been proposed which provides variety of colour/scents and smells/heights and textures and will be maintained by a factor to ensure the landscaping doesn't impact on adoptable footways.

4. Given the application proposes residential/affordable housing aspects, what factors have the developers considered for the provision of public transport links from/to the development and other parts of Moray, again with particular emphasis on residents with disabilities/accessibility issues?

*Applicant's response:* A temporary bus loop has been proposed which once the masterplan progresses this will be replaced with a permanent bus shelter / bus stop. The development also allows for pedestrian connectivity throughout by means of tarmac surfaces predominantly of level surface to allow easy transition to and from facilities and to the perimeter edges of the sites.

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

## **OBJECTIONS-REPRESENTATIONS**

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

[REDACTED]

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

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

**Comment (PO):** The submitted Construction Environmental Management Plan, Ecology (Protected Species) Surveys and Mitigation Statement accompanying the application outline a range of ecological mitigation and pre-construction checks in order to minimise adverse impacts on species during construction. NatureScot has advised that adherence to this plan would avoid adverse ecological impacts, the implementation of which shall be covered by condition.

## **OBSERVATIONS**

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

The main issues are considered below.

### **Planning History**

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

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

This AMC application seeks approval of matters specified in conditions 1-19, 25-58 & 61-64 of these consents, which require submission of the following information to support the development proposal (in line with the approved phasing plan):

- detailed drawings of the siting, design and external appearance of all buildings, structures/boundary treatment, access thereto, drainage, and landscaping/open space (conditions 1-13);
- design statement to demonstrate compliance with place-making principles and Design Codes/Character Zones within the Findrassie Masterplan (conditions 8, 9 and 12);
- details of provision of transportation infrastructure/information (roads, junctions, improvements to the local road network, footpaths/cycleways including route(s) to school(s), pedestrian crossings, bus laybys, construction traffic management plan etc.) (conditions 1, 2, 4, 9, 15-17, 19, 25-36);
- details of provision of drainage infrastructure/information (foul and surface water SuDS, and levels/details to address flood risk) (conditions 1, 2, 4, 9, 37-40, 46 and 47);
- detailed landscape scheme(s) which accord with approved Masterplan requirements (conditions 7, 9, 12 and 41);
- provision of affordable and accessible housing (condition 8);
- pre-construction species surveys and mitigation measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites to the north (conditions 43-45);
- Construction Environmental Management Plans (condition 45);
- mitigation measures to protect private water supplies (condition 46);

- details for the provision of a 10m buffer for watercourses and other green measures (condition 47);
- sustainability statements to demonstrate compliance with sustainability objectives (condition 48);
- details demonstrating the potential or otherwise for district heating investigations (condition 49);
- contaminated land assessment (condition 50);
- archaeological investigation works (condition 51); and
- updated noise impact assessments, external lighting, dust and air control measures and noise emission limits (conditions 52-58, and 61-64).

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

The application has been screened under the EIA regulations and is not considered to be EIA development.

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

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

The Findrassie Masterplan seeks to create a mixed use neighbourhood that will provide facilities such as a school, community hub, retail/commercial space, as well as a significant central open space for residents to enjoy. The whole masterplan area is identified in the Moray Local Development Plan 2020 as being effective for the plan period and has an indicative capacity of 1500 units. This site represents the second phase of the Findrassie Masterplan and is located within the Lossiemouth Road Character Zone.

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

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

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

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

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

The proposed layout and supporting submissions provide sufficient information to inform assessment against policy DP2 and the designation requirements. The Masterplan guidance for the current AMC application area (E2 and E2B) sets out an indicative capacity of 178 residential units, 151 houses and 27 flats. Policy DP2 states that such figures are indicative only and proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area and conformity with all policies and the requirements of good Placemaking as set out in policies PP1 and DP1. The conclusions of the Quality Audit process carried out for this application (summarised below) confirm that the proposal would represent an acceptable form of development for this location which meets the principles of good placemaking, and would provide acceptable housing with private gardens and acceptable levels of public open space/landscaping in accordance with the Masterplan.

From more detailed assessment below the development satisfies siting, design and servicing requirements, provides acceptable open space/landscaping, sustainable urban drainage arrangements and avoids any adverse effects on environmental interests in



accordance with the abovementioned PPP conditions and policies PP1 and DP1. It also includes provision of appropriate levels of affordable and accessible housing provision in line with policy DP2.

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

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

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

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

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

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

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

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

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

The proposal has been the subject of a Quality Audit to assess its conformity against the 7 fundamental placemaking principles of PP1 and the Findrassie Masterplan. To comply with PP1 and the Masterplan and deliver a distinctive place with all the health and environmental benefits associated with this the proposal should achieve green in all categories of the QA.

The first QA showed that the layout scored red in various categories and that changes were needed to achieve green; to address this officers have worked with the applicant to achieve revisions to the proposals. This has involved several meetings with the applicant and assessment of revised proposals. It is noted that the applicant had taken cognisance of the discussions on Placemaking from the previous E1 application, with significant progress made in the Character and Identify category when the application was first submitted.

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

QA Category	QA 1 score	QA2 Score (if mitigation/ conditions are secured)	Mitigation/Conditions necessary to score green.
Character and Identity	Red	Green	<ul style="list-style-type: none"> <li>Condition requiring details of 2m acoustic wall to be submitted for approval.</li> <li>Condition requiring revised details of the wave form drystone dyke to be submitted to ensure these mirror the same feature in E1.</li> <li>Condition requiring details of the compensatory planting to be provided and when this will be delivered.</li> </ul>
Healthier, Safer Environments	Red	Green	<ul style="list-style-type: none"> <li>Condition public art to ensure this reflects local and cultural associations with Findrassie (Thomas Telford and/or Pitgaveny's farming legacy) and timeframe for delivery.</li> <li>As above, condition for revised wave form drystone dyke details.</li> <li>Condition detail of play area, surfacing, benches/picnic table, to ensure these meet accessible needs (to be agreed in consultation with ParentAble). A condition will also be required for maintenance arrangements.</li> <li>Condition details of seating, benches, and litter</li> </ul>

			bins and the timescales for their provision.
Housing Mix			<ul style="list-style-type: none"> <li>Condition regarding evidence to support proposed delivery of affordable housing.</li> </ul>
Open Spaces & Landscaping			<ul style="list-style-type: none"> <li>Condition requiring submission of updated landscaping schedules identifying fruit/orchard trees within the space identified for community growing.</li> <li>Condition Landscape Delivery Plan to ensure the central play area is delivered upon completion of 50% of character area 2 and the timeframe for delivery of planting within each character area.</li> <li>As above condition detail of play area, surfacing, benches/picnic table</li> <li>Condition trees incorporated back into the north south route and to break up parking at 106/107, and 121 and provide trees on that route.</li> <li>Condition provision of advanced landscaping along Lossiemouth Road subject to review of road network at regular intervals and taking into account any junction, road design and road safety issues.</li> <li>Condition delivery of tree planting once temporary bus loop is no longer required.</li> </ul>
Biodiversity			
Parking			<ul style="list-style-type: none"> <li>Condition requiring updated landscape plans and schedules showing parking broken up at plots 122/123 and to the front and rear of the apartments/retail.</li> <li>Condition addressing shortfall in EV charging spaces at the apartments and retail/commercial units.</li> </ul>
Street Structure			
Street Layout			<ul style="list-style-type: none"> <li>Condition bus and HGV swept path analysis</li> <li>Condition revised details at plot 85 to achieve adequate visibility.</li> </ul>
Street Detail			

## 1) Character and Identity

PP1 states developments must provide a number of character areas reflecting site characteristics so that they have their own identity and are clearly distinguishable. The Placemaking Statement submitted to support the proposal sets out how distinctiveness has been achieved within the development.

The proposal reflects the grid/block structure of the Masterplan. Three character areas have been provided with variation within and between each created through architectural features (walls and chimneys), colour and materials (buildings and surfaces), open spaces and landscaping. Similar to phase E1 higher quality materials are used on the Lossiemouth Road frontage where reconstituted slate and smooth render are to be used. Significant time has been spent with the applicant in ensuring as many trees around Myresdie Farmhouse are retained. This has involved substantial revisions to the proposals in this area by the applicant and a reduction in

proposed house numbers of 22 units. 37 trees require to be removed in order to accommodate access to the existing Myreside Farmhouse and allow for provision of future recreational routes in line with the masterplan layout. Details of compensatory planting, along with provision of revised details of the wave form dry stone dyke/landform feature at the site entrance and 2m acoustic wall (to 3 plots along the Lossiemouth Road frontage) is required and shall be addressed by condition.

## **2) Healthier, Safer Environments**

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

The grid like layout is permeable with buildings having public fronts and private backs with good surveillance to streets and open spaces. Through the QA revisions have been made to ensure that key corners are addressed by dual fronted houses that have principal rooms overlooking two streets. Desire lines and connections to the Elgin/Lossiemouth cycleway have been incorporated into the layout. Through the QA more key buildings have also been identified reflecting the location within the masterplan, and aiding orientation and navigation as well as helping to define character. Provision of public art reflecting local associations with Thomas Telford and Pitgaveny's farming legacy shall be addressed by condition. The applicant has also submitted suggested street naming to retain and enhance local associations with the area.

To support the 20 minute neighbourhood concept advocated in draft National Planning Framework 4 and to reflect condition 22 in the phase E1 consent 20/00753/AMC retail and commercial uses are proposed on the ground floor of the apartment building at the south eastern corner of the site at a key entrance to Findrassie. This three storey building to be finished in Anstone cast stone and render (and re-constituted slate roof) will help to create a strong frontage to the entrance to development.

## **3) Housing Mix**

The proposal incorporates a range of house types including private terraces, semi-detached and detached properties ranging in size from 2 to 4 bedrooms. Affordable housing meets the 25% requirement and incorporates apartments, terraces, bungalows and detached houses ranging in size from 1 to 5 bedrooms. The affordable housing is considered to be integrated within the development and has similar architectural styles and materials to open market/private houses. The detailed delivery arrangements for the affordable housing shall be covered by condition.

## **4) Open Spaces/Landscaping**

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

A central, rectangular open space is included within the phase in line with the Masterplan. The design of this space has been revised through discussions and

incorporates a play area, rain garden, tree planting, seating and space for future community growing (initially incorporating fruit trees). This creates a multi-functional focal point to the phase and provides opportunities for social interaction. Accessible play equipment/surfacing and seating require to be provided; indicative details of inclusive play equipment have been submitted and are considered acceptable to Parent Able Moray. Conditions shall be attached requiring submission/approval of final details of the play area/equipment, seating, bins and maintenance arrangements for the play equipment, seating, paths and landscaping and to ensure that the play area is delivered upon completion of 50% of the character area (to which it pertains).

Conditions shall also be imposed requiring submission/approval of details of the 2m high acoustic wall/fencing and revised details of the wave form drystone dyke to ensure that it mirrors the same feature in E1.

The applicant has also provided details of the tree planting that will replace the temporary bus loop when this is no longer required. This brings the proposal in line with the masterplan which shows tree planting at this location.

In terms of quantity the central open space and other landscape areas meet the policy requirement for 20% of the site to be open space (as this covers 2.69 ha of 8.22ha, equating to 32%). An assessment against the quality criteria of EP5 was undertaken as part of the QA and resulted in it scoring over 75% meaning it complies with EP5.

As set out above the applicant has taken on board the work on the earlier phase and the landscaping and planting is enhanced with semi mature trees provided on streets, with the exception of two streets where additional tree planting is to be secured by conditions (see Landscaping and Planting Section below). Similar to phase E1, a condition shall be imposed to secure the avenue of trees along Lossiemouth Road as much as practically possible following regular review of the road network and taking into account road and junction design/road safety issues (see Transportation section below).

## **5) Biodiversity**

Policy EP2 requires proposal to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development.

The applicant has provided a Biodiversity Plan (within Placemaking Statement) and separate written biodiversity statement in conjunction with a detailed landscape plan. This shows a number of measures will be incorporated into the layout to promote and enhance biodiversity. The plan shows that plots will have hedgehog highways in gardens to allow movement of hedgehogs. Swift bricks are to be incorporated into a number of houses. Swales and rain gardens are incorporated and will be planted with emergent/species. Most of the trees around Myreside Farmhouse and the habitat along the Sey Burn corridor would be retained. The layout also features hedges as boundary treatments and planting along streets helping to soften the streetscene but also promote biodiversity and green networks. A variety of shrub species that act as pollinators have been proposed throughout the phase. On the basis of the measures provided in the Biodiversity and Landscape plans the proposal is considered to comply with EP2.

## 6) Car Parking

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

The proposed layout has been designed to ensure that a maximum of 50% of parking is shown to the front of buildings and hedging, trees and walls have been used to mitigate parking in most streets. However additional tree planting at the parking for plots 106, 107, and 121 requires to be conditioned to mitigate impacts of parked cars on the streetscape. Similarly, communal parking at the apartments and retail/commercial units (front and rear) and at plots 121-123 requires to be broken up with hedge, tree or shrub planting and shall be addressed by condition.

A shortfall in Electric Vehicle charging spaces at the apartments and retail/commercial units has also been identified and is to be addressed by condition. EV charging points for all other residential properties (on-plot and courtyard) are to be provided.

## 7) Street Structure, Layout and Detail

- **Street Structure** – The proposed layout has a clear hierarchy of streets with varied geometry and shared surfaces for quieter streets. The landscaping and variation in street material further defines the hierarchy and character areas.
- **Street Layout** – Additional details in respect of bus and HGV swept path and the detailed arrangement at one plot (85) in respect of visibility are to be subject to condition.
- **Street Detail** – Drainage, SuDS details and a utilities strategy have been provided.

## Residential Amenity (DP1)

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

The proposed development would be sited to the south and east of an existing property Myreside Farm. Assessment of the original layout highlighted unacceptable impacts upon the amenity (privacy and overbearing effects) of this property due to inadequate separation and close proximity of proposed two storey houses with the boundary. These impacts have been addressed by off-setting plots 23-35 away from the east boundary of Myreside and providing an intervening planting strip and 1.8m screen fencing; and by relocating plots 88 to 92, previously positioned approx. 1 metre from the south boundary further to the south (with intervening woodland/trees within this area retained). The proposed flexible retail/commercial and apartment block is also set sufficiently far from proposed housing to the north to avoid overshadowing. On this basis the proposal accords with policy DP1.

## Retail/Commercial Uses (DP7) (Condition 14)

The Masterplan requires an entrance to be created at the north-east corner of the application site within which flexible retail/commercial space is to be provided at ground

floor level to create a 'sense of arrival' into the neighbourhood and activity at this location. This provision was addressed by condition 14 of planning consent 17/00834/PPP and S42 application 19/01085/APP, and also by condition 22 of the approval of matters specified in conditions consent 20/00753/AMC.

Associated policy DP7 Retail/Town Centres, part c) Neighbourhood Retail supports small shops intended to primarily serve the convenience needs of a local neighbourhood. Small units of up to 150sqm that contribute to creating a mix of uses in a neighbourhood are also supported.

The proposal includes provision of 570 sqm of retail and commercial floor space (Use class 1, 2, 3 and 10) within the ground floor space of the proposed 3 storey building located adjacent to the southern entrance to the site. This would be in accordance with condition 22 of consent 20/00753/AMC and the uses proposed within the masterplan for this gateway location. This would help to create a "walkable" neighbourhood and meet the day to day needs of the neighbourhood, and is considered to be in line with policy DP7. As required by condition 22 of consent 20/00753/AMC the units would be completed prior to completion of the 150<sup>th</sup> residential unit within phases E1 and E2 combined, and advertised for sale or lease on the open market for a minimum of 5 years from their completion after which a review of the marketing period will be required if the units remain vacant. To ensure this provision this condition, with updated wording to reflect the current proposal, shall be re-imposed.

With the above considerations in mind (and condition attached) the proposal is considered to comply with policy DP7 Retail/Town Centre and condition 14 of planning consent 17/00834/PPP and S42 application 19/01085/APP, and 22 of 20/00753/AMC.

#### **Landscaping and Planting (PP1 and EP5) (Conditions 7, 9, 12 and 41)**

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

The proposals are supported by detailed landscaping plans setting out the location, number and height/species/girth of all trees, maintenance details, and retention/protection of existing trees on the site. The soft landscaping plan includes a range of species to create variety and colour across the site, support habitats and has been used to define the 3 character areas across the site and A941 advanced planting corridor. These include proposed native species trees and shrubs within the public open spaces and along the site frontage on Lossiemouth Road, planting of street trees, hedging in public areas and front gardens, shrubs and grass/wild flower seed mixes across the site and marginal/emergent species for SuDS basin, swales and rain garden.

Policy PP1 requires planting on all routes and within communal parking areas to be semi-mature. The landscape schedules submitted indicated that this has been provided for. A condition however is required and shall be attached to confirm the timeframe for delivery of the landscaping/open space in each character area (to be undertaken upon completion of each area). A further condition is required and shall be imposed requiring the submission/approval of revised landscape plans/schedules identifying fruit/orchard trees within the central open space proposed for community growing (currently shown as non-



fruit), and to meet PP1 and masterplan requirements, incorporating the provision of additional street trees along the north/south route between plots 16 and 52, trees to mitigate parking for plots 106/107, and 121 along that route; and hedge planting to break up parking at plots 122/123, 105 and at the front and rear of the retail/apartment building.

As already outlined, and similar to the phase E1 application, the proposed planting of the row of trees immediately adjacent to Lossiemouth Road is impacted upon by the ghost island junction arrangement and associated visibility splay until an alternative road junction arrangement such as a traffic light system is necessary to serve a higher level of development. A condition shall be attached to ensure for the provision of the avenue of trees as much as practically possible subject to the review of the road network at regular intervals and taking into account road and junction design and road safety.

Subject to conditions in respect of the detailed design of the play area, timing of the play area delivery and delivery of the wider landscaping in each character area (as set out above), the proposal is considered to comply with EP5, the Findrassie Masterplan SG and conditions 7, 41 and the relevant part of condition 12 of planning consent 17/00834/PPP and s42 application 19/01085/APP pertaining to phase AP-E (adjacent to Lossiemouth Road).

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

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

The submitted AMC application supported by transportation drawings and a Traffic Impact Assessment (2 Parts and Addendum) seeks to discharge several of these transport related conditions for this site/phase and proposes a number of off-site junction improvements at various triggers. This information has been assessed by the Transportation Section and observations are set out below.

Policies PP3 Infrastructure and Services and DP1 Development Principles (ii) Transportation require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services.

Policy PP1 Placemaking and DP2 Housing require proposals on designated sites to be supported by Placemaking and a design statement addressing roads infrastructure, access for pedestrians, cyclists, public transport and service vehicles.

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

layout and the requirement for provision of transportation infrastructure improvements (informed by a Transport Assessment).

Conditions 1, 2, 4, 9(b) and 25 to 30 - Site layout and transportation infrastructure: These conditions require submission of site layout information for each AMC proposal/phase of development, including provision of access junctions onto the surrounding public road network, internal transport network arrangements for road, footpaths and cycle networks, parking provision and details of routes to schools including walking and cycling infrastructure (on and off-site), to be in accordance with the Findrassie Masterplan.

Associated conditions 25 to 30 for each development proposal set out specifications/requirements regarding positioning of fencing/hedges/walls in relation to the edge of carriageways, visibility, parking, secure cycle parking and electric vehicle charging. The submitted site layout (Drawing 17045 (PL01) 002F and associated engineering plans/information sets out the transport infrastructure for the development, has been assessed by the Transportation Section and confirmed as acceptable subject to conditions regarding the site access junction design, visibility splays, parking provision, Electric Vehicle (EV) charging infrastructure details.

Conditions 16 and 25 - Public Transport: These require details of the provision for public transport for each phase including bus stop infrastructure (laybys, shelters and flags within the 400 metre walking isochrones for that phase), widening of road bends and provision for bus services. The submitted plans and information detailing public transport infrastructure propose a temporary turning loop arrangement with bus stop in order to service phase E2 satisfies these requirements for this phase of development and are acceptable to the Transportation Section subject to planning condition(s) regarding the details for bus infrastructure details (Shelter/waiting facilities and information/signage), provision of bus services and trigger for the delivery of the infrastructure.

Condition 17 – Access from the A941 Elgin to Lossiemouth Road: This condition requires any development accessed from the A941 to be supported by detailed drawings showing the location, design specifications and timescale for delivery of the southern access (phase E1) to the development on the A941, along with a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings. The southern access to the A941 and interim ghost island junction arrangement which was the subject of approval for phase E1 is currently under construction. A suspensive planning condition shall be attached to ensure that either the southern A941 or an alternative means of access are agreed, completed in accordance with the approved details and made open to the public, prior to the completion of any house, flat or commercial unit within E2.

Condition 18 – Northern access from the A941 Elgin to Lossiemouth Road: This condition requires any development accessed from the A941 to be supported by detailed drawings showing the location, design specifications and timescale for delivery of the northern access to the development on the A941, along with a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings. The proposed ghost island junction submitted is a change to the signalised junction on the masterplan. This change has been determined as necessary due to the existing national speed limit, site frontage design and lack of development on the east side of the A941 which mean that a signalised junction cannot be supported at this time. This suspensive condition requires to be reapplied to address the requirement for further submissions and the approval of details (Road Safety Audit and design details) required to achieve this.

Condition 19 - Emergency access: This requires, prior to the commencement of the 51st housing unit accessed from the A941 Elgin - Lossiemouth Road, provision of a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists. The construction of the southern access junction onto the A941 will provide a single point of access to E2 until completion of either the northern access and internal roads or the E1 emergency access and internal roads, therefore the Transportation Sections confirms that this suspensive condition must be reapplied to ensure that, prior to the commencement of the 51<sup>st</sup> unit within E2, provision has been made for a second or temporary emergency access which serves E2.

Condition 23 – Myreside Road modifications: This refers to the submission of details for the design of modifications to Myreside Road which are required prior to the northern A941 access becoming operational. Proposals for this have been submitted separate to this application which the Transportation Section have assessed and provided comments, and are awaiting revised submissions to address this. On this basis the condition requires to be re-applied to address the requirement for the approval of details.

Condition 30 – Car parking, cycle parking and Electric Vehicle charging: This condition requires provision of car parking, secure cycle parking (i.e. flats) and EV charging facilities to satisfy the relevant current parking standards. The current standards are taken from the 2020 Moray Local Development Plan. Secure cycle parking for the flats on the development would be located at the north end of the block with access from the car park to the west and the public space to the east. Electric Vehicle (EV) provision has been shown for all plots and is acceptable subject to further details on the specifications for any infrastructure, not wall or garage, mounted within the curtilage of the plot. The proposed communal car parking and EV charging arrangements to serve the flats (Plots 143-156) and retail/commercial units are not acceptable as shown based on a shortfall in the provision of 22Kw EV charging units required and the number of dedicated EV charging spaces. The proposals are acceptable to the Transportation Section subject to a suspensive condition requiring details to address the number and location of dedicated EV charging spaces and the provision of either additional 22Kw charging points or alternative EV charging arrangements compliant with the Moray Council Planning Policy and Supplementary Guidance.

The application is supported by a residential parking strategy and supporting information which sets out the applicant's rationale for proposing the current layout and schedule of house types. This has been informed by new research into homebuyer requirements which indicates that many buyers consider home offices to be an essential requirement of a new home, and reflects the applicant's own experience in North Scotland of the shift in post-pandemic homebuyers' requirements for houses to accommodate a permanent home office where practicable. To this end the current proposed layout includes seven 3 bed house types (39 plots) which include a further small room designated as home study/office to meet demand for home offices. The Transportation Section notes that 5 of these 7 house types (26 plots) include provision for 3 parking spaces. House Types 'H' (6 plots) and 'J' (7 plots) include integral garages (which do not meet the minimum dimensions) however 2 on-plot car parking spaces have been provided. Three of these plots (70, 71 and 95) are located in close proximity to unallocated visitor parking spaces, which would provide potential access to additional parking. With the above in mind it is considered that the proposal based on the plans the applicant has submitted meets car parking standards as set out in the MLDP 2020 and PPG, and are acceptable.

Condition 31 – Active Travel: This requires for each phase/application, the submission of details and timescales for provision of active travel corridors and connections between the development and Elgin Core Paths EG31 and EG33 to the south of the current AMC application site, and an indicative network of active travel corridors linking that phase and remaining phases with the wider existing/committed network. The submitted design statement and site layout plans include information outlining an indicative network of active travel corridors between the application site and future phases/wider area and adjacent core paths. The Transportation Section advises that the details submitted are considered sufficient to discharge part (a) of the condition for this phase, and that part (b) of the condition is not triggered by the current application but the condition should be re-applied to future applications as it continues to remain applicable to the wider PPP development and future AMC applications.

Condition 32 – Construction Traffic Management Plan: This condition seeks submission and approval of a Construction Traffic Management Plan to address construction traffic management, road safety and amenity impacts during works. The application is supported by a 'Traffic Plan' which details the temporary site compound and operational details based on a superseded site layout plan). The Transportation Section has recommended that the condition should be re-applied to ensure the details are updated and missing details (construction programme, duration of works, measures to be put in place to prevent loose material being deposited on the public road) are provided and agreed.

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

Condition 34 - A941/Morriston Road signalised junction: This condition requires submission of design details and delivery timescales for improvements to the A941/Morriston Road junction prior to commencement of any part of the development. Modelling information within the Transport Assessment indicates that the current junction will require to be improved to accommodate additional traffic generated by this phase of development. To support the discharging of this condition the application includes a proposed design for improvements to the layout traffic signals at this junction, which would involve demolition of nos. 52 and 54 Lossiemouth Road to accommodate an enlarged junction footprint. The details submitted are acceptable in principle but subject to detailed approval through Roads Construction Consent which is currently under consideration by Transportation. A condition is required for the delivery of these junction improvements based on triggers for E1 and E2, this is addressed through amendments to Condition 35 as noted below.

Condition 35 - A941/Morriston Road signalised junction: This requires, prior to the commencement of the 50th residential unit, submission of evidence to demonstrate

control of the land through ownership or legal agreement to deliver the junction improvements at the A941/Morrison Road (Condition 34), delivery timescales and thereafter provision of the improvements prior to commencement of the 100th residential unit. Details have been submitted for the proposed junction improvement which are subject to detailed design approval through RCC and a Road Safety Audit, however they are acceptable in principle to Transportation. The TA submitted in support of the application confirms that Barratt North Scotland has acquired control of the land required for these junction improvement works (TA Part 2, para 3.11, page 16). The Transportation Section consider that condition 35 (i) has been met but condition 35 (ii) remains applicable to this application and shall be re-imposed.

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

Condition 12 – Advanced Planting Area AP-E (East): This condition requires the submission/approval of landscaping proposals along the Lossiemouth Road corridor prior to completion of the 25th residential unit, and thereafter planting prior to completion of the 50th residential unit. The submitted landscape plan proposes rows of lime trees along each side of the road, the provision of which shall be addressed by condition. A further row of prospective trees are shown outlined within visibility splays (9 metres x 215 metres) at the proposed access junction onto the A941, however these cannot be planted until such time as an alternative junction arrangement (i.e. traffic light system) is necessary to serve a higher level of development. To address this matter, and as recommended by the Transportation Section a condition shall be attached to the AMC decision requiring a review of the visibility splays within 3 years of commencement of construction and if required, subsequent reviews until such time as the splay is reduced to allow for these outstanding trees to be planted. This would align with the masterplan which seeks a tree lined corridor.

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

Conditions 20 to 22 inclusive refer to access junctions for development accessed from the C24E Covesea Road 300m to the west of the current AMC application. These requirements are not applicable for the current AMC application as it is remote from these and there are no proposed connections onto Covesea Road associated with this application.

Condition 24 refers to modifications to the A941/Myreside Road junction and western end of Myreside Road to be upgraded to a primary route with pedestrian and cycle facilities. These requirements are not applicable for the current AMC application as it is remote from these works.

Condition 15 - Trunk Road improvements: This condition requires, upon completion of 350 residential units, either confirmation of completion of the A96 (T) Fochabers to Hardmuir A96 dualling programme, provision of improvements to the A96 trunk road network (Pansport Roundabout) in accordance with details approved under the S42 application or submission/approval of a revised Transport Assessment identifying implemented trunk road mitigation measures to offset the impact of the development. As the current AMC application is for 156 residential units which when combined with the 113 units approved in phase E1 give a total of 269 residential units, these requirements are not triggered by the current proposal. Following consultation Transport Scotland has raised no objection on the basis that the condition remains applicable to the wider PPP development and cannot be discharged at this stage. A condition to this effect shall be attached to the AMC approval.

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

**Water Supply, Drainage and Flooding (R11, I8, PP3, DP1 and EP12)  
(Conditions 1, 2, 4, 9, 11, 37, 38 - 40, 46 and 47)**

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

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

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

Associated policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water

Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SuDS. The R11 designation requires submission of Flood Risk and Drainage Impact Assessments to support applications.

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

Conditions 1, 2, 4, 9 and 37 - Foul Drainage: Submitted layout plans/information show the proposed foul drainage network along with connections between the development and public foul drainage network. Scottish Water have raised no objection to this drainage infrastructure, subject to advisory comments regarding capacity, application procedures and asset protection. Similarly, SEPA and Flood Risk Management have raised no objection to these elements. These include a permanent pumping station and rising main to the northeast of the proposed SuDS detention basin, which are currently under construction and would connect to the Moray West Water Treatment Works at Lossiemouth.

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

Condition 38 b) - Construction Phase Surface Water Management Plan (CPSWMP): A CPSWMP contained within the Construction Environmental Management Plan and an associated pollution prevention plan (CAR licence) set out measures to ensure protection from surface water run-off during construction. SEPA has reviewed and is content with this information.

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

Condition 40 - Engineering activities in the water environment: The current application proposes no work to the water environment other than a discharge pipe from the SuDS detention basin to the adjacent burn. With this in mind, and noting that there are no engineering activities in the water environment, SEPA has advised that it has no concerns in terms of impact on the water environment.

Condition 46 - Groundwater Abstractions: This condition seeks submission/approval of details which demonstrate that there are no private water supplies within 250m of the phase. SEPA has advised that it has no objection in regard to this aspect of the proposal



as there are no identified private water supplies within the 250m limit identified relevant to this phase.

Condition 47 - Schedule of Green Measures and 10m buffer (between watercourse and development): Landscape proposals and a Biodiversity Plan submitted with the application include the use of tree, shrub, hedgerow, meadow and wet meadow mix, emergent and marginal species across the site and around the SuDS basin, rain garden and swales. The proposals also include provision of a 10m buffer between the SuDS basin/swale and the adjacent Sey Burn which reduces to 6m along a short section in front of plots 21/22/23. SEPA has confirmed that this is acceptable in this instance as open space is to be provided on opposite bank of watercourse & watercourse to be de-culverted in future.

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

**Pollution Control (R11, DP1 and EP14)  
(Conditions 45, 50, 53 – 58, 61 – 64)**

Conditions 45, 50, 53 to 58, and 61 to 64 inclusive seek to address potential pollution impacts from development on the environment and amenity for each phase of development. These include the requirement for applications to be supported by Construction Environmental Management Plans (CEMP) to address potential pollution risks from development that might adversely affect the environment and amenity (condition 45), contaminated land assessments (condition 50), updated noise and construction noise impact assessments (conditions 53, 55 and 58), and measures to control external lighting (condition 54), dust (condition 56) and air quality (condition 57). Conditions 61 to 64 relate to the proposed commercial uses within the ground floor of the 3 storey building, and require applications to be supported by a Noise Impact Assessment and mitigation measures to protect residential amenity (condition 61), details of ventilation/extraction systems and odour control arrangements (condition 62), and also set limits on fixed plant and machinery emissions associated with each commercial use during daytime and night time hours (conditions 63 and 64).

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

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

Condition 45 – Construction Environmental Management Plan (CEMP): The application is supported by a site specific Construction Environmental Management Plan and Construction Site Licence/Pollution Prevention Plan (issued by SEPA). These set out measures that will be adopted/implemented by contractors, including best practice to manage/mitigate the impact of the construction phase upon the environment together with

account of materials, soil, waste, surface water run-off (in terms of water quality and quantity) and ecological mitigation measures. SEPA has reviewed this information and confirmed that it is satisfied that the measures outlined would minimise impacts of the development upon the environment. Adherence to this plan shall be addressed by planning condition.

Condition 50 – Contaminated Land Assessment: The Geotechnical Design and Environmental Risk Assessment Report accompanying the application has established that the site is not subject to land contamination and is suitable for residential development. The Contaminated Land Section has reviewed this information and has raised no objection to the proposed development.

Conditions 53 - Noise Assessment (for development in proximity to sub-station): Supporting information submitted with the application highlights that the separation distance between the site and Elgin sub-station to the west is substantial (300m) negating the requirement for a Noise Impact Assessment at this stage to assess impacts from the sub-station. The applicant has confirmed that a further Noise Assessment will be provided to address this requirement in subsequent applications. The Environmental Health Section has clarified that the proposal is sufficiently remote from the Elgin Sub-station to not warrant further detailed Noise Impact Assessment of this aspect.

Condition 54 - Lighting: Existing temporary external lighting during construction is already in place and approved by phase E1. The applicant has confirmed no changes to these arrangements. This comprises lighting on three 9m high towers positioned to minimise light spill or glare exiting the site. The Environmental Health Section has assessed these arrangements and is satisfied that no significant light pollution would occur. A condition is recommended requiring implementation of these arrangements, with no further lighting permitted unless otherwise agreed.

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

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

Condition 57 - Air Quality Assessment: The submitted Air Quality Assessment (covering both E1 and E2) addresses impacts from potential traffic emissions upon future and existing residents close to road networks in the vicinity of the site; based on air quality modelling this predicts no significant air quality impacts on existing residents or future residents of the housing scheme as a result of the development. Following review, the Environmental Health Section is content with this assessment.

Condition 58 - Noise Impact Assessment (Road Traffic): The submitted Noise Impact Assessment addresses the potential effects of road traffic noise on the dwellings across the site, and for the dwellings in the eastern part of the site closest to Lossiemouth Road

recommends acoustic mitigation measures, including installation of enhanced double glazing (with trickle vents) and solid close boarded fencing (with acoustic performance), as identified in submitted plans. The Environmental Health Section has reviewed this scheme, is content with the proposed mitigation and has raised no objection subject to conditions requiring adherence to the scheme.

Conditions 61 - Noise Impact Assessment (Use Class 3, 7, 8 and 10): The submitted Noise Impact Assessment considers noise from fixed plant and deliveries associated with the proposed shell commercial uses, but due to lack of detail at this stage acknowledges that these elements will require further consideration when more information becomes available and that these can be addressed by appropriately worded conditions. The Environmental Health Section advises that, as there are insufficient details provided at this stage on the proposed end user, the requirements of this condition for a detailed Noise Impact Assessment cannot be addressed as yet. As such this condition cannot be discharged at this time and shall be re-imposed with updated wording to reflect the current proposal.

Condition 62 - Ventilation/extraction systems and odour control arrangements (Use Class 3, 7, 8 and 10): No details of any external plant and equipment have been submitted at this time. The Environmental Health Section advises that, as there are insufficient details provided on the proposed end user and plant/equipment the requirements of this condition cannot be addressed as yet, and therefore recommends a condition requiring submission/approval of these details, which will necessitate further applications for planning permission (due to statutory neighbour notification requirements). This shall be attached to the decision notice.

Condition 63 - Fixed Plant and machinery noise emission (daytime) (Use Class 1, 2, 3 and 4): The submitted Noise Impact Assessment highlights that due to lack of detail at this stage these elements will require further consideration when more information becomes available, however it considers that these matters can be appropriately mitigated providing mitigation measures meet the minimum standards set out in the NIA report. The Environmental Health Section advises that this condition remains a requirement for any future fixed plant and machinery at this stage, and as there are no details available that confirm the noise limit will be met this can be dealt with by retaining/re-imposing this condition.

Condition 64 - Fixed Plant and machinery noise emissions (night time) (Use Class 1, 2, 3 and 4): The submitted NIA acknowledges the lack of detail at this stage and that these elements will require further consideration when more information becomes available, however it considers that these matters can be appropriately mitigated providing mitigation measures meet the minimum standards set out in the NIA report. The Environmental Health Section advises that that this condition remains a requirement for any future fixed plant and machinery at this stage, and as there are no details available that confirm the noise limit will be met this can be dealt with by retaining/re-imposing this condition.

The proposal includes a small sub-station adjacent to the southern entrance of the site. Approval of details of this infrastructure shall be covered by condition as recommended by the Environmental Health Section.

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

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

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

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

As required by the condition and in line with DP2 the submitted plans include provision of 39 affordable units which represents 25% contribution to affordable housing. The mix meets the current need for affordable housing as identified in the Local Housing Strategy and is acceptable to the Housing Strategy and Development Manager. It is also considered to be tenure neutral as the affordable homes have the same external material finishes to other homes elsewhere on the site. A condition requiring arrangements for delivery to be agreed shall be attached, as recommended by the Housing Strategy and Development Manager.

Based on supporting information 10% of the private sector homes (eleven, 2 storey units) will be built to wheelchair accessible standard in accordance with DP2 policy requirements and associated policy guidance of the MLDP 2020. Although this provision does not include 50% bungalows, this requirement, which derived from previous supplementary guidance was superseded by the requirements of the equivalent policy DP2 and associated guidance which no longer requires single storey units. As such this provision meets policy DP2, associated guidance and the requirements of the condition. A condition requiring this provision in accordance with the submitted plans shall be imposed as recommended by the Housing Strategy and Development Manager.

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

Conditions 43- 45 seek to protect nature conservation interests on the site and within the wider area. In this case these include natural heritage interests of national and international importance, namely the Loch Spynie Special Protection Area, Ramsar and SSSI, approximately 2 km to the north east which is hydrologically connected with the site via the Sey Burn. The conditions require applications to be supported by a mitigation statement setting out measures to ensure that development does not adversely affect the integrity of the abovementioned protected areas (condition 43), pre-construction surveys for any protected species on/adjacent to the site (condition 44) and site specific Construction Environmental Management Plans (CEMPs for each phasing zone i.e. E1 to 4) to address potential pollution risks on local ecological receptors during construction (condition 45).

Associated policy EP1 Natural Heritage Designations seeks to protect nature conservation interests from adverse development impacts, and where proposals are likely to have an

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

Submitted supporting information comprising a Mitigation Statement, Protected Species Surveys (2021) and Construction Environmental Management Document/Plan (CEMP and Pollution Prevention Plan (PPP)) provide the information required to meet the above conditions and policies.

Condition 43 - Mitigation Statement: The submitted Mitigation Statement sets out a range of measures designed to prevent adverse impacts and protect the water quantity/quality of Loch Spynie SPA, Ramsar Site and SSSI during construction and the operational life of the development. These include adherence to the submitted CEMP and Pollution Prevention Plan, good practice site management/staff training, employment of an Environmental Clerk of Works (ECOW) to ensure the CEMP/PPP is being followed, provision/maintenance of a minimum 6m vegetated buffer between Sey Burn and construction works, silt fencing, and surface water mitigation strategies amongst various other measures. These also set out that the overall design incorporating the SuDS basin and swales to treat surface water run-off from the development and landscaping to further help reduce surface water run-off would ensure that the operational site will not result in pollution risks to Loch Spynie. SEPA is content with this information. NatureScot has also assessed this information and confirmed that the measures detailed in the statement would prevent risks of pollution to Loch Spynie, and is sufficient to satisfy the condition.

Condition 44 - Pre-construction Species Protection Surveys: The CEMP and Ecology (Protected Species) Surveys outline ecological mitigation and pre-construction checks in order to minimise adverse impacts on species during construction. These include maintenance/protection of watercourses and ecological connectivity on site to conserve existing function including suitable foraging and commuting opportunity for otter, bats, badgers and other protected species identified in the locale; where green-infrastructure is lost, suitable replacement and enhancement applied within landscaping plans; contractors to be made aware of the known and potential presence of protected species on site and in the wider landscape via a toolbox talk and site induction material; vegetation clearance to be scheduled to commence between September to February inclusive to avoid any roosting bats, nesting bird constraints or the brown hare breeding season (should this not be possible then support from an ecologist or Ecological Clerk of Works to be provided in the form of pre-works checks); measures to be adopted to preserve water quality and prevent pollution of watercourses by following SEPA Guidelines for Pollution Prevention (GPPs); retention/protection of appropriate vegetative margins between works and areas of running water to reduce impacts to commuting or foraging otters present in the locale; excavations created during works not left open for mammals to become trapped and appropriate covers to be fitted at the end of every working day; temporary lighting required during works and permanent exterior lighting not to illuminate adjacent habitats (e.g. woodland, hedgerows, scattered trees and running water), which can affect the foraging

and commuting success of bats and other nocturnal species; use of native and berry, seed and nectar producing species within the landscaping of the development to maintain and promote biodiversity on site; and liaison with the neighbouring landowner regarding the need to eradicate giant hogweed.

The Ecology Survey undertaken in 2021 found no signs of species activity within the site itself, other than the presence/activity of birds which typically nest in the habitats on site. Evidence of badger and otter foraging activity was identified along one of the site boundaries and surrounding area (but no dens or setts), and potential bat roost features within trees within the northwest corner of the site. The survey report recommends the carrying out of a further survey of any trees to be removed to check for evidence of roosting bats and consider any licencing implications and mitigation needs should they be required. Adherence to these recommendations shall be covered by planning condition. NatureScot has advised that it considers these measures are satisfactory in terms of protection of species and habitat, and that the condition is met for this application.

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

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

During the course of consideration of the PPP application (and S42 application) and in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994, as competent authority, Moray Council (in consultation with SNH) undertook an 'appropriate assessment' which concluded that the development would not adversely affect the integrity of Loch Spynie. A further 'appropriate assessment' has been undertaken in relation to the current AMC application. This concludes that, with implementation of the measures outlined in the abovementioned mitigation statement, CEMP and Pollution Prevention Plan the proposal will not adversely affect the integrity of Loch Spynie and is supported/endorsed by NatureScot. The assessment to be adopted is attached at **Appendix 2**.

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

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

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

An archaeological evaluation (Phase 1 Data Structure Report) for the area covered by phases E1 to E4, has been submitted with the application which sets out findings from extensive trenching evaluation and metal detector surveys. The Aberdeenshire Archaeology Service has reviewed and is content with this information, and advises that condition 51 can be partially purified insofar as it relates to the current application, but will continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP where mitigation has yet to be carried out. A condition to this effect shall be attached to the decision notice as recommended by the Archaeology Service and on this basis policy EP8 is met.

### **Forestry, Woodland and Trees (EP7) (Condition 41)**

Condition 41 requires AMC applications to identify trees and vegetation proposed for retention and removal, together with protection measures during construction. Associated policy EP7 Forestry, Woodlands and Trees seeks to control or mitigate the impact of lost woodland or trees in relation to proposed development, and to encourage new woodland planting within development proposals, connection of woodlands to form a wider green network and protection of important existing woodland habitat.

There are a number of trees and areas of vegetation within and bordering the application site. These include trees within the northwest part of the site within garden ground associated with the property 'Myreside', and three further tree groupings within the northwest and northeast site corners.

To meet this condition and policy EP7 requirements, a Tree Survey Report and Tree Constraints/Protection Plans and accompanying Policy EP7 Compliance Statement have been submitted. These inform assessment of trees and set out the background and reasoning for tree removal and retention on the site.

Initial layouts included the removal of the trees around Myreside Farmhouse. Policy EP7 requires the retention of healthy trees unless it is technically unfeasible to retain these. The applicant has revised the proposal substantially to incorporate the retention of the majority of trees around Myreside Farmhouse which has resulted in a reduction in the number of homes proposed by 22. However, in order to establish access to Myreside Farmhouse and allow for key recreational links (in line with the masterplan) 37 trees require to be removed of which 1 is category A (apple), 8 are category B (Sycamore and cherry), 23 are category C (23, blackthorn, sycamore, cherry, elder, cypress), and 5 are U category (douglas fir, sitka spruce). It would not be technically feasible to retain these and create safe access to Myreside Farmhouse or to provide the recreational link, and therefore their removal is acceptable under the terms of policy EP7. Compensatory planting for the 37 trees being removed is required (on a 1 for 1 basis) and these are to be provided on site to the rear of plots 23 and 24 and within the retained woodland to the rear of plots 88 to 93, but the number and types of trees to be provided has not been specified. To address this, a condition shall be attached to ensure delivery of the planting, with any remaining tree planting to be provided off site on phase E3 or E4 (if required).

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

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

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

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

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

Condition 49 requires that each AMC application include details to establish and demonstrate the potential or otherwise for district heating on that phase, to be met through connection to an existing heating network or implementation of an on-site district heating network, as envisaged by the Findrassie Masterplan, and recommended by SEPA. The applicant has submitted information containing an assessment of the feasibility of installing such a network; this confirms that a standalone network for the development of the Findrassie E1 to E4 phase is not viable at this time, however it could be feasible in the future as development of the Masterplan evolves which includes commercial, leisure and educational facilities. With this in mind a layout plan has been submitted which proposes to leave space within the below ground service zone to allow pipework to be laid in the future. SEPA has reviewed these details and associated plan, and confirms that these are satisfactory in terms of addressing its interests with regard to this aspect of the proposal.

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

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

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

The current AMC application is covered by the existing S75 legal agreement associated with the planning consent 17/00834/PPP and S42 application 19/01085/APP. Developer



obligations will be secured through this agreement in accordance with the triggers set out within the agreement, the first being payment towards transportation upon completion of the 130th house within this part of Area 1 (phases E1 to E4 inclusive).

### **MOD (EP15)**

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

The site falls within the safeguarding zone for RAF Lossiemouth and the Defence Infrastructure Organisation (DIO) has provided consultation comments. These confirm that it raises no safeguarding objection on the basis that the maximum build height of the flats will not exceed 15.2m, and subject to a condition regarding a construction management strategy to ensure that construction work/equipment (cranes or other tall equipment) on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems. It further notes that, as with the previous consultation the developers have taken on board previous recommendations in designing the drainage scheme for this part of the development to ensure that the development (SuDS basin) does not result in the creation of new habitats which may attract and support populations of large and, or, flocking birds close to aerodromes. As the roof for the retail/commercial building/proposed flats will be steeply pitched a Bird Management Plan will also not be necessary. With the abovementioned condition imposed the proposal would meet policy EP15.

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

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

### **Conclusion and Recommendation**

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

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

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

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

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## **APPENDIX 1**

### **POLICY**

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

##### **PP1 PLACEMAKING**

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

**(ii) Healthier, Safer Environments**

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

**(iii) Housing Mix**

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

**(iv) Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

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

**v) Biodiversity**

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

**(vi) Parking**

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

- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

**(vii) Street Layout and Detail**

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

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

**PP2 SUSTAINABLE ECONOMIC GROWTH**

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

**PP3 INFRASTRUCTURE & SERVICES**

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

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

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

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

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

**c) Harbours**

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

**d) Developer Obligations**

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

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

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



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

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

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

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

### **I8 Newfield Industrial Estate**

- Proposals must comply with the Findrassie Masterplan Supplementary Guidance. The Masterplan layout is shown on page 169.
- Suitable for business uses within use Class 4 (Business) or Class 5 industrial uses that are compatible with surrounding uses which is predominantly residential.
- High amenity setting required.
- Transport Assessment required. The impacts on junctions TSP9, 12, 17, 20 and 21 must be assessed and addressed.
- Connections to the adjacent MU2 and LONG 1A sites must be safeguarded.
- Phase 1 Habitat Survey required.
- Demonstrate that there will not be an adverse effect on the integrity of Loch Spynie Special Protection Area e.g. by minimising diffuse pollution, preventing pollution

reaching watercourses during construction, and connection of buildings to mains water and sewerage should avoid such changes.

- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- No development to occur within 6m of the watercourse.
- The site may be impacted by the A96 dualling and development may require to take into account the preferred A96 dualling route.

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

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

**(ii) Transportation**

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

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

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

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

- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING**

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

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

- b) Piecemeal/ individual plot development proposals**

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

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

- c) Housing density**

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

- d) Affordable Housing**

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

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

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

Planning and Development Manager. Intermediate tenures will be considered in accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

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

**e) Housing Mix and Tenure Integration**

Proposals must demonstrate tenure integration and meet the following criteria;

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

**f) Accessible Housing**

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

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

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

**Affordable Housing**

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

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at [http://www.moray.gov.uk/moray\\_standard/page\\_90100.html](http://www.moray.gov.uk/moray_standard/page_90100.html). The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.

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

### **Accessible housing**

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

Policy DP2 aims to;

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

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

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

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

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

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

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

#### External requirements

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

#### Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)



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

Accessible housing requirement figures will be rounded down.

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

## **DP5 BUSINESS & INDUSTRY**

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

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

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

### **b) Business Parks**

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

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

### **c) Industrial Estates**

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

### **d) Existing Business Areas**

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

### **e) Other Uses**

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (sui generis), including waste management facilities will be considered in relation to their suitability to the business

or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

**f) Areas of Mixed Use**

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

**g) Rural Businesses and Farm Diversification**

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

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

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

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

**h) Inward Investment Sites**

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

Proposals must comply with Policy DP1 and other relevant policies.

**DP7 RETAIL/ TOWN CENTRES**

**a) Town Centres**

Developments likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities must be located in town centres.

Within Core Retail Areas (identified on settlement maps, CRA), at ground level, only development for Use Class 1 Shops, Use Class 2 Financial, professional and other services, or Use Class 3 Food and drink will be supported. Above ground floor level residential use will, in principle, be supported as an appropriate use.

Proposals must be appropriate to the scale, character and role of the town centre (Table 6) and support a mix of uses within the town centre. Proposals that would lead to a concentration of a particular use to the detriment of the town's vitality and viability will not be supported.

**b) Outwith Town Centres**

Outwith town centres, development (including extensions and subdivisions) likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities must;

- a) Demonstrate that no sequentially preferable sites are available. Locations will be considered in the following order of preference;
  - Town centres (as shown on settlement maps).
  - Edge of centre.
  - Commercial Centres (as shown on settlement maps, CC).
  - Brownfield or OPP sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.
  - Out of centre sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.
- b) Demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the network of town centres (Table 6), where appropriate by a Retail Impact Assessment.

Flexibility will be allowed to ensure that community, education and health care uses are located where they are easily accessible to the communities they serve.

**c) Neighbourhood Retail**

Small shops that are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary will be supported. Depending on scale, proposals may be required to demonstrate that they will not have an unacceptable adverse impact on the vitality and viability of the network of town centres (Table 6), by a Retail Impact Assessment or Retail Statement. Within a neighbourhood one unit of up to 400m<sup>2</sup> designed to meet the day to day convenience needs of the neighbourhood will be supported. Other small units of up to 150m<sup>2</sup> that contribute to creating a mix of uses in a neighbourhood centre/hub will be supported. This could include small retail uses (Class 1 nonfood), financial and professional services (Class2) and cafes and small restaurants (Class 3).

Neighbourhood hubs/centres should aim to contribute to the sense of community and place, the sustainability of an area, reduce the need to travel for day to day requirements and provide adequate parking and servicing areas.

Change of use of established or consented neighbourhood retail units will only be supported where it can be demonstrated that active marketing has failed to find a retail use for the premise. For a change of use to be considered, the premises must have been vacant and actively marketed for a minimum of three years at an

appropriate market rent/value. Where the unit is part of a consent for wider development, the three year marketing period will be counted from the completion of the development as a whole i.e. change of use of a retail unit will not be considered half way through completion of a development or in the three years after the completion of the whole development.

**d) Ancillary Retailing**

See policy DP5 Business and Industry in respect of ancillary retailing to an industrial or commercial business.

**e) Outwith Settlement Boundaries**

Outwith settlement boundaries, proposals for small scale retail development will only be supported if these are ancillary to a tourism or agricultural use. Small scale extensions to existing retail activity will only be supported where this does not undermine the vitality and viability of the network of town centres (Table 6).

**EP1 NATURAL HERITAGE DESIGNATIONS**

**a) European Site designations**

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

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

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

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

**b) National designations**

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

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

**c) Local Designations**

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

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

**d) European Protected Species**

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

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

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

**e) Other protected species**

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

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

**EP2 BIODIVERSITY**

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

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

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

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

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

## **EP5 OPEN SPACE**

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

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

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

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

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

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

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

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

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

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

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

**i) Accessibility Standard**

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

**ii) Quality Standard**

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

**Accessible and well connected**

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

**Attractive and Appealing Places**

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

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

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

**Promotes activity, health and well being**

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

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



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

b iii) Quantity Standard

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

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

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

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

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

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

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

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

**b) Tree Retention and Survey**

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

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

**c) Control of Woodland Removal**

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

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

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

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

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

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

**e) Compensatory Planting**

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

**GUIDANCE TREES AND DEVELOPMENT**

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

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

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

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

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

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

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

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

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

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

### **Landscape Scheme**

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

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

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

## **EP8 HISTORIC ENVIRONMENT**

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

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

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

### **b) Local Designations**

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

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

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

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

### **a) Flooding**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a

comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

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

**c) Water Environment**

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

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

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

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

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

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

## **EP13 FOUL DRAINAGE**

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

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

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

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

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

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

### **a) Pollution**

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

### **b) Contamination**

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

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



**c) Hazardous sites**

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

**EP15 MOD SAFEGUARDING**

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




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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 4  
APRIL 2022**

**SUBJECT: 22/00287/PAN RESIDENTIAL DEVELOPMENT AND  
ASSOCIATED INFRASTRUCTURE AT R2 SPEYVIEW,  
ABERLOUR**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

### **1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 25 February 2022 on behalf of Springfield Properties PLC.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

### **2. RECOMMENDATION**

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

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

### **3. BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed residential development (with associated infrastructure) at R2 Speyview, Aberlour, as designated in the Moray Local Development Plan (MLDP) (2020). The PAN area covers phase two of the development and extends to around 10.94ha and a plan is appended showing the location and extent of the site (**Appendix 1**). Phase one covering the north eastern portion of the designation already has planning permission granted (18/01373/APP) for the erection of 39 residential units. A subsequent application (21/00348/APP) has been approved by this committee pending the conclusion of an amended Section 75 agreement, which relates to the change in 9 of the house types approved under the original planning permission granted (18/01373/APP). The PAN site is bounded to the north by agricultural land with Aberlour beyond, to the west by phase one, the A95 trunk road and neighbouring houses, to the east by further agricultural land and several neighbouring houses and to the south by the U103H Ruthrie Road, with a neighbouring house beyond.
- 3.5 R2 covers an area of 14 hectares and is identified as having an indicative capacity of 60 residential units and 1 hectare of employment land. The text accompanying the R2 designation highlights that proposals must comply with the Key Design Principles diagram within the MLDP, which supports the designation text. The Key Design Principles diagram outlines that key frontage houses must have their principle elevation facing onto the A95 and must be 1½ storeys. Development must be located predominantly on the flat areas of the site. Development on the flanks of the hill will not be permitted. These areas must instead be landscaped to create a setting for new development. An extensive landscaped area must be provided to separate the housing and employment land elements of the development. 1ha of employment land, compatible with residential uses at the southern end of the site must be provided. Landscaping must provide connecting paths to encourage more active use of the space. There are limited opportunities for development on the plateau at the top of the hill to the east of the site. A maximum of 10 individual house plots will be permitted here. Significant advanced woodland planting of a sufficient height and maturity to create

appropriate levels of enclosure and containment must be provided. Houses in this location must meet the design requirements set out in Policy DP4 Rural Housing. A substantial band of new mature woodland planting must be provided along the eastern edge of the site to create a backdrop and containment for buildings and create an attractive edge to the town. A significant area of accessible greenspace must be provided on the higher areas of the site creating a vantage point with views across the wider countryside. A network of accessible footpath/cyclepath connections must be provided linking to Taylor Court and the wider countryside.

- 3.6 In addition the remainder of the designation text outlines that proposals must provide a Masterplan for the site. The site will provide a gateway into the settlement and proposals must be designed to reflect this. The development must reflect the woodland character of the site. Houses fronting onto the A95 must be 1½ storey in height, have their primary elevations facing the road with no direct access onto the A95 and be of traditional design with stone frontages, natural slate roofs and low stone walls with metal railings. A Phase 1 Habitat Survey will be required. Early phase(s) must provide a central greenspace with pocket park and later phase(s) must provide a neighbourhood park or a pocket park, depending on the balance of residential and industrial use. Footpath along or parallel to the extent of the site frontage onto the A95 must be provided. Once completed, the development must provide active travel connections from U103H (Ruthrie Road) on the southern boundary with the A95 frontage and Sellar Place and potential for future connectivity from the eastern site boundary. A Flood Risk Assessment (FRA) may be required and a Drainage Impact Assessment (DIA) will be required.
- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Speyside Community Council. In this case the applicant's have been advised that no additional parties require to be notified with a copy of the PAN.
- 3.8 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicants propose reasonable alternatives which must include a minimum seven day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. In line with the new regulations an online public event/exhibition is proposed from 25 April to 4 May 2022 via <https://www.springfield.co.uk/> and an online Q&A at 7pm on Thursday 28th accessed via the same webpage. The online event will be advertised locally prior to opening and the community council made aware of the arrangements. The applicants have also offered to attend community council meeting to discuss the proposals.

- 3.9 In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

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

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

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

**(b) Policy and Legal**

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Climate Change**

As this is a Proposal of Application Notice there is limited information provided at this stage to give full consideration to the climate change and biodiversity impacts of this proposal. Nonetheless all development will result in a degree of impact on climate change and biodiversity and this will be considered as the proposal progresses through the planning process. Identifying general concerns about the climate change impacts of major planning applications at an early stage can allow consideration of these aspects before details of the development are finalised.

**(i) Consultations**

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and

Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

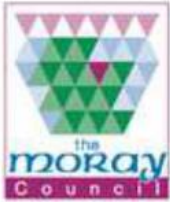
Members of Moray Council who are not on this committee have also been consulted and any views received on the proposal will be made known at the meeting.

## **5. CONCLUSION**

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a proposed residential development (with associated infrastructure) at R2 Speyview, Aberlour. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report:           Iain Drummond, Planning Officer  
Background Papers:  
Ref:                           22/00287/PAN





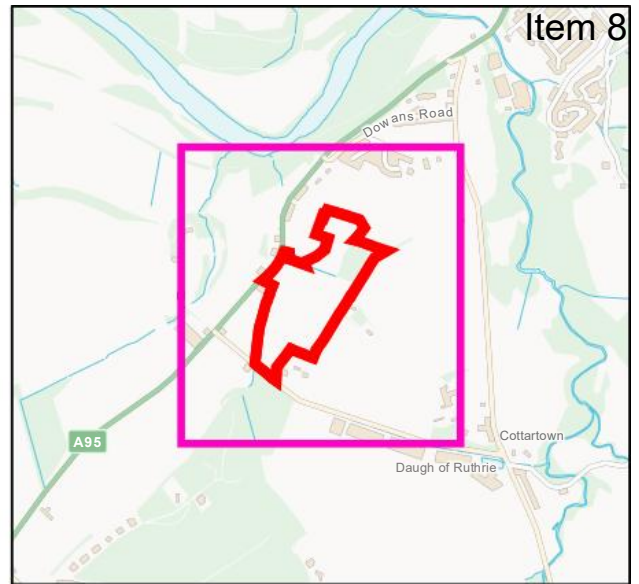
## COMMITTEE SITE PLAN

### ABERLOUR

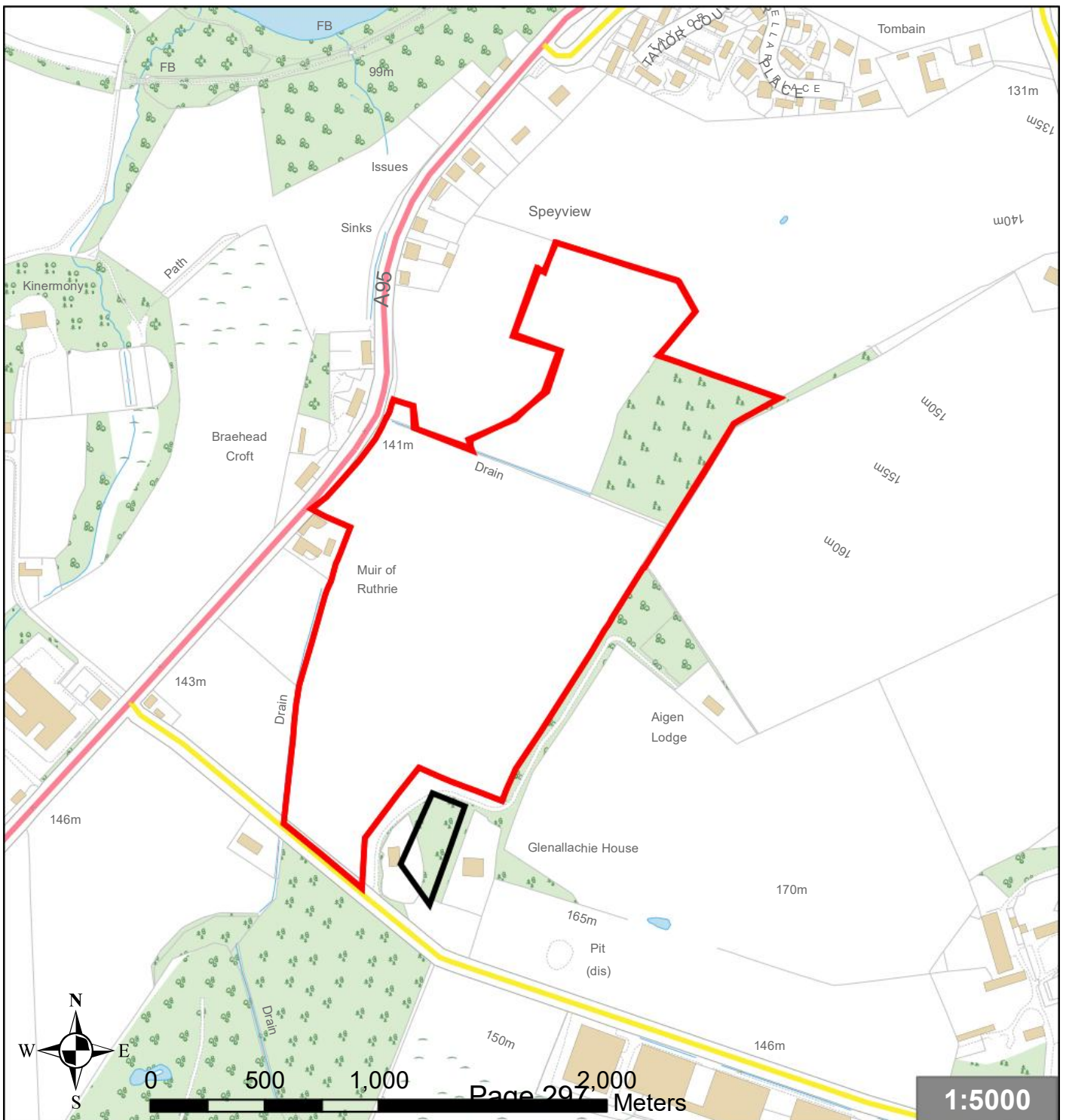
Application Reference Number:

**22/00287/PAN**

Residential development and associated infrastructure  
at R2 Speyview Aberlour



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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 4 APRIL 2022**

**SUBJECT: MORAY RETAIL STUDY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

### **1. REASON FOR REPORT**

- 1.1 To inform the Committee of the findings of the Moray Retail Study and agree that the Moray Retail Study is used as a material consideration in the determination of planning applications, the preparation of masterplans and the development of policy.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority under the Planning Act.

### **2. RECOMMENDATION**

- 2.1 It is recommended that the Committee;
  - (i) note the content of the Moray Retail Study in Appendices 1 to 6; and
  - (ii) agree that the Moray Retail Study (Appendices 1 to 6) is used as a material consideration in the determination of planning applications, the preparation of masterplans and the development of policy.

### **3. BACKGROUND**

- 3.1 A Retail Study was commissioned to provide up to date information and analysis to inform retail and commercial leisure strategy, policy and designations within the next Moray Local Development Plan. Members will recall from the report on Draft Local Development Plan Regulations and Guidance presented to this Committee on the 1 March 2022 (para 14 of the draft minute refers) that the new planning system requires significant evidence gathering at the outset through the Evidence Report and Gatecheck

procedure. The Moray Retail Study would form part of the Evidence Report. The study will also be used to support decisions on planning applications and inform masterplans. Hargest Planning Ltd were commissioned to prepare a retail study. The study includes an assessment and recommendations covering the following

- Retail and commercial leisure trends and their implications for Moray's town centres and commercial centres to inform policy development and designations.
- The potential future demand and supply for retail floor space within Moray over the next 5-10 years.
- The requirements for retail and commercial floorspace within new neighbourhoods/masterplan areas.
- A review of current planning policy relating to retail and commercial leisure.

3.2 The last retail studies and modelling work were completed in 2010 and 2012. These needed to be brought up to date to reflect changing retail trends, changes in population and changes in retail expenditure.

3.3 The Study used a range of techniques and data sources. The principal techniques used for the Study are:

- Data review: existing and future population; existing retail and retail service floorspace; existing and future available expenditure forecasts; tourism expenditure.
- Household surveys (Moray-wide) completed by telephone to establish behaviour and attitudes to retail and retail expenditure.
- In-centre survey (Elgin City Centre only) covering purpose of the visit, food and non-food shopping patterns, expenditure and attitudes to the City Centre.
- Market trends, including both long-term trends and short-term impacts associated with the Covid-19 pandemic.
- Development of the Strategic Retail Model (SRM) – including the use of different growth and development scenarios.
- Review of existing retail centres – surveys and town centre health checks (vitality and viability).

#### 4. **KEY FINDINGS**

4.1 The full detailed retail study and associated appendices (including an Executive Summary) are set out in **Appendices 1 to 6**. **Appendices 1 and 6** are included with the agenda pack however **Appendices 2-5** have been uploaded as additional documents to the Committee page on CMIS. Set out below is a short summary of some of the key findings of the study.

4.2 **Retail and Leisure Trends** – Changes in long term retail trends underpinned by factors such as an ageing population, lifestyle changes, online retailing, improved distribution networks and uncertainty around economic growth have the following implications for Moray.

- A continued reduction in multiple national comparison (i.e. clothes, gifts, furniture, appliances, chemists etc) retailers with significant impacts in Elgin City Centre.
- Growth in food and non-food discounters.
- More specialist foodstore operators (e.g. Lidl, Aldi, M&S, freezer centre) but a reduction in requirements for new major foodstores.
- Increased reliance on independent retailers and retail, leisure and business services on traditional High Streets. This will impact shopping malls like St Giles the greatest and repurposing of floor space will be required.
- Small town centres and local centres have a more positive outlook reinforced through increased home-working.
- Some leisure sectors will continue to grow and support use of space in town centres, while others may require larger floor spaces and/or cheaper space located outwith centres. Leisure has been severely affected by the pandemic and increased costs however it is expected the sector will recover with demand for a range of units in all centres in Moray.

**4.3 Distribution of retailing** – A review of existing retail floorspace and turnover has identified the following

- In total there is 200,320sqm gross floor area of retail and retail/leisure/business uses in 942 units across the whole of Moray (i.e. not only town centres defined in the LDP). 69% of this floor area (398 units) is retail. There are 109 vacant units totalling 16,600 sqm.
- Retail and services are unevenly distributed within Moray with 59% of retail floorspace and 64% of retail turnover in Elgin, but only 34% of retail units are located here. Elgin City Centre has 38,600 sqm gross floor area for retail and a turnover of almost £155m accounting for 28% of floorspace and 31% of turnover within Moray.
- The total retail and floor areas at Edgar Road are approximately half of that in Elgin City Centre but the turnover is only slightly less than that of the city centre (£143m per annum of all goods).
- Total retail expenditure (including tourism expenditure) within Moray is £627m per annum, of which £498m is spent in Moray shops, £88m on special forms of trading (primarily online) and £41m in shops outwith Moray.
- Moray residents' available expenditure is £614.6m, which is split £247.6m convenience (i.e. food, newsagents etc), £277.9m general comparison (i.e. clothes, gifts, chemists) and £89.1 bulky goods (i.e. furniture, appliances etc).

**4.4 Retail deficiencies** – Comparing existing and future expenditure and notional average sales for existing and committed floorspace provides an indicative quantitative basis for assessing the general level of retail deficiencies (or where there is notional capacity for increased floorspace). The following has been identified

- At a Moray level there are no quantitative or qualitative retail deficiencies for convenience goods (i.e. food, newsagents etc). Speyside, Lossiemouth and Fochabers have a quantitative deficiency

but are within the catchment area of superstores in Elgin. In Aberlour, Dufftown, Fochabers, and Rothes there is a qualitative deficiency in terms of lack of small supermarket/large convenience-format store in the region of 600-1,000 sqm compared to the existing smaller formats.

- At both a Moray level and for individual towns there is a significant retail deficiency for comparison goods (i.e. clothes, gifts, furniture, appliances, chemists etc). It is noted the scale of this varies depending on which growth scenario is considered. It is also noted market demand and trends are unlikely to support the scale of deficiency identified. Therefore, there is a low likelihood of any significant change to comparison space provision in most towns. However, within Elgin current national trends would suggest multiple national retailers are more likely to reduce space occupied.
- In the long term commercial leisure space is expected to grow significantly across all towns. Increased demand for leisure has the potential to offset the decline in comparison good retailing.

**4.5 Review of Main Town Centres** – A review of individual town centres including space in use, vacancies, perceptions of centres, and catchments is set out in detail within the study report. Consideration is also given to the context, prospects and recommendation for each centre are also set out. A summary of the key findings is set out below.

- Across the six town centres and commercial centres studied vitality and viability indicators were generally mixed with the exception of Forres that was relatively stronger.
- Vacancy rates were around the national average for Elgin and Keith. In Buckie, Forres and Lossiemouth vacancy levels were lower than national averages. Vacancies at Edgar Road Commercial Centre are above average. In September 2020 Goad reported that the UK national vacancy rate was 13.9% by number of units and 12.75% by floor area.
- Town centres and commercial centres generally have a good range of retail and services relative to their size. It is notable that Forres town centre has not seen the shift from retail goods to services seen in other town centres.
- Across town centres the prospects for retail growth are considered to be uncertain. Convenience turnover is expected to flatline/marginally decline. General and bulky good comparison forecast to grow but some scenarios indicate potential decline.
- Deficiencies' for general and bulky comparison goods have been found in most centres however in contrast market demand is considered to be limited. The main opportunity will be for an occupier identifying a specific local market opportunity and speculative retail development is unlikely.
- Market and commercial pressures indicate potential for further closures or relocation from Elgin City Centre units to units with larger floor areas and easy parking.
- Market interest in new retail floorspace at Edgar Road Commercial Centre is expected to be strong.

- Report includes recommendations regarding amendments to town centre boundaries and assessment of town centre sites with the best potential to accommodate new retail or commercial leisure space.

**4.6 Masterplans and new neighbourhoods** – The study set out the future retail and leisure requirements for five masterplan areas. Recommendations on the quantity and a type of retail and leisure space are provided. This includes phasing of the space. The table below summarises the space requirements.

Masterplan	Requirement	Total floorspace
Findrassie, Elgin (R11, I8, R12 and MU2)	350-500 sqm convenience format plus small number of additional smaller units.	Total floorspace 1,200 to 1,500 sqm.
	Small number of additional units for retail, leisure business services and comparison retail.	
Elgin South (R19, R20 and LONG2)	Two village cores.	Total floorspace 1,000 - 1,250 sqm in each of the two village centres.
	500-700 sqm convenience format small number of additional smaller units. This could include convenience format in each village centre.	
	Small number of additional units for retail, leisure business services and comparison retail.	
Barhill Road Buckie (R8 and LONG1)	150-250 sqm small convenience format store or 1 or two smaller units.	Total floorspace 500-750 sqm
	Small number of additional units for retail, leisure business services and comparison retail.	
	It is noted initial commercial space could be provided on the completion of the first phase given the potential market within existing residential areas.	
Lochyhill, Forres (R3 and LONG1)	350-500 sqm convenience format store.	Total floorspace 1,200 to 1,500 sqm.
	Small number of additional units for retail, leisure business services and comparison retail.	

Mosstodloch (MU LONG1)	Small scale commercial/retail space should be encouraged.	
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- 4.7 A review of existing LDP retail policy and the implications of the draft NPF4 policy are also included within the study. This recommends the existing policy approach is retained but with the following changes
- the network of centres is amended,
  - an extension of permitted uses within Core Retail Areas,
  - limiting uses considered detrimental to vitality and viability (e.g. betting, high interest money lending),
  - assessment of impact for all locations, and requirements for all retail, leisure and uses generating significant footfall to satisfy a range of criteria.
- 4.8 The changes to the network of centres include re-categorising Lossiemouth as a town centre (currently a local centre), re-categorising Regent Street Keith as a local centre (currently a town centre), and adding Bishopmill, Southfield Drive (Elgin), Cullen, Findhorn, Hopeman, and Lhanbryde as local/village centres.
- 4.9 It is recommended that the Moray Retail Study is agreed as a material consideration for development management purposes. The study will also be incorporated into the Evidence Report for the next LDP.

## 5. **SUMMARY OF IMPLICATIONS**

### (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Planning policy must support city, town and local centres to adapt and be vibrant places for people to live, learn, work, enjoy and visit. Successful city, town and local centres support key priorities including supporting a diverse, inclusive and sustainable economy.

### (b) **Policy and Legal**

Preparation of a LDP is a statutory requirement and the study recommendations will be used to develop policy and direct designations. A good evidence base to inform policy and designations is a statutory requirement. The study's recommendations will also be used to inform masterplans.

### (c) **Financial implications**

None identified at present. Assessment of future applications may require specialist retail planning input.

### (d) **Risk Implications**

Not using the findings of the Moray Retail Study as a material consideration would mean that planning decisions are not based on the most up to date information available and could potentially have implications for town centre viability.

**(e) Staffing Implications**

None. The findings and recommendations will now be taken forward during the review of the LDP and masterplans by existing staff resources.

**(f) Property**

No specific implications for property at this stage however Moray Council owns/manages land and property within identified town centres.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Climate Change and Biodiversity Impacts**

Supporting vibrant city, town and local centres helps to direct development to the most sustainable locations that are accessible by a range of sustainable transport and provide communities with easy access to goods and services they need.

**(i) Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, Development Management and Building Standards Manager, the Legal Services Manager, the Equal Opportunities Officer, Principal Climate Change Officer, Lissa Rowan (Committee Services Officer) and their comments incorporated into the report.

**6. CONCLUSION**

**6.1 A Retail Study was commissioned to provide up to date information and analysis to inform strategy, policy and designations within the next Moray Local Development Plan. The study will also be used to support decisions on planning applications and inform masterplans.**

**6.2 It is recommended that The Moray Retail Study as set out in Appendices 1 to 6 is used as a material consideration for development management purposes.**

Author of Report: Rowena MacDougall, Planning Officer  
Background Papers:  
Ref:





# Moray Retail Study 2021

## Final Report

For Moray Council

February 2022



Hargest Planning Ltd

# **Moray Retail Study 2021**

## **Final Report**

**For Moray Council**

**February 2022**

**reference:**

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# Contents

1	Introduction	1
2	Overall Study Approach	3
3	Retail and Leisure Trends	12
4	Retail & Leisure Provision in Moray	30
5	Review of Centres	46
6	Planning Recommendations for Retail and Leisure	115

## **Appendices (separate volumes)**

Appendix A: Moray Strategic Retail Model 2021

Appendix B: Experian Area Comparison Report (Expenditure) July 2021

Appendix C: NEMS Moray Household Survey Results

Appendix D: NEMS Elgin In-Centre Survey Results

# 1 Introduction

## Background

- 1.1 Hargest Planning Ltd have been commissioned by Moray Council to undertake a Retail Study to provide up to date information and analysis to inform strategy, policy and designations within the Moray Local Development Plan 2025 and also to be used in support of the determination of planning applications. The last comprehensive assessment of retail and related provision within the Moray Council area was undertaken in 2008 which was subsequently updated in the period 2010-2012 in support of undertaking cumulative retail impact assessments of retail developments that were proposed at that time.

## Study Brief

- 1.2 The Study Brief provided by Moray Council required that the primary purpose of the study should be to support Moray Council in the preparation of the next Moray Local Development Plan (2025). The study is required to provide an assessment and advice to the Council on:

- Retail and commercial trends and their implications for Moray's town and commercial centres to inform policy development and designations.
- The potential future demand and supply for retail floor space within Moray over the next 5-10 years.
- The requirements for retail and commercial floor space within new neighbourhoods/masterplan areas.

- 1.3 In responding to this brief Hargest Planning Ltd has included an assessment of trends for commercial leisure activities as well as for retail within centres recognising that there is a close inter-relationship between retail and leisure service activities which will affect both current provision and future demand. A second key issue for the current study has been the impact of Covid-19 related social distancing measures and the effects that these have had on the operation, demand and supply of retail and leisure businesses within centres. This study has been undertaken during 2021 when there have been both periods of lockdown and relaxation of controls which has meant that, in historical terms at least, the operation of both the retail and leisure markets during the period that the study was undertaken has been atypical. At the time of writing the final report, there remains considerable uncertainty as to the short-term future for these sectors, especially for the leisure and entertainment sectors. There is, therefore considerable uncertainty regarding forecasting future changes in these sectors based on information available during 2021. These matters are addressed further in later sections of this Report.

- 1.4 Reflecting the above, the approach adopted in responding to this Brief has been to:

- Use up-to-date data to prepare a strategic retail model ("SRM") for the period to 2035 using:
  - *Household and in-street surveys*
  - *Detailed floorspace information provided through the Grampian Regional Assessor*
  - *Review of different modelling scenarios to reflect uncertainties*
- Make recommendations for the retail, leisure and town centre strategies within the forthcoming LDP including:
  - *Identifying appropriate planning policies for inclusion in the LDP (in cognisance of proposed policies in the draft NPF4)*

- 
- *Reviewing market trends*
  - *Undertaking up to date town centre health checks*
  - *Reviewing the existing/proposed masterplan areas identified for major housing development*
  - *Identifying potential development opportunities.*

## Structure of Report

1.5 This Report sets out the findings of the Study. The main report is set out in this volume (Volume 1) and appendices are provided in separate volumes. Volume 1 provides the following:

- Section 1 is the introduction (this section).
- Section 2 sets out an overview of the study approach including data sources surveys, consultations undertaken and the Strategic Retail Model.
- Section 3 provides a summary overview of short- and long-term trends in retailing and leisure, including reference to the impacts of the Covid-19 pandemic insofar as this is possible at this stage.
- Section 4 provides a review of retail provision within Moray as a whole, including the network of centres.
- Section 5 sets out a review and health checks of the principal town and commercial centres within Moray.
- Section 6 provides the recommended strategy for retail and leisure for inclusion within the emerging LDP.
- An Executive Summary of the report is provided separately.

1.6 The following appendices are also provided:

- Appendix A: Moray Strategic Retail Model 2021
- Appendix B: Experian Area Comparison Report (Expenditure) July 2021
- Appendix C: NEMS Moray Household Survey Results
- Appendix D: NEMS Elgin In-Centre Survey Results

## 2 Overall Study Approach

2.1 The Study has been undertaken using a range of techniques and data sources:

- Data review: existing and future population; existing retail and service floorspace; existing and future available expenditure forecasts; tourism expenditure.
- Household survey and In-centre survey (Elgin City Centre only).
- Market trends and review including both long-term trends and short-term impacts associated with the Covid-19 pandemic..
- Development of the Strategic Retail Model (SRM) – including the use of different growth and development scenarios.
- Review of existing retail centres – surveys and town centre health checks (vitality and viability).

### Data Review

2.2 The accuracy of forecasts from the SRM is dependent on the quality of the data that is used for the model and reliability of expenditure forecasts. Data sources for the study are as follows.

#### *Existing Retail Floorspace.*

2.3 Disaggregated data was provided by the Grampian Regional Assessor for all retail units within the study area. All properties were reviewed to identify whether the principal use was for: convenience goods retailing; general comparison goods retailing; bulky goods retailing; retail, leisure and business services; and vacant retail goods/service units. The working definitions for these categories is as follows:

- *Convenience Goods.* Experian/Pitney Bowes Retail Expenditure Guide definitions have been adopted i.e. convenience goods: food; alcoholic and non-alcoholic drinks; tobacco; non-durable household goods<sup>1</sup>; and newspapers and magazines.
- *General Comparison Goods.* Experian/Pitney Bowes Retail Expenditure Guide definitions have been adopted i.e. books; clothing and footwear; audio visual goods (excluding those identified as bulky); chemists goods; jewellery etc; recreational goods and other miscellaneous goods (excluding those identified as bulky).
- *Bulky Comparison Goods.* Furniture and floor coverings; domestic appliances; repair/maintenance materials; tools/equipment for home and garden; garden plants/flowers; and limited other goods.
- *Services.* These reflect the current Goad survey categories and are subdivided to include: retail services; leisure services and business services:
  - *Retail services include health & beauty; opticians, post offices etc*
  - *Leisure services include: bars; cafes/restaurants; fast food take away; sports & leisure facilities*
  - *Business services include: building societies/banks; employment/careers, property services*

2.4 There are slight changes from the definitions adopted in the 2008-2012 surveys reflecting changes adopted in Goad surveys which were updated to be consistent with the changing character of businesses in town and local centres that have occurred over the past 10-20 years. It is important to note that the above definitions do *not* match classes identified in the Use Classes Order – in particular Class 1 Shops is a wider definition than is used in this study and

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<sup>1</sup> Experian includes only 90% on non-durable household goods as convenience.

includes uses that are either retail services (e.g. travel agent) or, for the purpose of this study, not identified to be retail (e.g. funeral director).

### *Population*

- 2.5 Base line population has been primarily derived from National Records of Scotland (NRS) 2020 mid-year population estimates for data zones as well as the 2011 Census. This has been aggregated to provide population estimates for strategic model zones. Population forecasts for Moray as a whole were provided from the NRS 2018-based forecasts for the authority area. Population for model zones within Moray were adjusted to reflect housing allocations and completions identified in the adopted LDP and the Moray Housing Land Audit (June 2021).

### *Available Expenditure, Growth and Special Forms of Trading*

- 2.6 **Base Data.** Base data for expenditure for both retail and leisure spend has been provided by Experian for each of the model zones (see Appendix B). This sets out estimated expenditure for 2019 (i.e. pre-pandemic).
- 2.7 **Expenditure Forecasts.** Due to the impact of the Covid-19 pandemic (see Section 3) there is considerable uncertainty regarding the impact that this has on both short-term and long-term expenditure (for both retail and leisure) and the proportion of expenditure directed through special forms of trading (SFT) which, primarily, is the purchase of goods and services through the internet without recourse to conventional physical shops. The SRM has, therefore, considered a series of alternative growth scenarios based on the most recent expenditure and SFT forecasts generated by both Experian and Precisely:
- Experian October 2020 (Retail Planner Briefing Note 18) Central Case.
  - Precisely Retail Expenditure Guide Version 2021/2022 (October 2021).
  - Experian October 2020 (Retail Planner Briefing Note 18) Optimistic.
  - Experian October 2020 (Retail Planner Briefing Note 18) Pessimistic.
- 2.8 The Experian 2020 Central Case has been adopted as the central case for the SRM on the basis that this is consistent with the base data used for the model. However, it is recognised that, because the position with the pandemic is still unresolved at this time there is considerable uncertainty regarding these forecasts. Experian had been due to publish their 2021 forecasts in December 2021 but this has been delayed pending greater clarity regarding the impact on the Omicron variant and it is currently anticipated that new forecasts will be published in January 2022. It is therefore anticipated that the SRM will be updated once these forecasts are available. As will be seen in Section 4 below, these forecasts provide considerable variation in expenditure forecasts, especially in the latter part of the study period (i.e. 2030-35) therefore considerable caution is required in relying on and interpreting the results of the model not only in the latter study period but for the all forecasts contained in this report. It is likely that expenditure growth and patterns will only become clear after a significant period of time following the full resolution of the Covid-19 pandemic has occurred in order to allow sufficient time for expenditure patterns to fully settle. At the time of writing it would appear that this is unlikely prior to early 2023.
- 2.9 **Special Forms of Trading.** The Experian and Precisely expenditure forecasts also include assumptions regarding the growth of special forms of trading. As with expenditure growth it remains unclear as to the impact that the pandemic has had on the proportion of spend directed through SFT and there is considerable divergence between the forecasts made by Experian and Precisely (with the former having significantly lower forecasts for SFT for comparison goods than the latter). These differences are taken into account in the model forecasts for future retail turnover/expenditure.



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*Tourism*

- 2.10 Estimates for tourism expenditure in shops was derived from the 2021 STEAM data for Moray for comparison goods and estimates of convenience goods spend is made by reference to UK national average convenience goods spend per day and occupancy rates for different types of accommodation in the study area. Trends in expenditure have been derived from the STEAM data for the period 2009-2019 on the assumption that, in the long term, retail expenditure will return to long-term trends post-pandemic (2020 data has, therefore been ignored and 2021 data was not available for this study). This data identified significant growth in expenditure in real terms from tourism and day visitors for comparison goods and slow growth for convenience goods spend from this source.

## Household and In-Centre Surveys

### Introduction

- 2.11 For undertaking strategic retail studies the use of extensive household and in-centre surveys provide key information for accurately understanding the operation of retail patterns and estimates of actual retail turnover. These surveys are used to establish both behavioural and attitudinal information about retail habits in the study area. However, it should be recognised that, although these surveys are important for this type of study, the unique circumstances that have arisen due to the pandemic mean that the reliability of the survey findings, especially in terms of behavioural information (e.g. where do people shop and how much has been spent), are limited.
- 2.12 At certain times during 2020 and 2021 access to retail and leisure facilities has been restricted to those shops retailing “essential” goods only, which were primarily food shops and also limited others, such as chemists. Quite apart from formal restrictions it is likely that a significant proportion of the public has limited its use of shops and leisure facilities as a result of adopting a cautious approach to avoid potential infection. As a result, during these times there has been increased reliance on internet-based retail with the delivery of goods and services. However, it is also evident that, at times when restrictions have eased and the threat from Covid-19 appears to have receded, there has been “bounce-back” effect recoded in national statistics with rapid increases in expenditure up to, and possibly exceeding, pre-pandemic levels. The key point from this is that no period of time during 2020-2021 can be regarded as presenting a “normal” base line for future modelling. This limits the reliability of the findings of the surveys.
- 2.13 Whereas these difficulties can be overcome to a significant degree in studies such as Retail Impact Assessments through the use of sensitivity tests this is more difficult for a strategic retail study which is trying to assess the future trends in retail and leisure activity within centres, and therefore greater reliance has to be placed on gaining data from surveys. The principal tool adopted in this study to address the uncertainty regarding the reliability of interview-survey data has been through careful testing of different growth scenarios – in particular utilising the different expenditure forecasts produced by Experian and Precisely including different assumptions regarding the importance of SFT. The result of this approach is that forecasts generated identify significantly varying levels of turnover within centres which has implications for assessments of retail deficiencies, retail capacity and the need for identifying locations for potential new floorspace. The results and forecasts of the quantitative assessments set out in this study therefore need to be treated cautiously and can only provide a general indication of potential retail requirements.

### Household Survey

- 2.14 The household survey was implemented between 19<sup>th</sup> August and 7<sup>th</sup> September 2021 (i.e. after the schools returned) and 1003 completed interviews undertaken. The design of the survey was undertaken jointly by Hargest Planning Ltd and NEMS Market Research.

2.15 The principal benefit of the household survey is that it allows a reliable assessment of expenditure by residents of the study area which is directed to centres located both within and outwith the study area and also expenditure on "special" forms of retailing (SFT). However it cannot identify expenditure within centres located in the study area by those originating from outwith the area. This issue has been addressed by examination of the following:

- Information on the spend of tourists in North East Scotland (i.e. examination of STEAM study reports and data on tourist and day visitor numbers).
- Retail studies undertaken for residents in Aberdeenshire, Aberdeen City and Highland.
- Use of an In-Centre survey for Elgin City Centre.

2.16 The questions included in the survey are provided in Appendix B.

#### *Scope of Household Survey*

2.17 The survey covered a range of issues relating to shopping habits and in particular sought to establish the following:

#### *Main Food Shopping*

- In which shopping centre respondents buy most of their household's main food and grocery shopping
- The main reasons for shopping in that centre
- How respondents would rate the following aspects of the centre:
  - Choice of shops for food shopping
  - Choice of shops for clothing, footwear and similar items
  - Choice of shops for household electrical items
  - Choice of shops for other items
  - Ease of getting access to the centre
  - Car parking provision
  - Public transport access to the centre
  - As an attractive place to visit for a shopping trips
- How often respondents undertake their main food shopping trip and in which shop or supermarket
- Journey time and mode for travel to the main food destination
- The approximate amount spent on the last main food shopping trip to their principal store
- Any other supermarket/ shop used for main food shopping
- Purchases using SFT (e.g. internet, telephone etc)

#### *Top-up Food Shopping*

- Those who undertake top-up shopping for food and grocery items were asked which store they use most for this purpose, how frequently they carry out top-up shopping and the amount spent on their last top-up shop

#### *Comparison Goods Shopping*

- Questions were asked in relation to the following categories of non-food shopping:
  - Personal goods
  - Bulky goods
- Questions addressed the following issues:
  - Location of shopping for these types of goods (main shopping destination, next most important location and other locations)

- 
- Frequency of shopping trip
  - Purchases using SFT
  - Average spend per month in centres and using SFT

#### *Elgin City Centre*

- How respondents would rate the following in Elgin City Centre as a shopping destination:
  - Choice of shops for clothing and footwear
  - Choice of shops for other personal goods (e.g., CDs, china, glass, jewellery etc)
  - Choice of shops for furniture floor coverings and large electrical items
  - Easy to travel to by car
  - Easy and cheap to park
  - Easy to travel to by public transport
  - As a pleasant and attractive place to visit
  - As a good place to combine shopping with other leisure activities (e.g. visit friends, the cinema etc)
  - As a good place to combine shopping with other personal business (e.g. visit the bank/building society)

#### *Other Moray Towns*

- Depending on the location of the respondent similar questions were asked about attitudes to each of Buckie, Forres, Keith and Lossiemouth town centres.

#### *Other Cities*

- Questions were also put concerning other towns and cities that were used for shopping (up to three could be identified) identifying the frequency of trip and types of goods purchased. These responses could be compared to responses provided to earlier survey questions.
- Any other cities (first and second choices) visited regularly for shopping trips and the types of goods purchased there

#### **Control Information**

- To ensure verification that the survey sample was representative information was also requested concerning the age of respondents and postcode sector.

#### **Sampling**

2.18 Figure 2.1 indicates the number of interviews completed by zone.

**Figure 2.1: Household Survey Samples**

<b>Zone</b>	<b>Postcode Sectors</b>	<b>Sample Achieved</b>
<b>1</b>	IV30,1 IV30,4 IV30,6	201
<b>2</b>	IV30,5 IV30,8	150
<b>3</b>	IV36,1 IV36,2 IV36,3	150
<b>4</b>	IV31.6	100
<b>5</b>	AB35,5 – Moray part only AB37,9 AB38,7 AB38,9 AB54,4 – Moray part only AB55,4	100
<b>6</b>	AB54,7 AB55,5 – Moray part only AB55,6	101
<b>7</b>	AB56,1 AB56,4 AB56,5	151
<b>8</b>	IV32,7	50
<b>TOTAL</b>	<b>MORAY</b>	<b>1003</b>

**In-Centre Survey**

2.19 The main aims and objectives of the in-centre survey were to identify:

- respondents' main purpose for visiting Elgin City Centre
- food and non-food shopping patterns
- how respondents travel to Elgin City Centre and length of journey
- anticipated expenditure in Elgin on different categories of goods
- attitudinal questions concerning Elgin City Centre compared to other centres

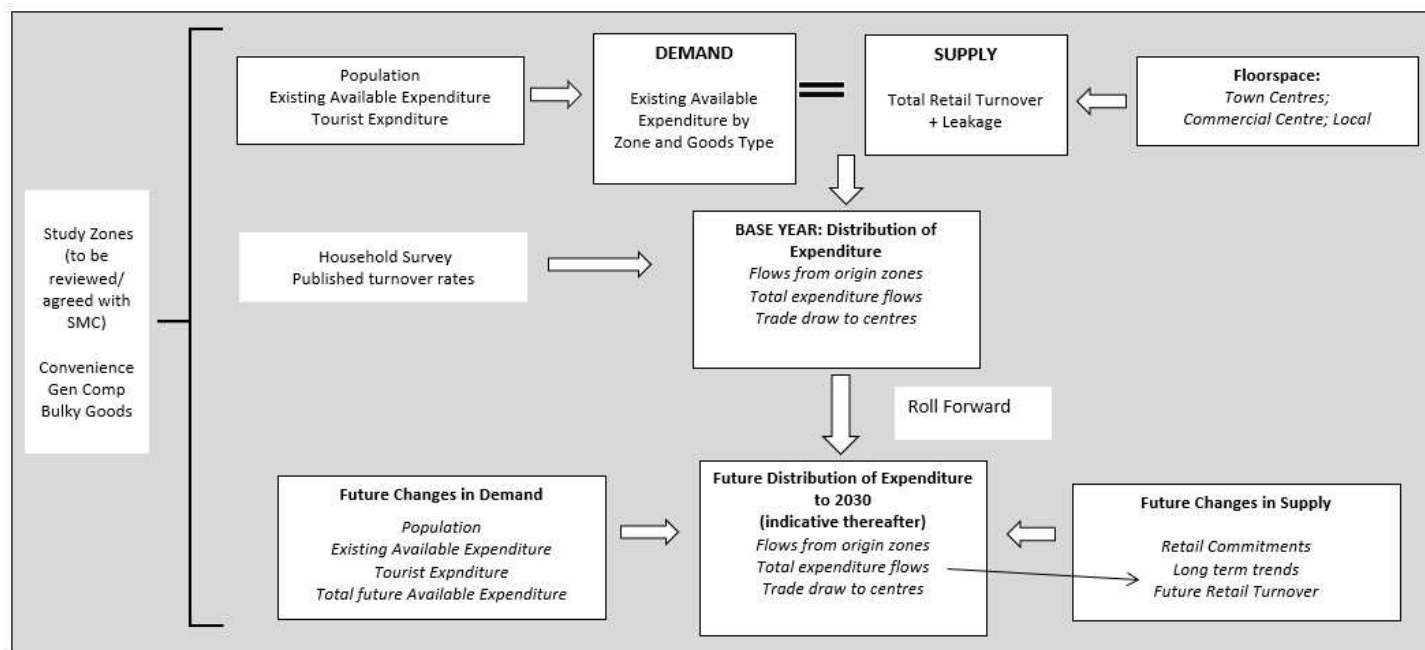
2.20 Control information relating to respondents' demographic and postcode details were also collected.

2.21 201 face to face interviews were undertaken in between 26<sup>th</sup> July and 7<sup>th</sup> August 2021 in four locations within the principal parts of the City Centre (all were located south of the A96). At this time there were no particular lockdown measures in places that restricted activities although certain services within the City Centre were not fully operational (e.g. certain public sector drop-in services and facilities).

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## Strategic Retail Model

- 2.22 The purpose of the Strategic Retail Model (SRM) is to provide an analysis of the balance between demand and supply for retail expenditure/turnover within the study area for the period 2021- 2035. The model is not a retail capacity model (i.e. based on the use of notional average levels of turnover achieved by retail floorspace) but identifies actual turnover levels achieved in existing/future floorspace.
- 2.23 *Retail Demand.* Retail demand is expressed through changes in available expenditure arising from residents and visitors to Moray. The primary focus is on expenditure directed to the purchase of goods through conventional retail floorspace and therefore account is taken of expenditure demand that occurs through other “special forms” of retail trading including the internet. Demand also takes into account potential net inflows of expenditure from residents outwith the study area (but not staying tourists) including residents from Aberdeenshire, Aberdeen City, Highland Council and elsewhere.
- 2.24 *Retail Supply.* Retail supply is the retail turnover within existing and committed retail floorspace. It includes:
- Turnover in existing shops.
  - Turnover in “committed” future retail floorspace. Committed floorspace is that benefitting from extant planning consent but is unimplemented – it should be noted, however, that no committed retail floorspace was identified in 2021.
  - Purchases of goods through special forms of trading – as noted, this is discounted at the outset in the model.
  - Expenditure leakage – i.e. purchases of goods through shops outwith the study area.
- 2.25 In the absence of committed retail floorspace any changes in retail demand will be identified in the model thereafter are shown as changes in turnover in existing retail floorspace (i.e. changes in sales densities).
- 2.26 The principal components of the model are as follows:
- Use of 8 zones within the study area. These are used to identify areas of broadly similar retail characteristics and form the basic units for the identification of both retail demand and supply. In additional locations external to Moray are identified for the origin and destination of expenditure.
  - Identification of demand through population forecasts and forecasts of changes in available expenditure per capita.
  - Disaggregation of retail into three broad categories – convenience, general comparison and bulky goods. The study does *not* address the purchase of retail etc services nor other leisure spend.
  - Identification of expenditure flows from each zone to retail destinations. These flows are estimates from a combination of: household survey data; existing/committed retail floorspace; and future changes in sales densities (as a sensitivity test).
  - Broad distribution of retail expenditure to existing/committed floorspace within general retail locations.
- 2.27 These issues are considered in further detail below. The overall structure of the model is set out in Figure 2.2.

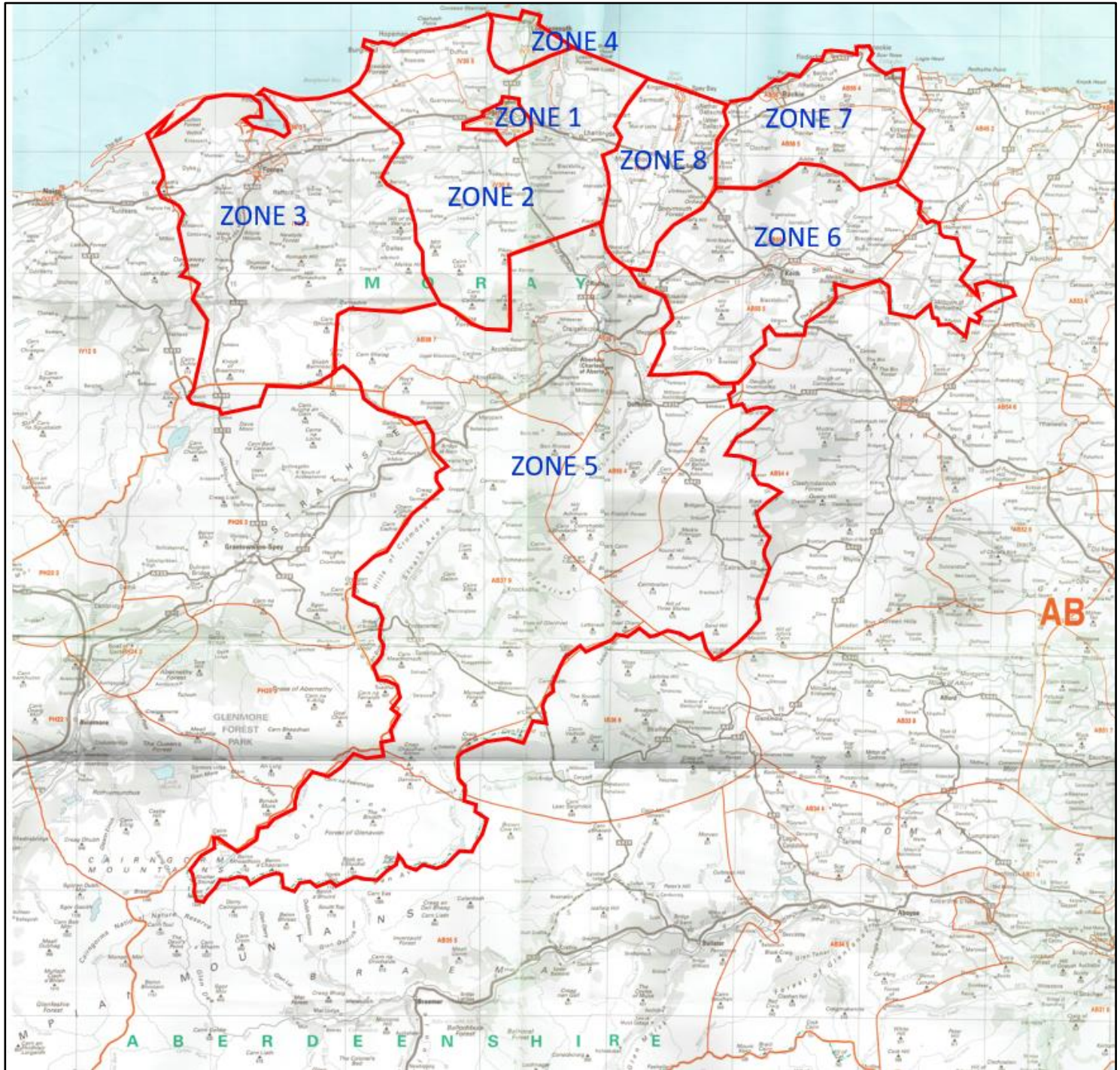
**Figure 2.2: Structure of Strategic Retail Model**

### Model Zones

- 2.28 In support of the analysis the Moray area has been divided into 8 Zones. The definition of Zones has been led by the location of postcode sectors and reflects those used for the 2008 retail study. The reference to postcodes allows direct application of information collected through the household survey.
- 2.29 Figure 2.3 shows the location of the Zones within the Study Area.



Figure 2.4: Moray Strategic Model Zones



## 3 Retail and Leisure Trends

### Introduction

- 3.1 The primary consideration in this review is to identify long term changes in the commercial retail and leisure markets to identify the implications that these have for the planning for these sectors in the forthcoming LDP. The focus is, therefore, with the operation of the national retail and leisure markets and to assess the implications that these have for Moray and, in particular, the principal towns of Elgin, Buckie, Forres, Keith and Lossiemouth. However, it is clear that the social-distancing restrictions that were introduced in response to the Covid-19 pandemic have had profound short-term impacts on both the retail and leisure markets and it is unclear at this stage to what extent these impacts will have on long term changes for the period to be covered in the study.
- 3.2 This review has been supplemented with consultations with local property agents. However, whereas the experience of agents is important, their primary concern at the current time has been short-term, especially, in addressing the adverse consequences that the pandemic has had on the operation of the commercial property markets.
- 3.3 The impacts of Covid-19 can be regarded as comparable to the “Great Financial Crisis” of 2008-10 in that it is likely that the profound short term impacts which have affected retail and leisure is likely to take a number of years to resolve. Nonetheless, it is a fact that the commercial retail and leisure sectors of the economy have suffered two major shocks within a period of 15 years and a key question remains whether these shocks, which have had very different impacts on these sectors, are merely “disruptive” in the sense that there will be a return to “pre-shock” trends or, alternatively whether these will result in a more fundamental shift in the nature of retail and leisure activity. The answer to this question has major implications for assessing the demand for, use and distribution of retail and leisure floorspace within Moray over the period to 2035.

### Proposed NPF4

- 3.4 Although not directly related to the operation of the retail and leisure markets the draft NPF4, which introduces new policy approaches for retail in particular should also be noted. Indeed the operation of the market cannot be divorced from the policy framework within which it functions – the market will, inevitably, be forced to respond to some extent to any changes in the regulatory and policy framework.
- 3.5 Whereas draft Policies 24:Centres and 26: Town Centres First Assessment reflect policy approaches that have been in place for a number of years set out in Scottish Planning Policy, Policy 25: Retail represents a significant change of direction in that it proposes that “out-of-town locations” (*for retail which generates significant footfall*) “should not be supported”. Notwithstanding the apparent contradiction between this and other proposed Policies in the NPF4 It is not appropriate to comment on the merits of this draft policy at this stage (this is considered further in Section 6 of this Report). At this stage it is important to note that, should this draft Policy remain, this will have a direct impact on the operation of the retail market in terms of developer and operator demand for retail in out-of-centre locations.

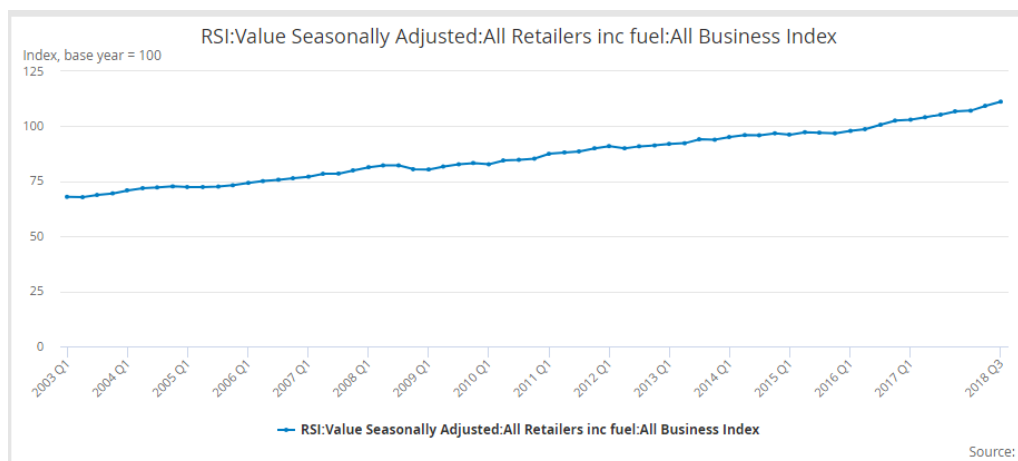


## Overview of Retailing in UK and Scotland

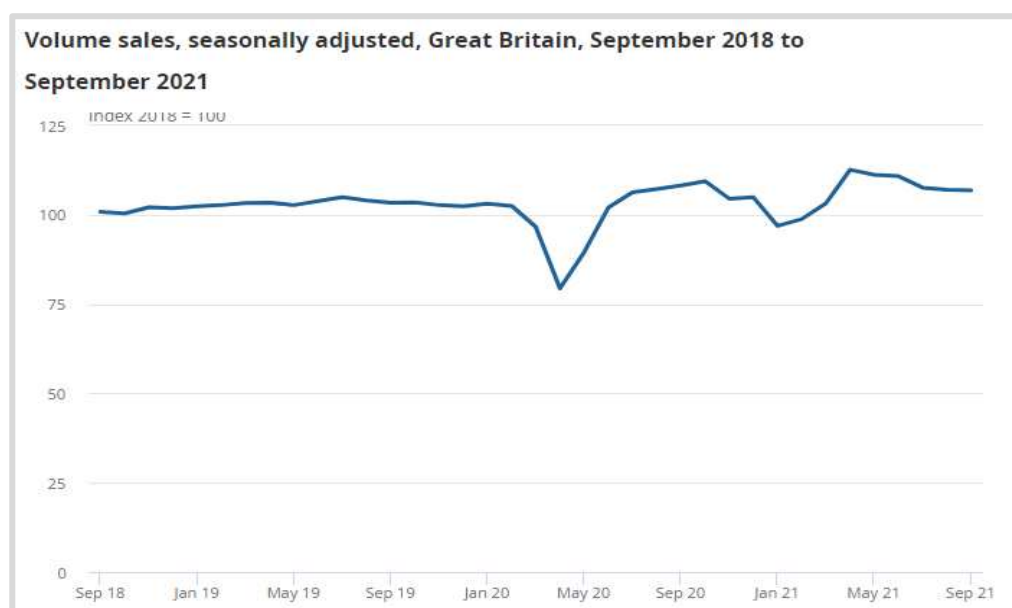
### UK Retail Expenditure

- 3.6 Figures 3.1A and 3.1B identify overall retail sales growth (current prices) for the period 2003 to 2021 (source: ONS). This would appear to show that, despite periods of economic growth and recession the overall level of retail sales has grown steadily up to 2018 albeit with some disruption during the pandemic.

**Figure 3.1A: National Statistics Office Retail Sales Index 2003-2018**



**Figure 3.1B: National Retail Sales 2018-2021**



- 3.7 These graphs concern total retail sales, including both petrol and on-line sales, and are seasonally adjusted.
- 3.8 Fig 3.1A, for the period to 2018, shows that there has been significant growth averaging at 3.2% per annum in value terms (2.6% pa in constant price terms). Fig 3.1B shows that total sales in September 2021 (i.e. prior to any effect from the omicron variant) were 4.2% higher than in Feb 2020, i.e. prior to the pandemic – in other words for this 19 month period, sales grew at 2.6% in value terms, i.e. only slightly lower than the long term average.

- 3.9 It is important to understand the changes in retail expenditure that occurred in the period leading up to the beginning of the 2020 pandemic because this indicates the general pressures that retailers had been facing even prior to disruption that has occurred since March 2020. The period 2008-2013 exhibited generally slow growth in all retail sectors and, for certain years, significant decline in the volume of sales, which primarily reflected the impact of the GFC recession on household spending. After 2013 there was significant recovery. Overall economic growth was significant but the pressure on average earnings had been such that income levels, in real terms, struggled to reach levels in 2008 by 2018. The squeeze on income and expenditure meant that retailers were forced to be more competitive with the result that retail inflation between 2013 and 2018 was effectively nil (averaging 0.4% pa for convenience goods and 0.0% for comparison goods). The inability of retailers to be able to raise prices at a time when their costs have steadily risen in line with, or greater than, general inflation (for example as a result of the National Living Wage) resulted in a serious profit squeeze on many retailers. This has been a major factor in the struggles faced by many operators. At the same time there has been the continued growth of internet sales over this period (this is considered in detail below).

### **Retail Expenditure Growth in Scotland**

- 3.10 Retail sales in Scotland have generally followed the same patterns identified above for the UK but at generally lower rates of growth. The Scottish Government has only published data up to 2020 Q1 which identifies that average annual growth (value basis) was 2.3% per annum (whereas the UK equivalent was 3.1% pa for the same period).

## **Retail Property Market Changes 2008-2020**

### **Overview**

- 3.11 For the period leading up to 2020 there were a number of well-established key trends affecting the retail property market:
- Expenditure growth
  - Spatial requirements for retail – and the implications of these for different types of location including town centres and retail parks and for retail subsectors.
  - Increasing importance of on-line/internet based retail.
  - Reducing overall space requirements for multiple retailers (“right-sizing”).
  - Retail vacancies and “repurposing” surplus retail space

### **Expenditure Growth**

- 3.12 Figures 3.1A & B have identified total expenditure growth for retail for the period 2008-2021. However, over this period there were significant differences between convenience and comparison goods expenditure:
- Expenditure per capita for convenience goods between 2008 and 2019 was flat/declining. According to Precisely expenditure rates declined reaching their lowest level in 2012 and, according to Experian, in 2014.
  - For comparison expenditure this declined modestly during 2008-2010, stabilised and then grew rapidly towards the end of this period such that 2021 expenditure per capita is approximately 35% higher in 2021 than in 2008.
- 3.13 However, demand and expenditure growth for retail subsectors has been highly variable. The Local Data Company (LDC), although basing their analysis on floorspace and numbers of units, have demonstrated the variability in growth for different subsectors. They identify that, notwithstanding the above expenditure growth figures, the strongest growing retail sectors were convenience stores, supermarkets and grocers. In fact none of the top ten growth sectors in 2020

were for comparison goods – indeed growth was dominated by retail and leisure services – health and beauty and fast food were particularly important. In terms of the top declining categories, these included fashion shops, clothes (women), charity shops, chemists/toiletries and electrical goods – there were no convenience goods sectors identified in this list. It is evident therefore that, in terms of space requirements, especially in town centres, the market dynamics were concerned with more than just changing expenditure and demand for products and services.

### **Spatial Requirements for Retail**

- 3.14 In addition to changing demands for different retail sectors and subsectors there are also ongoing trends affecting the location for retail space. To a significant degree these reflect a continuation of earlier trends.
- 3.15 For comparison goods a key theme has been spatial concentration in the largest centres and cities, including:
- Continued market concentration favouring growth in the largest retail centres which will increase their market dominance and continue to attract investment.
  - Middle sized centres have experienced relative and absolute decline in demand for retail units and space. These centres are most likely to suffer as a result of administrations and CVAs leading to closure of existing multiple operators and new demand from local or independent retailers is unlikely to counter this decline.
  - Small retail centres have appeared to be largely resilient to change although there has been a continuing shift from retail goods shops to retail services continuing a long-term trend that has been present for at least 20 years. The resilience of these centres reflects the importance of local/walk-in trade (especially for services) and reflects changing lifestyle and habits – especially in urban areas.
  - Greatest retail demand has continued in prime pitches in major centres with secondary and tertiary pitches declining both relative to the prime pitches and in absolute terms.
- 3.16 These trends have been most prominent with national and international multiple retailers. These businesses have typically invested heavily in multi-channel retailing (i.e. combining store-based with online sales) with the result that they (who are frequently major anchors in centres) see the need for fewer stores to reach the bulk of their market. They have, therefore, increasingly focussed on the largest centres but, in these centres, they are attracted to larger units in order to display their full product range. Despite this, there remains a recognition that the physical store network plays an important role in *servicing* their online presence in effect through marketing their brand. Clearly not all operators have adopted this strategy (for example the announcement by Gap earlier in 2021 to close all stores and focus on-line).
- 3.17 This trend has clear spatial implications for centres that have, traditionally, relied on comparison goods retail as their core function. Disparities have become very apparent between stronger and weaker centres. Savills have reported the impact on prime rents with rents falling in 12 months up to Q1 2019 by up to 40-60% in the weakest centres whereas the strongest one have recorded modest growth. In overall terms Savills considered that, up to 2020, there had been a softening in demand for traditional retail space putting a downward pressure on rents.
- 3.18 These pressures are not, however, the same for convenience floorspace and for certain comparison goods categories that have, primarily, targeted local markets (e.g. chemists and non-food discounters). For these a local market presence and reduced reliance on on-line retail channels has retained the need for space within smaller centres.

### **Value-driven Retail – The Rise of Discounters**

- 3.19 Discounters include both food (e.g. Aldi, Lidl) but, perhaps even more important for centres, non-food discounters where there are numerous operators (e.g. B&M, Poundland, The Range, Wilko etc). Demand for “value” retail continues

not only from consumers but also landlords and investors. Notwithstanding the demise of Poundworld, value retail in all sectors (food, home goods, fashion etc) has continued to be a driver of demand for retail space. Public attitudes to discounters has changed radically since 2008 to the extent that undertaking shopping in these can be seen as not only acceptable but even positive (in some respects the same trend has happened with charity shops). This supports the financial strength of these tenants with the result that they now provide some of the strongest retail covenants for landlords. In many cases food and non-food discounters can anchor retail developments and can be provided adjacent to more aspirational brands (for example positioning a Home Bargains adjacent to an M&S Foodhall).

### Addressing the issue of Surplus Retail Space

- 3.20 For multiples so-called “right-sizing” (i.e. disposing of surplus space – either in-store or, more commonly, across the property portfolio) has become a standard business response to the changing retail environment and for responding to/accommodating the increased importance of internet-based retailing.
- 3.21 Closure of businesses, especially major national multiples, has also contributed to increased vacancies. According to Deloitte using LDC data, since 2016, more shops have been closing in the UK than have been opening with the supply of existing and new space outstripping demand. In 2020 Deloitte forecast that there could be 30,000 store closures between 2020 and the end of 2022 in the UK. The Local Data Company identify that closures have had the greatest impact on comparison goods sectors and have affected purpose-built shopping centres to a significantly greater degree than either retail parks or traditional High Street locations which probably reflects a greater reliance of shopping centres on multiple retailers prone to “right-sizing”.
- 3.22 A key implication from this trend is the need to redevelop or “repurpose” surplus space. This is most acute in those centres that have traditionally relied on a significant comparison goods retail presence but are now unable to fulfil the strategic or regional function required by multiple retailers. This may involve redevelopment for mixed use schemes (provided that local market economics support redevelopment), residential redevelopment or more innovative approaches.

### Out of Centre/Retail Park Market Trends

- 3.23 As with other locations retail parks have suffered as a result of a number of the high-profile administrations and CVAs. However, unlike town centres, retail parks are normally under the control of a single owner/investor and have a simpler physical development profile which makes it a lot easier for retail parks to develop strategies for addressing weaknesses that arise. Strategies include changing from retail to leisure uses, derestricting permitted goods, subdivision of existing units and/or provision of mezzanine space to meet occupier requirements. Although town centre shopping malls are, similarly, normally under single ownership, the complexities of development and relationship to adjoining premises makes it more difficult and costly to undertake comparable changes.
- 3.24 Key market trends for retail park type space include:
- *Vacancies in retail parks are significantly lower than town centres.* Savills identify current vacancies to be about 6% by number of units and 3.6% by space and that, even if all the CVA/administration units remain vacant, this rate would only increase to a maximum of 7.8% (number of units) or 5.2% (by space).
  - *Continuing attempts to derestrict retail parks to increase the range of potential occupiers.* Notwithstanding these attempts the current (mid-2021) strongest sectors of the market are for bulky goods operators (e.g. Tappin and Wren have expansion plans) and value food and non-food retail. To include the latter sectors many retail parks will require the derestriction of planning conditions.

- *“Right-sizing” retail units to match demand* - typically this can include smaller ground floorplates but the inclusion of, or capacity to install, mezzanines.
- *Development of “small” retail park formats* – these are typically in the region of 5000-9000 sq m anchored by food and non-food discounters with one or two additional mid-large retail warehouse units together with smaller “local” retail units. Current examples in planning in Scotland include: Cupar; Barrhead; Blairgowrie. These retail parks are characterised by a full mix of convenience, general comparison and bulky comparison goods floorspace.

### Changes in Vacancies

- 3.25 The above trends have highlighted increasing numbers of vacant retail units, especially for stores previously occupied by comparison goods multiple retailers, although the same trend has not necessarily occurred for independent operators and for leisure uses. In many centres, for much of the period 2008 to 2020, increasing numbers of independent retailers (in all retail sectors) and for retail and leisure services (including health and beauty, restaurants/cafes and fast-food) has exceeded the closure of comparison goods shops. This has meant that, rather than seeing a significant increase in vacancies there has been a notable shift in the balance of activities within centres – away from traditional retail to a greater emphasis on retail-, leisure-and business-services to the extent that, in many smaller-medium centres these uses are now dominant. This is *not* a new trend but can be traced back well into the 1990s. The increased pressures on multiple retailers has reinforced this longstanding trend.
- 3.26 Figure 3.2 identifies changes in vacancies rates (by numbers of units) identified by the Local Data Company for the UK, and Figure 3.3 identifies vacancies by different types of location.

**Figure 3.2: UK Vacancy Rates (no. of Units) (Local Data Company)**



**Figure 3.3: UK Vacancy Rates by Retail Location (no. of Units) (Local Data Company)**

3.27 Although there are definitional issues from the LDC data the following are the key issues for vacancy rates in town centres:

- Vacancy rates *declined* to early 2018 and then rose relatively sharply. This occurred at the same time that there was a significant increase in total expenditure for retailing goods and could be regarded therefore as counter-intuitive.
- Highest vacancy rates are in shopping centres and lowest in retail parks. However, town centres exhibited the most stable conditions and experienced the lowest rates of increase up to 2020.
- Vacancy rates in Scotland are lower than average in the UK and experienced the smallest increase of any “region” within the UK between 2019 and 2020 i.e. from 11.7% to 12.3%. By way of comparison the Scottish Retail Consortium reported a vacancy rate in Q3 2020 (i.e. during the pandemic) of 14% in Scotland.

3.28 Persistent vacancy remains a critical issue for many centres. For units that remain vacant over a year there are questions as to whether or not these units will ever return or a commercial retail or leisure use. Current LDC identifies that the greatest level of persistent vacancy is within purpose built Shopping Centres (>11% units vacant for over one year in 2020) compared to traditional High Streets (8.9%) and retail parks (6.6%).

### Special Forms of Trading (including internet-based retail)

3.29 Special forms of retail (SFT) covers a range of non-store based retail activities. Although this includes traditional catalogue sales and local sales such as car-boot sales etc, SFT is now dominated by internet/online sales whether from laptops, mobile phones etc. The rapid growth of internet-based retail has become one of the key issues that has underpinned changing business pressures on retailers and, to a limited degree, leisure (e.g. for the purchase of hot food deliveries to the home).

#### Level of Internet-Retail in the UK

3.30 Although the National Statistics Office produces annual estimates of SFT there are methodological issues – in particular concerning the scope of goods included within ONS estimates (which include major non-retail services

such as travel etc) and concerning the treatment of goods purchased by supermarkets which, although purchased online, are sold, delivered or collected from local stores. Both Precisely and Experian therefore make adjustments to ONS estimates based on these factors.

3.31 However, estimates of the actual proportion of sales from SFT differ. Prior to the pandemic in 2019 Precisely/OE estimated the adjusted SFT sales to be 5.8% of total sales for convenience goods and 25.8% for comparison goods whereas Experian estimated the figures to be 4.2% and 17.5% - in other words there are significant differences in the estimates even for recent years. These differences are compounded for future forecasts. The adjusted forecasts for SFT for 2035 are as follows:

- Convenience Goods: Precisely – 7.7%; Experian – 7.1%
- Comparison Goods: Precisely – 41.3%; Experian – 28.1%

3.32 The differences for convenience goods are relatively modest but those for comparison goods are substantial and will have significant implications for estimating available expenditure in future years that would be spent on goods in conventional retail shops.

3.33 The rapid rise in the amount of expenditure for retail goods that has been directed through SFT and *not* through traditional shops accounts for a large proportion of the expenditure growth that has been identified to occur up to 2019 (i.e. pre-pandemic). It is this factor that explains the apparent contradiction of increased expenditure but also increased vacancies, particularly for comparison goods shops in the period up to 2019. The growth of internet retail that has, therefore, been a key factor in placing pressure on retailers in terms of the amount of floorspace that is required for their operations.

3.34 The relationship between increased use of SFT/internet and physical floorspace is not straightforward. Stores that have a physical presence within markets can be an important contributor to driving internet sales from within this market area. This inter-relationship creates a number of difficulties. For businesses it makes it a lot harder to determine the profitability of individual stores. For retail planning this introduces a level of complexity which effectively breaks the relationship between floorspace and sales densities significantly undermining the ability to forecast retail “capacity” or requirements for new floorspace and Precisely have recently raised doubts as to the validity of using expenditure and sales densities as an indicator of need for retail space. SFT is therefore, critically important when looking at medium-long term trends in retail but, at the same time, introduces major uncertainties that need to be addressed through the retail model.

## Factors Affecting Future Retail Growth

3.35 Prior to considering the issues that have arisen due to the social-restrictions imposed in response to the Covid-19 pandemic it is important to summarise the social and economic factors that have underpinned the changes observed up to 2020. Key factors that have been identified to be affecting the future of retail are:

- Demographics
- Lifestyle changes
- Technology
- Short and medium-term economic prospects



## Demographics

3.36 The Scottish population has received a considerable boost from high levels of net in-migration in the past decade. At the Scotland level this has reversed national population decline such that the total population is the highest it has ever been. However, the population is still ageing. Furthermore, the impact of Brexit on migration levels is uncertain but the expectation is that net migration rates will fall. An ageing society is particularly significant because there will be changing priorities:

- Between different types of retail goods categories.
- Between priorities for spending – purchase of goods may be less significant than making provision for pensions, healthcare and so on.
- Ease of access to retail (and also to town centres) will be highly significant – it could also lead to growing demand for safer and cleaner local environments and for socialising and leisure activities.

3.37 “Affluent greys” are likely to be a very significant group. Once children have left home this group’s disposable income could be much higher than in previous years but spending in shops will not necessarily be the highest priority for this age group. Unless good provision is made for pensions once this group reaches retirement disposable income could reduce significantly.

## Lifestyle Changes

3.38 Changes in lifestyle tend to occur over a period of decades rather than abruptly. Nonetheless it is evident that, as a result of rapid changes in technology, these are having a profound effect on lifestyle. Consumers are now comfortable with using a variety of shopping channels and locations dependent upon where consumers are during the day and evening – the key driver being convenience. Similarly, shopping is fragmenting – shoppers go out-of-town infrequently for major shopping, top-up locally and in-fill on the move as well as order online. Technology has been the main driver of this change. The internet has become far more accessible with the advent of smart-phones, tablets and iPads, and is more user friendly.

3.39 There are also indirect impacts as a result of reduced footfall arising from increased trade away from physical stores. Smaller and independent shops that were attracted to locations close to major anchor stores will suffer reduced pass-by trade from reduced footfall.

3.40 There is also a second key lifestyle factor that will have direct impacts on stores and on town centres as a whole. Shopping as an activity faces increasing competition from other activities including leisure pursuits. It is increasingly argued that shopping will need to be able to offer more – it will need to be more experiential – eating, being entertained and “living” the shopping experience will be more important. This reflects that fact that there are greater choices – for many consumers access to shopping can be on-line and therefore why should they make the effort to go to a shop or centre – there needs to be something to attract them.

## Technology

3.41 The role of technology is of crucial importance for the retail sector. Technological change affects each of the production of goods, control of operations and ability of the consumer to interact with vendors. It has substantially reduced the costs of entry for new retail businesses. Perhaps the most significant issue regarding technology is the speed of change. Smart-phones have only been available for a few years. The 5<sup>th</sup> generation of mobile telecommunications is now being rolled-out in different parts of the UK even though mobile phones



only first appeared in the late 1980s. This introduces a major uncertainty for assessing retail demand over the next 15+ years in that it will be impossible to assess what the technology will be in 15 years' time that will be available to retailers and to consumers.

### **Economy**

- 3.42 The state of the economy and availability of disposable income remain fundamental drivers for the future growth of retailing. The impact of the prolonged GFC recession was long lasting and restricted the growth of the industry as a result on on-going effects of holding back real income growth where the combination of muted demand growth with stagnant prices (and even deflation in both the convenience and comparison sectors) when supply costs are still rising had a major impact on retailers – especially those who have failed to adapt their retail offer to the modern highly competitive retail environment.
- 3.43 It is still not known what the impact of the Covid-19 pandemic will have on short- or medium-term growth prospects for the economy. In addition, although the UK has now left the EU, Brexit still provides uncertainty in that it remains unclear as to how this will affect trading in the medium-long term. A critical factor is the impact that this has on migration levels for sectors that have been dependent on overseas immigrants for labour – this is especially important in the hospitality sector (leisure) but will also affect retail.

### **Impact of Covid-19 Pandemic 2020-2021**

- 3.44 Social and business restrictions during the pandemic have had a profound effect on both the retail and leisure sectors during 2019 and 2020. For the retail sector this period has been associated with profound changes in retail activity both during period of lockdown and in the recovery following relaxation of restrictions. The position with commercial leisure activities has been more straightforward – the closure of all leisure for much of the pandemic effectively froze commercial/indoor leisure activities. Although restrictions were relaxed after April 2021 it is evident that at the end of 2021 and beginning of 2022 the threat of the omicron-variant has further reduced leisure activity over the Christmas period.
- 3.45 The key issues arising from the pandemic restrictions are:
- The extent to which the financial consequences arising from short-term closures, with or without Government financial support, threatened the commercial viability of businesses, particular for those that faced significant financial pressures during the period 2008-2018.
  - Whether short-term changes in consumer behaviour, including increased use of the internet for both retail and leisure purchases and a willingness to shop more locally have long-term impacts on consumer behaviour.
- 3.46 At the present time it is not possible to provide definitive views as to these issues and, therefore, the extent to which they will affect long term retail and leisure requirements in Moray.

### **Business Closures**

- 3.47 At this stage it is only possible to identify those businesses that have closed during 2020 and 2021 – it is likely that some businesses may attempt to continue but be forced to close within the next two-three years as a result of the adverse impacts of the pandemic on company balance sheets. The Centre for Retail Research has

identified the following levels of retail companies, stores and employees affected by business closures as follows:

- In 2008-2009 (peak impact of 2008-10 GFC recession) there were an annual average of: 46 business (multiples only) failures; 6165 stores closed; and 50,600 employees affected.
- For the period 2010-2019 an annual average of: 39 business failures; 1944 stores closed; 25,800 employees affected
- For 2020 there were: 54 business failures; 5214 stores closed; and 109,000 employees affected.
- For 2021 (to end of July): 13 business failures; 1687 stores closed and nearly 25,000 employees affected.

3.48 This confirms that the impact of the pandemic restrictions has resulted in a comparable level of retail business failures and store closures as occurred in 2008/09. However, the figures for the first part of 2021 would suggest that this level of closure has *not* continued into 2021. Similar figures for the leisure sector are not available.

### **Vacancy Rates, Rents and Yields**

3.49 LDC initial data has indicated that, notwithstanding the above numbers of business failures, vacancy rates increased only slightly during 2020. It was suggested that the pandemic, because of the restrictions imposed on most retailers during 2020 at least, has suppressed activity with support given through the furlough scheme, and therefore vacancies have not been implemented. Even if store closures have not occurred at the rate anticipated at the beginning of the pandemic LDC have identified that new store openings has been suppressed which is hardly surprising given that, during significant parts of 2020 and 2021 many of these stores would not have been permitted to trade. Reflecting these factors Deloitte suggested that there would be “upwards of 30,000” net closures following the pandemic across the UK before there is a re-establishment of equilibrium in the retail market.

3.50 Despite these arguments it does not appear that the increased level vacancies has materialised as had been feared. The latest information from the British Retail Consortium identifies that there has only been a limited increase between 2020 and 2021 – with the vacancy rate “plateauing” at 14.5% in Great Britain as a whole compared to 13.2% in 2020 (Q2 to Q2).

3.51 The reduction in demand for premises has inevitably put a downward pressure on rents and, due to reduced expectation for future rental levels, on yields as well. Savills have identified that retail rents were identified to decline on average by 15% over 2020/21 (Q1 to Q1) and yields softened by 1.0-1.5% points. The softening of yields across all categories results in a reduction in asset value especially if this is combined with reduced rents.

3.52 It is evident that there has been a significant short-term impact on the retail sector in terms of business closures, increased vacancies, rents and yields. Although the magnitude of this impact may be less than was feared during 2020/2021 which may reflect activity intervention by Governments to support these sectors.

### **Internet Sales**

3.53 During the principal lockdown periods there was a rapid increase in internet-based sales. Using ONS definitions internet-based sales peaked as a proportion of total sales in January 2021 (at 37.7% compared to 20.2% in January 2020) but these fell to 25.9% of total sales in August 2021. There is considerable variation in the proportion of total sales made using the internet throughout the year typically peaking in November and

December each year. The latest figures for November 2021 identify 30.1% total sales by the internet which compare to 21.6% in November 2019. Even if one allows for the steady growth in internet-based retail that has occurred between 2009 and 2019 it is evident that, assuming current levels of internet retail are maintained, that there has been a step change in the proportion of retail sales using the internet as a result of the pandemic. Assuming that past trends had continued one would expect approximately 24.5% of total sales to have been via the internet in November 2021 compared to the actual figure of 30.1%.

- 3.54 There is considerable uncertainty as to how significant this uplift in internet sales is. It remains unclear if this is a fundamental shift in online retail significantly higher than previously forecast, whether it is a short-term increase that will return to previous forecast levels of growth or whether an intermediate position will become established. As noted earlier the principal forecasting organisations – Experian and Precisely differ significantly in terms of their long term forecasts for the role of the internet and the impact that has arisen due to the pandemic.

## Leisure Market Trends and Prospects

### Introduction

- 3.55 The leisure sector is diverse comprising a myriad of different types of commercial leisure opportunities and experiences through to public sector sports, leisure and recreational facilities. In addition to activities that require built infrastructure there are a range of other sports and leisure pursuits that do not require infrastructure facilities including activities arranged independently by participants (e.g. recreational pursuits including walking, running and hobbies such as bird watching). The focus in the section is limited to, primarily, commercial leisure activities although there are, of course, many public sector facilities (especially sports facilities) which are also provided on a paying basis. Even with this limitation the sector is highly diverse and includes:

- Eating and drinking out: restaurants; cafes; coffee shops; public houses and bars.
- Health and fitness: gyms and spas – and this can be extended to include beauty including hairdressers, beauty parlours, tattoo establishments, tanning salons etc.
- Other sports – provided by a mix of public (sports centres, swimming pools etc), commercial private (especially golf clubs/resorts), and third-sector providers (the latter including local sports clubs - football, rugby, cricket, bowling and so on). Many providers are effectively a hybrid between commercial and local clubs.
- Other forms of entertainment including: cinemas; theatres; “competitive socialising” (e.g. ten pin bowling, laser centres and other more novel forms of entertainment); trampoline centres; and various children’s entertainment (e.g. soft play centres etc).
- Hotels and other visitor accommodation.

- 3.56 Leisure is, of course, a key component of holidays with substantial expenditure directed both to accommodation as well as entertainment and eating out during times away from home. There is, therefore, a close link between the leisure sector and tourism industry.

- 3.57 The focus of this review is on those sectors that are most likely to impact on uses/activities within Moray in terms of requirements for new floorspace or reducing floorspace requirements resulting in potential increases in vacancies and stock available for alternative uses. In particular it considers the food and drink (eating/drinking out) and other commercial entertainment and leisure.

- 3.58 The commercial leisure sector has expanded steadily over the past few decades and this appears to have accelerated in the period 2015-2020 where it is experience-related spend (e.g. including eating-out and staying in hotels) that has outstripped spend on retail goods. For example Savills suggest that over this period spending on eating out grew at 2.9% pa (constant prices) which was significantly greater than spend on fashion and clothing (at 1.9% pa).

## **Food and Drink**

### *Restaurants*

- 3.59 Over the period 2010-2020 the food and drink sector was particularly active with a steady number of new brands being introduced into the UK market including both UK companies and international operators growing their market in the UK. However, putting aside the impact of the pandemic, the general expectation prior to 2020 was that short-term growth would be particularly adversely affected by increased costs associated with rises with the living wage and labour supply issues associated with Brexit. In general, it was considered that this will have greatest impact on secondary market locations. Reflecting these pressures prior to the pandemic, there were a number of closures that had been publicised in the press which reflected the impact of these cost pressures on a market that has expended rapidly resulting in casualties including some well-known brands (e.g. Jamie Oliver etc). There are, however, certain sectors that appeared resilient and are expected to maintain positive growth. This includes the food-led public house sector and the continued increase in food provision in non-specialists linked to other entertainment activities.
- 3.60 Even prior to the pandemic the impact of delivery services (Just Eat, Deliveroo and, now, Uber Eats) had been described as a “disruptor” and these have experienced dramatic growth since 2016 (for example Deliveroo grew by 650% in two years) and reflects consumer preference for both convenience and eating at home. However, these services have also been seen to benefit newly establishing chains in this sector allowing them to reach a wider consumer base than would have been possible if they had relied on new physical outlets to support growth.
- 3.61 Reflecting the combination of these factors a key recent trend is for downsizing restaurants, particularly in prime locations with operators taking smaller footprints to maintain profitability. Even taking these factors into account the role of food and drink within established retail centres continues to grow – BNP Paribas report that “the vast majority of new shopping centre pipeline to be delivered for the next five years is purposed for [food and beverage]”. They note that GlobalData had forecast that total leisure space within regional shopping centres is set to grow by 61% within 5 years – far outstripping the growth of retail floorspace. This forecast, of course, had not taken into account the impact of the pandemic.

### *Public Houses*

- 3.62 The growth of a food-led offer has dominated development of public houses in the UK in recent years. This has resulted in increasing demand for large, good quality city centre and larger town centre pubs from both multiples and independents. In addition, there has been continued demand for family food/pub restaurant sector with sites acquired for various national brands. These require high visibility locations on main road locations with large car parks. A third growth sector has been the sale of premium “craft” products as well as food which drives higher margins attracted to locations with rapidly growing young urban populations – a classic example is Brew Dog which, although headquartered in Ellon, is now a dynamic international brand. Conversely the traditional wet-

led pub sector's general decline continues and, in terms of absolute numbers, closures exceed new openings with a net loss in numbers of public houses and bars in the UK.

#### *Coffee Shops*

- 3.63 Like other leisure sectors coffee shops have also grown rapidly. Allegra Research note that, in 1999 there were only 590 branded outlets but these have grown rapidly with the result that there were more than 7470 in the UK in 2017. These figures indicate an average growth of 15% per annum for 18 years and turnover growth has been very similar at 16% pa. Even through the GFC recession this sector recorded growth of 5-7% per annum – at a time when all retail sales were shrinking. Mintel estimate that expenditure in this sector was £3.4 bn in 2016 with growth between 2015 and 2016 at 10.4%. Mintel had forecast that the market will increase to £4.3 bn by 2022.
- 3.64 A key factor has been the growth of non-specialist coffee shops that is including café's as part of a larger operation for example in supermarkets, bookshops and in public houses – Allegra estimated that there are a further 10,000 of these outlets in the UK. It identifies that there is huge potential for coffee-sales growth in the public house sector suggesting that, of the 45,000 public houses in the UK only 7% serve "high street quality" coffee. The development of this is, for many pub operators, a key component of the diversification of the public house offer away from "wet-led" sales. Growth in these non-specialist outlets is expected to compete with branded coffee shops. Nonetheless Allegra consider that, by 2030 there will be more coffee shops than public houses
- 3.65 Despite these competitive pressures and, as seen with the restaurant sector, additional economic and labour issues challenging this sector, it does not appear that the market has yet reached saturation. Growth is likely to be lower than seen in the period 2000-2015 but there will be continuing demand for new coffee houses, in both primary and secondary locations.

#### **Other Commercial Leisure**

- 3.66 Cinemas. The total number of cinema screens has steadily increased, with growth of 24% between 2009 and 2020 (2.0% per annum). However, the total number of cinema sites has seen slower growth at 10% (0.9% pa) with a decline in provision during and following the 2008-2010 recession. The most rapid growth has occurred in the period 2014-2017. There are now, on average, 6.85 screens per 100,000 population (increasing at about 1% per annum) and, on average, 1.26 cinemas per 100,000 population (but this figure has declined at a rate of 0.4% pa).
- 3.67 Notwithstanding growth in numbers of screens, total attendances have remained generally flat since 2000 (declining per unit population) and, of course, the pandemic had dramatic impacts on attendances in 2020. The combination of these figures would suggest that the primary driver of growth is the provision of more screens but with reduced capacity per screen. This supports the continued growth of multiplexes but the total space required for each multiplex is less than previously.

#### **Pandemic Impacts**

- 3.68 The leisure sector was, probably, the hardest hit of all economic sectors as a result of social-distancing restrictions. In effect all commercial and public leisure venues were closed for 12 months from March 2020 and

many are currently affected by restrictions associated with the omicron-variant. As a result it is not possible to indicate how future demand and growth for this sector will resume. A critical factor will be to what extent certain venues were able to cope with the financial shock imposed by lockdown and, as a result, how many businesses are forced to close permanently. This is likely to affect public houses and restaurants/cafes the most because it was these sectors that were experiencing significant pressures prior to 2020.

- 3.69 For other sectors, however, the assumption is that growth will return and these, with the exception of food delivery, are unlikely to be affected by internet sales in that their key element of many of these activities is the personal interaction with other customers and/or venue staff. Therefore, in general terms commercial leisure activities are expected to demonstrate continued strong growth for the foreseeable future. The sector is highly imaginative and adapts to create new experiences for the public and this is a major reason for its sustained high rates of growth. As some types of activity peak (e.g. trampoline centres) others grow in replacement. However, the space requirements for these are very diverse – health clubs can be located successfully both within city centres and suburban areas, activities such as ten-pin bowling tend to favour larger, cheaper, sites outwith centres (freestanding, in leisure parks or associated with retail parks) and others, that require smaller units and high footfall are most successful in city and large town centres.

## Implications for Future Retail and Leisure Development in Moray

### Summary of Key Trends

#### *Comparison Goods*

- There remains continued strong growth from the non-food discounters (e.g. Home Bargains, B&M, the Range etc). These include new build freestanding units from 1500-5000 sq m; occupation of vacant retail warehouse units; and occupation of vacant town centre units.
- The bulky comparison goods sector remains strong and reflects, in part, “catch-up” investment by bulky retailers opening units in retail parks. The bulky goods sector (especially brown- and white-goods) is highly dependent on housing market activity. There are opportunities for new retailers but, for some, there will be a focus on online rather than new stores.
- Many comparison goods retailers will continue to combine shop floorspace with other retail channels. This leads to a lot of diversity in the operations between retailers including, at one extreme, the use of shops purely as showrooms rather than locations for the purchase of goods.

#### *Convenience Goods*

- Development of major superstores has effectively stopped. Within these large stores attention has focussed on better use of the space available including the incorporation of non-retail uses within the stores. However, many supermarkets and superstores will become increasingly dated and there will be a need for refurbishment and further “right-sizing” of units. Superstores can, however, be developed where there are clear market gaps.
- The reduction in new build superstores reflects a combination of major factors: (i) the large quantity of superstore space developed between 1990 and 2010 which leaves very few untapped market opportunities; (ii) changing lifestyles and a greater willingness of shoppers, especially millennials and other younger generations, to undertake smaller, but more frequent shops. This has supported the increasing popularity of

the food discounters and convenience stores; and recently (iii) food price inflation combined with economic uncertainty resulting in a significant squeeze on household incomes.

- There are questions regarding the future of the medium-size supermarket traditionally including the Co-op, Tesco Metro and M&S Foodhalls. Whereas the Co-op continues to support this format (especially in Scotland, in rural communities) Tesco is currently rebranding its Metro stores as either Express or Superstores. For other operators including M&S and also Farmfoods, there has been a tendency to increase new store sizes – for M&S Foodhalls from 1500 sq m to greater than 2000 sq m GFA and for Farmfoods from 500-800 sq m GFA to greater than 1250 sq m GFA. Similarly, Iceland has established its larger Food Warehouse format. In certain markets there remain opportunities for new large supermarkets (ca. 3000 sq m GFA).

#### *Clothing and Fashion*

- The sector has been under considerable pressure over the past few years with mid-market retailers in particular struggling. These brands are traditionally the stalwart of mid-sized town centres and shopping centres and both of these locations could experience higher vacancies as these brands depart.

### **Implications for Retail Locations**

#### *The Traditional “High Street”*

- 3.70 There is a debate at the current time as to whether the prospects for traditional “High Street” locations is weak or strong. On the one hand the lack of modern sized units, interrupted floorplates and lack of parking has been seen as a major disadvantage and multiple ownership and lack of control/responsibility for the public realm has been considered to result in these traditional locations being at a significant disadvantage compared to shopping malls and out-of-centre retail locations.
- 3.71 However, others argue these characteristics provided opportunities to act as a test-bed for new types of retail/service offer which cannot be provided in either retail parks or shopping malls. Vacant units can be attractive to independent entrepreneurs seeking to develop new formats/retail offers at low rent and often with easy-in easy-out terms. These new business will be small and independent and therefore less able to rely on internet based trading. There will, however, be a high level of failures with this approach with the result that there will be significant churn in occupiers. Many of the new businesses will not be for retail goods but provide a range of retail, leisure and business services or, reflecting the innovative nature of independents, provide a mix of retail and services challenging the traditional categorisation of units. The implication of this argument is that policies and strategies for town centres should support independent businesses, accept relatively high levels of vacancies and not seek to protect “prime frontages” against mixed retail/services uses.

#### *Purpose Built Shopping Centres*

- 3.72 Purpose built shopping centres appear to be hardest hit by changes in retailing - both in terms of sectoral changes (e.g. decline of mid-market fashion and clothing) and also through the restrictions imposed as a result of the pandemic. In these locations high rents have had a compounding effect on the total cost of occupation having pushed up the rates liable for the space together with additional management fees. This has combined with the sectors prominent in these centres (especially clothing and fashion) experiencing a greater shift to sales

online. This is most acute in mid-sized town centres. In this way the high level of vacancies seen in the St Giles Centre is typical of the problems of this type of location.

#### *Retail Parks*

- 3.73 Retail parks appear to have fared relatively well during the pandemic reflecting a higher proportion of “essential” retailers (which includes the non-food discounters that have a very large presence in retail parks at the current time). The ease of parking and larger unit sizes also makes them attractive for operators for servicing “click and collect” which will become more important as online sales continue to grow. However, all retail sectors have been under pressure and it is expected that retail park operators will, wherever possible, continue to seek further de-restrictions on the types of retail floorspace permitted.

#### *Local Shopping Provision*

- 3.74 Even before the pandemic it was evident that there had been a degree of revitalisation in local provision for both retail (in particular the renewed strength of convenience-format stores) and services. This reflects a number of the factors highlighted earlier including changing lifestyles, changing priorities for younger age groups and the factor that many online distribution networks (especially for the return of goods) have local collection points. The pandemic has strengthened the role of local shopping and services provision further.
- 3.75 It is uncertain at present to what extent homeworking will be retained after the ending of all restrictions associated with the pandemic. The consensus appears to be that, although many will return to office-based working this may not be full-time and that the numbers of workers in town centres is likely to fall in favour of working from home. This has implications for town and city centres which have traditionally relied on custom from those working in the centre losing trade and for local shops and services which are likely to benefit from increased trade. There are also less tangible benefits in that, during the pandemic, consumers became more familiar with using local shops and businesses which could generate a degree of loyalty post pandemic. This would favour both local shops as well as local/suburban shopping locations.
- 3.76 There is no clear delineation as to the size that determines “local” floorspace. In Moray each of Buckie, Forres and Keith, as well as all smaller centres, are small when compared to other parts of the UK and each could benefit from the potential for greater trade directed to “local” centres.

#### *Independent Traders*

- 3.77 The ongoing and future role of independent businesses has been highlighted in the context of traditional town centres. Independents are also more likely to consider local and suburban locations for businesses which would not normally form part of a multiple operators’ portfolio.

#### **Repurposing Retail Space**

- 3.78 The general consensus of market commentaries is that, across the UK as a whole, there is a substantial oversupply of retail goods floorspace. This is not evenly distributed but appears to be most concentrated in mid-sized town centres and shopping centres/malls (especially in mid-sized centres) although in certain locations this may also include space within retail parks and local centres.



### Leisure Sector Trends

- 3.79 The review of the commercial leisure sector shows that this sector, particularly that related to entertainment, eating and drinking out has been growing steadily subject to the profound impacts arising from the pandemic.
- 3.80 Leisure and entertainment are a form of “discretionary” spend and, as such, depend on overall levels of income which, in turn, depend on the strength of the local economy. Much leisure spend would be directed to facilities within Moray, especially in Elgin town centre but for some of the newer formats this is more likely to be directed to the larger centres of Inverness and Aberdeen. Key trends include:
- Continuing demand from public house operators seeking food-led family-oriented pubs where there is a high profile, easy vehicle access and space for parking. The prospects for establishments that are too small to accommodate a food offering and continue to be “wet-led” is less positive and closures would be expected in this type of establishment. The new masterplan areas can provide opportunities for these developments.
  - The review has highlighted the diversity of other types of leisure/entertainment activity. For health clubs and gyms there is no clear view as to how far this sector will grow. In terms of location, gyms can be located both within city/district centres, retail parks, town/district centres and as stand-alone developments. They can, therefore, present an opportunity to take space in centres which was previously in retail use. The location of these uses within Elgin City Centre and each of the town centres will support the role of these centres within the wider community.
  - There is a myriad of other types of entertainment/leisure space. Many of these can occupy relatively small spaces (as little as 200-300 sq m) whereas others need, in effect, industrial sized units (1000 sq m or greater). This means that locational requirements will vary and some could be attracted to town centre locations whereas other uses (such as trampoline centres) may prefer to be located in mixed-use/industrial locations where rents for units will be much lower. Many of the competitive- socialising activities will require larger centres and markets than can be provided in Moray although the dynamic character of this industry could result in rapid changes in locational requirements. The location of these uses within the defined centres, especially Elgin City Centre, will also support the future role of these centres.

## 4 Retail & Leisure Provision in Moray

### Introduction

4.1 This Section provides an overview of retail and services provision within Moray both as a whole and for each of the principal centres within Moray. The Section therefore provides the following:

- An overview of the distribution of retail and leisure floorspace and turnover (retail only) within the Council area as a whole.
- Identification of key changes in provision and turnover compared to that identified in 2008.
- Assessment of the network of centres within Moray.

### Overall Distribution of Retail & Leisure Floorspace

4.2 Figure 4.1 provides a summary of retail floorspace and turnover, by principal retail goods category together with all retail, leisure and business services, for Moray. It also identifies the floorspace located in Elgin City Centre, the principal town centres, other smaller town centres, local and rural floorspace. All floorspace information is provided through the Grampian Assessors office combined with planning authority records of the floorspace of major retail units. Information on retail turnover (expressed in 2019 prices) is derived from combining data on available expenditure and detailed analysis of the household survey responses together with known average and typical sales density information as set out in the Strategic Retail Model (App A Table 17).

4.3 The principal features of the distribution of retail and service floorspace shown in Figure 4.1 are as follows:

- In total there is 201,500 sq m gross floor area of retail and retail/leisure/business uses within 943 units in Moray. Total retail space is 139,880 sq m (399 units) which is 69% of the total. Retail and other services account for 45,000 sq m GFA (in 435 units) and there are 109 vacant units totalling 16,600 sq m GFA. The estimated total retail turnover (retail goods shops only) is £502.7m.
- Retail and services are unevenly distributed within Moray with 59% of retail floorspace, 64% of retail turnover but only 34% of retail units located within Elgin.
- Elgin City Centre is the most important location for both retail and services within Moray. The City Centre has 38,600 sq m gross floor area for retail and a turnover of almost £155m accounting for 28% of floorspace and 31% of turnover within Moray. The City Centre is particularly important for general comparison retail accounting with 28,900 sq m GFA general comparison goods floorspace and turnover of £81.0m.
- However, although the total retail and services floorspace of the Edgar Road Commercial Centre area is only approximately half that of the City Centre the retail turnover of the Commercial centre is only slightly less than that of the City Centre (at £143m per annum for all goods).

Figure 4.1: Summary of Retail and Services Provision in Moray – 2021

		No.	Convenience			General Comparison			Bulky Goods			All Goods		
			GFA Sq M	NFA Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
<b>1. Elgin</b>														
<b>Elgin City Centre</b>	Retail	98	10293	6585	£62.38m	23895	14505	£80.48m	4443	3394	£12.01m	38632	24484	£154.87m
	Services	142										17460		
	Vacant	32										6546		
	<b>TOTAL</b>	<b>272</b>	<b>10293</b>	<b>6585</b>	<b>£62.38m</b>	<b>23895</b>	<b>14505</b>	<b>£80.48m</b>	<b>4443</b>	<b>3394</b>	<b>£12.01m</b>	<b>62637</b>	<b>24484</b>	<b>£154.87m</b>
<b>Edgar Road Commercial Centre</b>	Retail	18	7363	4524	£46.97m	13266	9085	£62.30m	9961	7255	£33.65m	30589	20864	£142.92m
	Services	2										706		
	Vacant	4										2533		
	<b>TOTAL</b>	<b>24</b>	<b>7363</b>	<b>4524</b>	<b>£46.97m</b>	<b>13266</b>	<b>9085</b>	<b>£62.30m</b>	<b>9961</b>	<b>7255</b>	<b>£33.65m</b>	<b>33828</b>	<b>20864</b>	<b>£142.92m</b>
<b>Elgin Local Provision</b>	Retail	21	2851	2029	£12.46m	1210	890	£2.22m	7970	6273	£7.92m	12030	7671	£22.61m
	Services	34										3017		
	Vacant	7										553		
	<b>TOTAL</b>	<b>62</b>	<b>2851</b>	<b>2029</b>	<b>£12.46m</b>	<b>1210</b>	<b>890</b>	<b>£2.22m</b>	<b>7970</b>	<b>6273</b>	<b>£7.92m</b>	<b>15601</b>	<b>7671</b>	<b>£22.61m</b>
<b>TOTAL ELGIN</b>	<b>Retail</b>	<b>137</b>	<b>20507</b>	<b>13137</b>	<b>£121.8m</b>	<b>38370</b>	<b>24481</b>	<b>£145.0m</b>	<b>22373</b>	<b>16922</b>	<b>£53.6m</b>	<b>81251</b>	<b>53019</b>	<b>£320.4m</b>
	<b>Services</b>	<b>178</b>										<b>21183</b>		
	<b>Vacant</b>	<b>43</b>										<b>9632</b>		
	<b>TOTAL</b>	<b>358</b>	<b>20507</b>	<b>13137</b>	<b>£121.8m</b>	<b>38370</b>	<b>24481</b>	<b>£145.0m</b>	<b>22373</b>	<b>16922</b>	<b>£53.6m</b>	<b>112066</b>	<b>53019</b>	<b>£320.4m</b>
<b>2. Principal Towns</b>														
<b>Forres Town Centre</b>	Retail	40	1840	1196	£6.62m	3204	2082	£5.53m	1251	938	£1.75m	6295	4217	£13.90m
	Services	47										4591		
	Vacant	12										1084		
	<b>TOTAL</b>	<b>99</b>	<b>1840</b>	<b>1196</b>	<b>£6.62m</b>	<b>3204</b>	<b>2082</b>	<b>£5.53m</b>	<b>1251</b>	<b>938</b>	<b>£1.75m</b>	<b>11970</b>	<b>4217</b>	<b>£13.90m</b>
<b>Keith Town Centre</b>	Retail	36	1497	973	£2.84m	2608	1695	£5.49m	1443	1082	£2.62m	5548	3751	£10.95m
	Services	37										3851		
	Vacant	12										1925		
	<b>TOTAL</b>	<b>85</b>	<b>1497</b>	<b>973</b>	<b>£2.84m</b>	<b>2608</b>	<b>1695</b>	<b>£5.49m</b>	<b>1443</b>	<b>1082</b>	<b>£2.62m</b>	<b>11324</b>	<b>3751</b>	<b>£10.95m</b>
<b>Buckie Town Centre</b>	Retail	39	3413	2406	£15.24m	4980	3344	£10.16m	1182	777	£1.43m	9575	6527	£26.84m
	Services	41										4693		
	Vacant	6										724		
	<b>TOTAL</b>	<b>86</b>	<b>3413</b>	<b>2406</b>	<b>£15.24m</b>	<b>4980</b>	<b>3344</b>	<b>£10.16m</b>	<b>1182</b>	<b>777</b>	<b>£1.43m</b>	<b>14992</b>	<b>6527</b>	<b>£26.84m</b>
<b>Lossiemouth Town Centre</b>	Retail	19	989	643	£3.97m	882	573	£1.61m	0	0	£0.00m	1871	1216	£5.58m
	Services	35										3404		
	Vacant	1										81		
	<b>TOTAL</b>	<b>55</b>	<b>989</b>	<b>643</b>	<b>£3.97m</b>	<b>882</b>	<b>573</b>	<b>£1.61m</b>	<b>0</b>	<b>0</b>	<b>£0.00m</b>	<b>5356</b>	<b>1216</b>	<b>£5.58m</b>
<b>Principal Towns - Local</b>	Retail	25	10604	7261	£66.65m	5625	3930	£18.60m	2649	1517	£1.83m	18618	12708	£87.08m
	Services	18										1163		
	Vacant	4										403		
	<b>TOTAL</b>	<b>47</b>	<b>10604</b>	<b>7261</b>	<b>£66.65m</b>	<b>5625</b>	<b>3930</b>	<b>£18.60m</b>	<b>2649</b>	<b>1517</b>	<b>£1.83m</b>	<b>20183</b>	<b>12708</b>	<b>£87.08m</b>
<b>TOTAL PRINCIPAL TOWNS</b>	<b>Retail</b>	<b>159</b>	<b>18344</b>	<b>12480</b>	<b>£95.3m</b>	<b>17298</b>	<b>11625</b>	<b>£41.4m</b>	<b>6526</b>	<b>4314</b>	<b>£7.6m</b>	<b>41907</b>	<b>28419</b>	<b>£144.3m</b>
	<b>Services</b>	<b>178</b>										<b>17701</b>		
	<b>Vacant</b>	<b>35</b>										<b>4217</b>		
	<b>TOTAL</b>	<b>372</b>	<b>18344</b>	<b>12480</b>	<b>£95.3m</b>	<b>17298</b>	<b>11625</b>	<b>£41.4m</b>	<b>6526</b>	<b>4314</b>	<b>£7.6m</b>	<b>63825</b>	<b>28419</b>	<b>£144.3m</b>
<b>3. Other Towns</b>														
Aberlour, Dufftown, Rothes, Fochabers,	Retail	41	2908	1890	£9.24m	1667	1084	£2.83m	260	169	£0.25m	4836	3143	£12.32m
	Services	44										2981		
	Vacant	9										522		
	<b>TOTAL</b>	<b>94</b>	<b>2908</b>	<b>1890</b>	<b>£9.24m</b>	<b>1667</b>	<b>1084</b>	<b>£2.83m</b>	<b>260</b>	<b>169</b>	<b>£0.25m</b>	<b>8339</b>	<b>3143</b>	<b>£12.32m</b>
<b>4. Remaining Rural Provison</b>	Retail	62	4815	3187	£12.86m	5513	3870	£11.82m	1692	704	£1.00m	11886	7673	£25.68m
	Services	35										3160		
	Vacant	22										2223		
	<b>TOTAL</b>	<b>119</b>	<b>4815</b>	<b>3187</b>	<b>£12.86m</b>	<b>5513</b>	<b>3870</b>	<b>£11.82m</b>	<b>1692</b>	<b>704</b>	<b>£1.00m</b>	<b>17269</b>	<b>7673</b>	<b>£25.68m</b>
<b>TOTAL OTHER TOWNS AND RURAL</b>	<b>Retail</b>	<b>103</b>	<b>7723</b>	<b>5077</b>	<b>£22.10m</b>	<b>7181</b>	<b>4953</b>	<b>£14.65m</b>	<b>1952</b>	<b>873</b>	<b>£1.25m</b>	<b>16722</b>	<b>10817</b>	<b>£38.00m</b>
	<b>Services</b>	<b>79</b>										<b>6141</b>		
	<b>Vacant</b>	<b>31</b>										<b>2744</b>		
	<b>TOTAL</b>	<b>213</b>	<b>7723</b>	<b>5077</b>	<b>£22.10m</b>	<b>7181</b>	<b>4953</b>	<b>£14.65m</b>	<b>1952</b>	<b>873</b>	<b>£1.25m</b>	<b>25608</b>	<b>10817</b>	<b>£38.00m</b>
<b>TOTAL MORAY</b>	<b>Retail</b>	<b>399</b>	<b>46575</b>	<b>30694</b>	<b>£239.23m</b>	<b>62849</b>	<b>41059</b>	<b>£201.05m</b>	<b>30851</b>	<b>22109</b>	<b>£62.46m</b>	<b>139880</b>	<b>92254</b>	<b>£502.74m</b>
	<b>Services</b>	<b>435</b>										<b>45025</b>		
	<b>Vacant</b>	<b>109</b>										<b>16593</b>		
	<b>TOTAL</b>	<b>943</b>	<b>46575</b>	<b>30694</b>	<b>£239.23m</b>	<b>62849</b>	<b>41059</b>	<b>£201.05m</b>	<b>30851</b>	<b>22109</b>	<b>£62.46m</b>	<b>201498</b>	<b>92254</b>	<b>£502.74m</b>

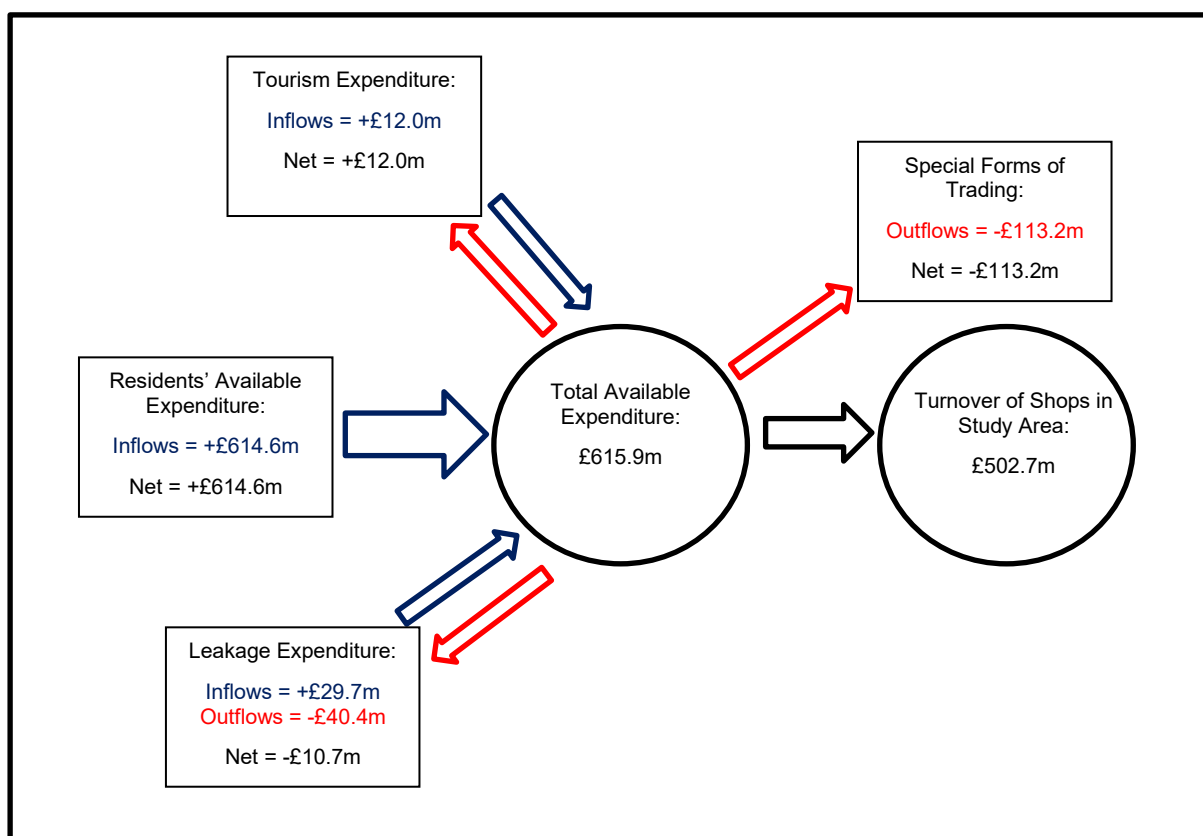
- Both Elgin City Centre and the Edgar Road Commercial Area are considerably larger than the next largest centre which is Buckie. Buckie, although the largest of the other town centres, has only 9575 sq m gross retail floor area and turnover of £26.8m. In terms of turnover Buckie is approximately double the size of Forres and Keith town centres.
- Each of Forres, Keith and Buckie have significant retail floorspace located outwith the defined town centres – reflecting the presence of out-of-centre foodstores.
- Remaining provision is distributed between smaller towns, notably those in Speyside. Lossiemouth and Fochabers as well as rural provision.

4.4 Further commentary on the characteristics of retail provision is set out in the review of settlements later in this Section.

## Expenditure Flows

4.5 The Strategic Retail Model identifies expenditure flows into and out of Moray. This is summarised in Figure 4.2.

**Figure 4.2: Moray Council – Retail Expenditure Flows and Turnover 2021 (2019 prices)**



- 4.6 Figure 4.2 shows that, in general, levels of expenditure inflow from tourists and net outflows of expenditure to other towns and cities (primarily Inverness and Aberdeen) are relatively modest when compared to the expenditure generated by Moray residents and retained within the Council area. However, expenditure directed to special forms of trading, primarily through the internet, is significant and comprises approximately 15% of total expenditure generated by Moray residents. As noted in Section 3 above this proportion is expected to increase significantly up to 2035.

## Changes since 2008

- 4.7 Figure 4.3 sets out a comparison between available expenditure, turnover and floorspace for Moray as a whole with data taken from the 2008 cumulative retail impact assessment undertaken for Moray Council. This shows that available expenditure and turnover for convenience goods has, in effect, not changed since 2008 whereas expenditure and turnover for general comparison and bulky goods has grown significantly within Moray despite a net loss in total floorspace identified.

**Figure 4.3: Expenditure, Turnover and Floorspace Changes – Moray Council 2008-2021**

Total Available Expenditure £m (2019 prices)									
	2008			2021			Change 08-21		
	Net SFT	SFT	Total	Net SFT	SFT	Total	Net SFT	SFT	Total
Convenience	£224.5	£17.6	£242.1	£232.0	£15.6	£247.6	3%	-11%	2%
General Comparison	£166.6	£18.8	£184.4	£204.0	£73.9	£277.9	22%	293%	51%
Bulky Goods	£55.0	£9.1	£64.1	£65.4	£23.7	£89.1	19%	160%	39%
<b>Total</b>							12%	149%	25%
Turnover £m (2019 prices)									
Convenience	£230.8			£239.2			4%		
General Comparison	£106.0			£201.0			90%		
Bulky Goods	£36.3			£62.5			72%		
<b>Total</b>							<b>35%</b>		
Gross Floorspace (sq m)									
Convenience	50,346			46,575			-7%		
General Comparison	65,378			62,849			-4%		
Bulky Goods	25,808			30,851			+20%		
<i>Total Goods</i>	<i>141,531</i>			<i>139,880</i>			<i>-1%</i>		
Retail etc Services	n/a			45,025					
Vacant	n/a			16,593					

*Nb: 2008 estimates of SFT convenience spend do not adjust for purchases made through stores*

- 4.8 Figure 4.3 does not identify changes that have occurred in different locations within Moray – this is set out in the review of the town centres set out below.

## Network of Centres

4.9 Both the current Scottish Planning Policy and also the draft NPF4 require the identification of a network of centres within a planning authority area and explain how these centres can complement each other. SPP identifies that town centres should be those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas

4.10 This advice is not provided in the draft NPF4, instead it notes that LDPs should support sustainable futures for city, town and local centres and identify a network of centres and that *“this should reflect the principles of 20 minute neighbourhoods and town centre vision”*

4.11 According to the SPP Commercial Centres are *“those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres”*.

### Characteristics of Existing Retail Locations in Moray

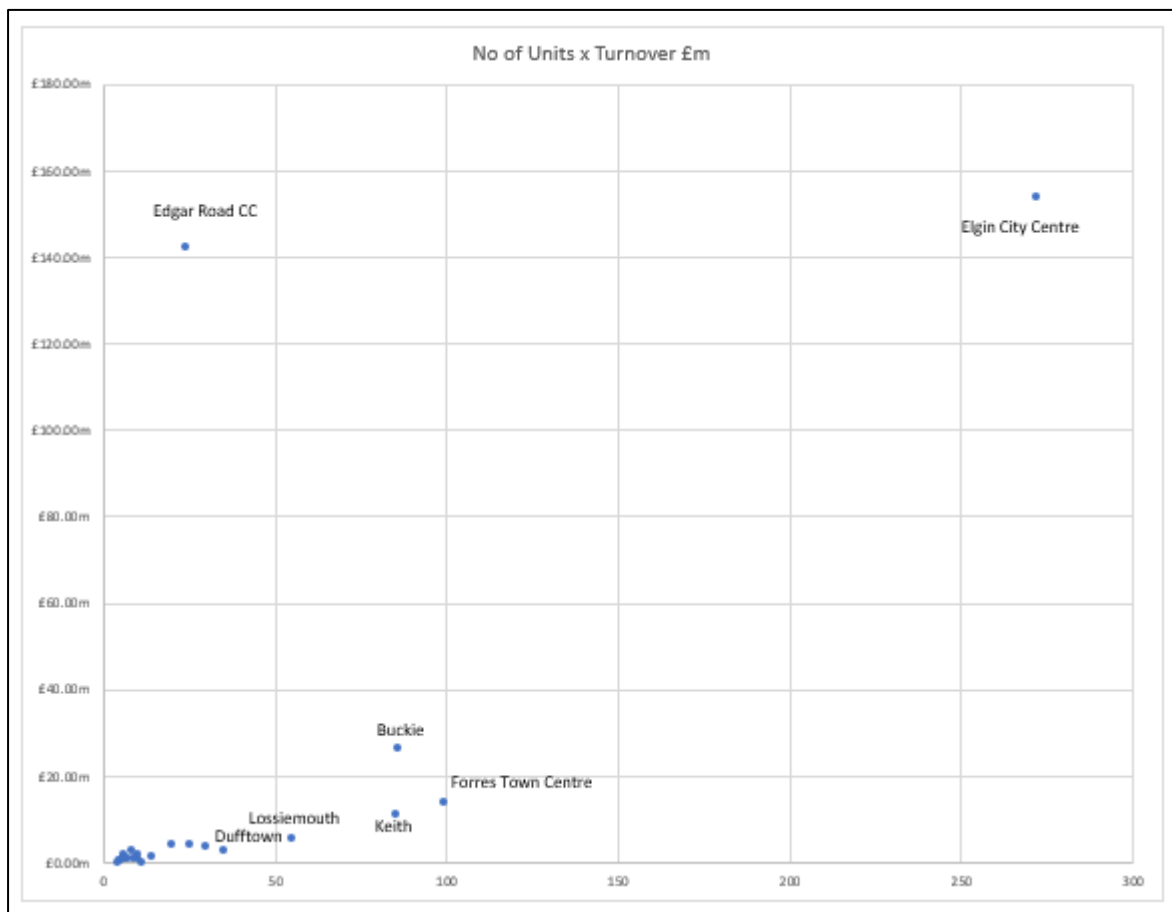
4.12 There are a number of characteristics of retail locations that will assist in determining the function of the centre and, from this, identification of its classification and role within the network of centres. These include:

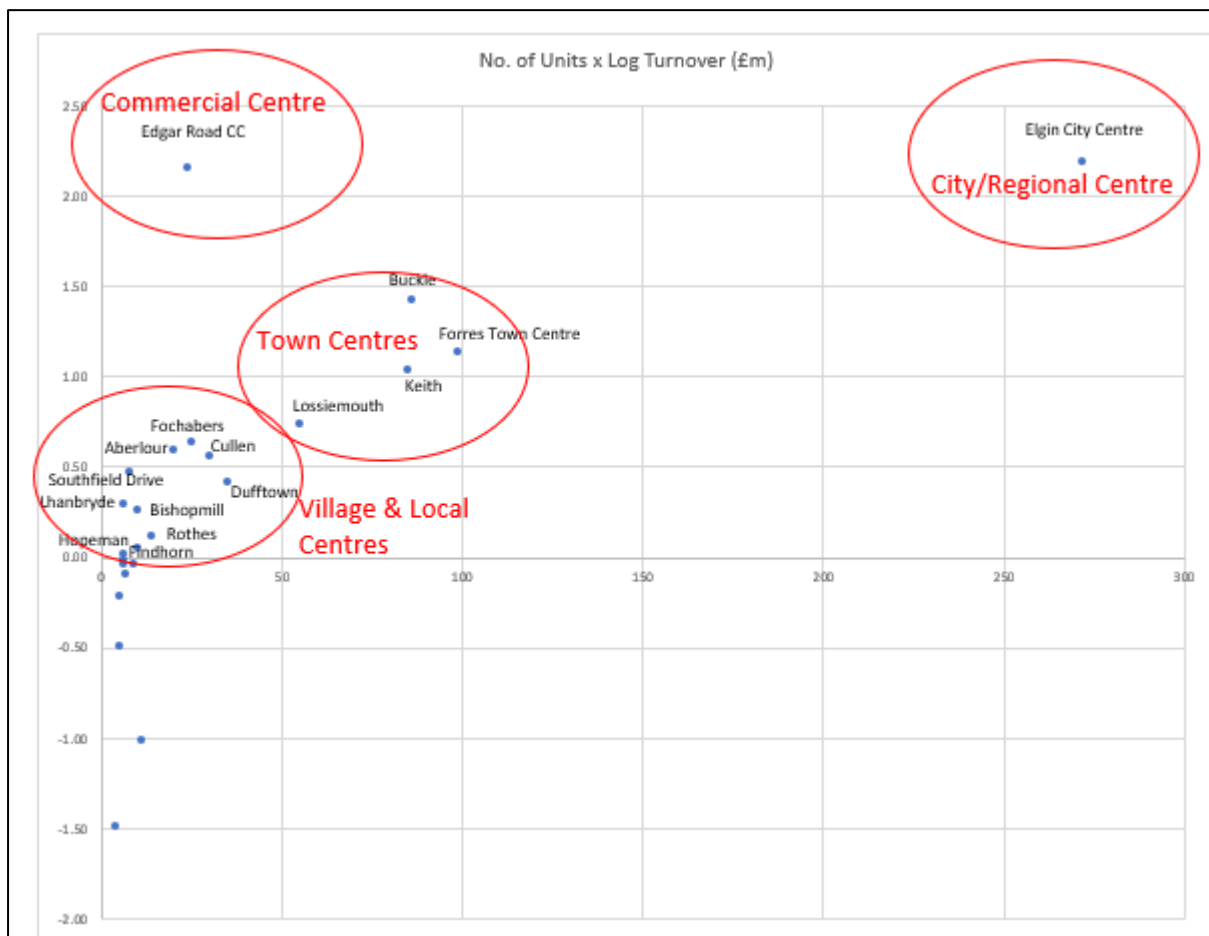
- The number, floorspace and turnover of retail units.
- The range of the retail goods offer – by types of shops and ranges of goods within shops within the location.
- The extent of retail, leisure, business services.
- The extent of non-commercial services and facilities including both public services and facilities and also other commercial services and facilities.
- Accessibility of the centre to nearby/surrounding communities in particular with reference to access by walking and by those dependent on public transport.

4.13 Some of these factors have been summarised in Figure 4.1 for the principal centres. From a retail planning perspective (as distinct from town centre planning) the extent of the retail offer as expressed in terms of both numbers of units and turnover is particularly useful in that the number of units is indicative of the range and choice of services and facilities available to the community and turnover (for retail goods at least) indicates the extent to which retail goods shops are used and their relative importance to the wider community. Figure 4.5 illustrates the relationship between size of centre (numbers of units) and turnover for all significant retail locations within the study area (i.e. including centres serving principal villages and local centres within Elgin, but excluding free standing stores). However, due to the fact that there are a number of locations that have a similar but low levels of turnover, Figure 4.6 presents the same information but identifying the log of turnover (expressed in £millions – therefore a turnover of £1 million has a log measure of 0.0 and centres with a retail turnover of less than £1 million have a negative log value). This second figures allows easier distinction between smaller retail locations. In total both figures identify 24 retail locations within Moray and allow the identification of distinct groups of centres as:

- City/Regional Centre – Elgin City Centre has a large selection of retail and service units and a high turnover.
- Commercial Centre – Edgar Road has only a limited range of retail/retail service units located within the two retail parks and elsewhere on Edgar Road but has a high turnover – nearly as high as the City Centre.
- Town Centres – these have a good range of shops/services but significantly lower turnover.
- Village and Local Centres (within Elgin only) – these are small centres that provide a limited range of retail shops and services with low turnover.
- Other locations – these have only a very limited retail/service offer and turnover which are not considered sufficient to justify identification as a village or local centre.

**Figure 4.4: Retail & Service Locations in Moray: No of units by Turnover (£m)**



**Figure 4.5: Retail & Service Locations in Moray: No of units by Turnover (Log of £m)****Proposed Network of Centres**

- 4.14 Based on the analysis of retail/service locations Figure 4.6 sets out the proposed network of centres for Moray together with a summary of the function and role of each category.



**Figure 4.6: Proposed Network of Centres**

<b>Category of Centre</b>	<b>Function/Role of Centre</b>	<b>Locations</b>
<i>Regional Centre</i>	<p><i>Principal retail location for Moray.</i></p> <p><i>Provides wide range of retail, retail service and non-retail public and commercial services and facilities.</i></p> <p><i>Provides a focus for the Elgin- and Moray-wide community and as a focus for transport.</i></p>	<i>Elgin City Centre</i>
<i>Town Centres</i>	<p><i>Provide a wide range of retail, retail service and non-retail public and commercial services and facilities.</i></p> <p><i>Provide a focus for the local community (town and immediate rural hinterland) and for local transport networks.</i></p>	<i>Buckie; Forres, Keith &amp; Lossiemouth</i>
<i>Local and Village Centres</i>	<i>Provide a limited range of retail facilities and other services/facilities – primarily meeting some of the day-to-day needs of the local community.</i>	<p><i>Elgin Local Centres: Bishopmill; Southfield Drive</i></p> <p><i>Keith: Regent Street (see recommendations in Section 6)</i></p> <p><i>Village Centres: Aberlour; Cullen; Dufftown; Findhorn; Fochabers; Hopeman; Lhanbryde; Rothes</i></p>
<i>Commercial Centre</i>	<i>Retail developments (either purpose built or well-defined groups of separate units) that serve one or more specific retail market sectors with relative wide catchment areas.</i>	<i>Edgar Road (comprising the Elgin &amp; Springfield Retail Parks and adjoining areas)</i>

## Addressing Retail and Leisure Deficiencies

4.15 The SRM allows analysis to be undertaken to identify potential existing and future retail deficiencies. This includes the following:

- Comparing available expenditure within defined zones with both the forecast actual turnover and notional average turnover of floorspace within the defined Zone.
- Undertaking a similar analysis but allowing for the potential to increase expenditure retention and/or increase net inflows of expenditure.
- Comparison of forecast “actual” turnover with notional average turnover to ascertain the extent to which existing/committed floorspace would be trading above (or below) notional average levels.

4.16 In addition, reference can be made to the operation of the commercial retail and leisure markets although, as noted in Section 3, market considerations are generally dominated by short-term concerns which, at the current

time, are dominated by the impact of Covid-19. The emerging draft LDP is concerned with making provision for and providing a policy framework for the period to 2035 and, as a result of this, the primary focus is with non-market factors in this assessment. The SRM does not consider leisure activities – a comparable assessment is not possible for leisure floorspace as a result of the huge variation in types of commercial leisure activities and more limited data availability.

### Retail Deficiencies and Capacity

- 4.17 It is important to recognise that the use of conventional retail capacity-type calculations (which compare forecast expenditure growth and notional average turnover to calculate the “capacity” for additional floorspace) present a wide range of methodological difficulties to the extent that their value for identifying a quantum for floorspace requirements has limited value. Indeed, as noted in Section 3, the importance of multi-channel retailing has altered the relationship between sales area and store sales such that, for many retailers, there is no longer a direct link between sales area and turnover. Nonetheless, undertaking a comparison between existing and future expenditure and notional average sales from existing and committed future floorspace, when carried out at a strategic level (in this case Moray-wide) can assist in providing an *indicative* quantitative basis for assessing the general level of retail deficiencies (or surplus) within the study area.

#### *Comparison of Expenditure and Notional Average Turnover*

- 4.18 The SRM provides forecasts of future available expenditure for Moray as a whole and individual zones for a range of alternative growth scenarios. In addition, the data for the model identifies actual sales area for different goods categories to which notional average sales densities can be compared. At the present time there are no significant retail proposals that are identified as retail “commitments” (i.e. unimplemented consented retail floorspace).
- 4.19 Two assessments have been undertaken. Figure 4.6 sets out a “simplified” analysis which compares forecast available expenditure (net of SFT) with notional average turnover. The following scenario combinations are tested for each retail goods category:
- B1. Precisely Oct 2021 expenditure/SFT forecasts with two, alternative, assumptions regarding sales density changes:
    - C1. No change on average sales densities
    - C2. Change in sales densities identified in Experian RPBN18 (precisely do not produce forecasts of sales densities)
  - B2. Experian RPBN expenditure/SFT forecasts with the same two alternative assumptions regarding sales densities changes (C1 and C2).
- 4.20 Figure 4.7 sets out the same analysis for individual Zones, and groups of Zones, for the central forecast (B2, C2). Comment on the highlighted zones is provided below.

**Figure 4.6: Quantitative Retail Deficiencies – Simplified Analysis**

SECTOR: CONVENIENCE		Available Expenditure				Average Turnover				Notional Capacity			
Growth Scenario	Sales Density Scenario	2021	2025	2030	2035	2021	2025	2030	2035	2021	2025	2030	2035
B1. Precisely Oct 2021 Forecasts (2019 based)	C1. No change	£237.9	£228.0	£233.5	£239.9	£270.6	£270.6	£270.6	£270.6	-£32.7m	-£42.7m	-£37.1m	-£30.7m
	C2. Increase sales densities by Experian Nov 2020	£237.9	£228.0	£233.5	£239.9	£270.6	£270.8	£272.4	£275.1	-£32.7m	-£42.9m	-£38.9m	-£35.2m
B2. Experian Feb 2022 Forecasts RPN 19	C1. No change	£232.0	£227.1	£225.7	£224.7	£270.6	£270.6	£270.6	£270.6	-£38.7m	-£43.6m	-£45.0m	-£45.9m
	C2. Increase sales densities by Experian Nov 2020	£232.0	£227.1	£225.7	£224.7	£270.6	£270.8	£272.4	£275.1	-£38.7m	-£43.8m	-£46.7m	-£50.4m
SECTOR: GENERAL COMPARISON		Available Expenditure				Average Turnover				Notional Capacity			
Growth Scenario	Sales Density Scenario	2021	2025	2030	2035	2021	2025	2030	2035	2021	2025	2030	2035
B1. Precisely Oct 2021 Forecasts (2019 based)	C1. No change	£183.9	£200.8	£209.4	£224.2	£202.8	£202.8	£202.8	£202.8	-£18.9m	-£2.1m	£6.6	£21.4
	C2. Increase sales densities by Experian Nov 2020	£183.9	£200.8	£209.4	£224.2	£202.8	£220.5	£243.2	£267.3	-£18.9m	-£19.7m	-£33.8m	-£43.1m
B2. Experian Feb 2022 Forecasts RPN 19	C1. No change	£204.0	£227.7	£253.1	£285.0	£202.8	£202.8	£202.8	£202.8	£1.1	£24.8	£50.3	£82.1
	C2. Increase sales densities by Experian Nov 2020	£204.0	£227.7	£253.1	£285.0	£202.8	£220.5	£243.2	£267.3	£1.1	£7.2	£9.9	£17.6
SECTOR: BULKY GOODS		Available Expenditure				Average Turnover				Notional Capacity			
Growth Scenario	Sales Density Scenario	2021	2025	2030	2035	2021	2025	2030	2035	2021	2025	2030	2035
B1. Precisely Oct 2021 Forecasts (2019 based)	C1. No change	£55.77	£60.86	£63.27	£67.61	£53.71	£53.71	£53.71	£53.71	£2.06	£7.15	£9.56	£13.90
	C2. Increase sales densities by Experian Nov 2020	£55.77	£60.86	£63.27	£67.61	£53.71	£58.38	£64.39	£70.78	£2.06	£2.48	-£1.12m	-£3.17m
B2. Experian Feb 2022 Forecasts RPN 19	C1. No change	£65.38	£72.95	£81.15	£91.41	£53.71	£53.71	£53.71	£53.71	£11.67	£19.24	£27.44	£37.70
	C2. Increase sales densities by Experian Nov 2020	£65.38	£72.95	£81.15	£91.41	£53.71	£58.38	£64.39	£70.78	£11.67	£14.57	£16.76	£20.63

Figure 4.7: Quantitative Retail Deficiencies: Simplified Analysis by Zones

ANALYSIS FOR STUDY ZONES (Zone figures exclude tourism expend)		Available Expenditure				Average Turnover				Notional Capacity			
Current Position Re Zones: Experian Assumptions (B2C2) - Excl Tourism		2021	2025	2030	2035	2021	2025	2030	2035	2021	2025	2030	2035
ZONE 1	Conv	£54.52	£54.83	£55.22	£56.32	£132.43	£132.60	£133.46	£134.86	-£77.91m	-£77.76m	-£78.24m	-£78.54m
	G Comp	£46.71	£53.55	£60.36	£69.64	£137.89	£149.89	£165.33	£181.74	-£91.18m	-£96.33m	-£104.97m	-£112.09m
	BG	£15.59	£17.87	£20.14	£23.24	£45.64	£49.61	£54.72	£60.15	-£30.05m	-£31.74m	-£34.58m	-£36.91m
ZONE 2	Conv	£32.82	£31.60	£30.55	£29.62	£3.17	£3.17	£3.18	£3.21	£29.66	£28.43	£27.36	£26.40
	G Comp	£32.39	£35.54	£38.45	£42.18	£0.77	£0.84	£0.92	£1.01	£31.62	£34.71	£37.53	£41.16
	BG	£8.93	£9.81	£10.61	£11.63	£0.11	£0.12	£0.13	£0.14	£8.83	£9.69	£10.48	£11.49
ZONE 3	Conv	£41.16	£40.49	£41.55	£42.20	£44.86	£44.86	£45.09	£45.50	-£3.70m	-£4.37m	-£3.54m	-£3.30m
	G Comp	£36.77	£41.24	£47.36	£54.42	£25.06	£27.24	£30.04	£33.03	£11.72	£14.00	£17.32	£21.39
	BG	£11.30	£12.67	£14.55	£16.72	£3.94	£4.29	£4.73	£5.20	£7.36	£8.39	£9.83	£11.53
ZONE 4	Conv	£18.50	£17.73	£17.51	£17.23	£9.75	£9.75	£9.80	£9.88	£8.75	£7.99	£7.72	£7.35
	G Comp	£16.03	£17.52	£19.36	£21.55	£1.87	£2.03	£2.24	£2.47	£14.15	£15.48	£17.12	£19.08
	BG	£5.33	£5.83	£6.44	£7.17	£0.06	£0.07	£0.08	£0.08	£5.27	£5.76	£6.37	£7.09
ZONE 5	Conv	£18.96	£18.40	£17.96	£17.52	£9.26	£9.26	£9.31	£9.39	£9.70	£9.14	£8.65	£8.13
	G Comp	£15.54	£17.20	£18.78	£20.73	£1.85	£2.02	£2.22	£2.44	£13.69	£15.18	£16.56	£18.28
	BG	£5.46	£6.05	£6.60	£7.29	£0.25	£0.28	£0.30	£0.33	£5.21	£5.77	£6.30	£6.95
ZONE 6	Conv	£18.24	£17.48	£16.84	£16.28	£25.97	£26.00	£26.17	£26.44	-£7.73m	-£8.52m	-£9.33m	-£10.16m
	G Comp	£14.68	£16.05	£17.29	£18.91	£14.98	£16.29	£17.96	£19.75	-£0.30m	-£0.24m	-£0.67m	-£0.83m
	BG	£5.16	£5.64	£6.08	£6.65	£1.89	£2.06	£2.27	£2.50	£3.27	£3.58	£3.81	£4.15
ZONE 7	Conv	£35.88	£34.72	£34.55	£34.31	£40.93	£40.93	£41.13	£41.50	-£5.04m	-£6.21m	-£6.58m	-£7.19m
	G Comp	£27.97	£30.85	£34.36	£38.60	£18.94	£20.59	£22.71	£24.96	£9.03	£10.26	£11.65	£13.63
	BG	£10.40	£11.47	£12.77	£14.35	£1.39	£1.51	£1.67	£1.83	£9.01	£9.95	£11.10	£12.51
ZONE 8	Conv	£11.91	£11.80	£11.51	£11.24	£4.28	£4.28	£4.30	£4.34	£7.63	£7.53	£7.21	£6.91
	G Comp	£13.90	£15.71	£17.14	£18.94	£1.48	£1.61	£1.77	£1.95	£12.42	£14.10	£15.36	£16.99
	BG	£3.20	£3.62	£3.94	£4.36	£0.00	£0.00	£0.00	£0.00	£3.20	£3.62	£3.94	£4.36
ZONE 1+2+4	Conv	£105.84	£104.16	£103.29	£103.17	£145.35	£145.51	£146.44	£147.95	-£39.50m	-£41.35m	-£43.15m	-£44.78m
	G Comp	£95.13	£106.61	£118.18	£133.37	£140.53	£152.76	£168.50	£185.22	-£45.40m	-£46.14m	-£50.32m	-£51.85m
	BG	£29.86	£33.51	£37.20	£42.05	£45.81	£49.79	£54.93	£60.38	-£15.95m	-£16.29m	-£17.73m	-£18.33m
ZONE 1+2+4+5	Conv	£124.80	£122.57	£121.24	£120.69	£154.61	£154.77	£155.74	£157.34	-£29.81m	-£32.20m	-£34.50m	-£36.66m
	G Comp	£110.67	£123.81	£136.96	£154.09	£142.38	£154.77	£170.72	£187.66	-£31.72m	-£30.96m	-£33.76m	-£33.57m
	BG	£35.32	£39.55	£43.80	£49.33	£46.06	£50.07	£55.23	£60.71	-£10.74m	-£10.52m	-£11.43m	-£11.38m
ZONE 1+2+4+5+8	Conv	£136.71	£134.37	£132.75	£131.93	£158.88	£159.05	£160.04	£161.68	-£22.18m	-£24.68m	-£27.29m	-£29.75m
	G Comp	£124.57	£139.52	£154.10	£173.03	£143.86	£156.38	£172.49	£189.61	-£19.30m	-£16.86m	-£18.39m	-£16.58m
	BG	£38.52	£43.17	£47.74	£53.69	£46.06	£50.07	£55.23	£60.71	-£7.54m	-£6.90m	-£7.49m	-£7.02m

4.21 Figure 4.6 identifies that, whichever forecast scenario is adopted, for Moray as a whole there is no quantitative retail deficiency by 2035 for convenience goods. The situation is different for both general comparison and bulky goods:

- For general comparison there is very wide diversion in the assessments such that, by 2035, scenario B2C1 identifies a substantial quantitative deficiency whereas B1C2 identifies that there remains a significant excess of existing floorspace (at average sales densities) compared to available expenditure.
- For Bulky Goods all scenarios identify a quantitative retail deficiency up to 2030 and three for the period to 2035. Again there is wide variation in the level of deficiency identified, particularly in the later years of assessment.

4.22 **General Comparison and Bulky Goods.** The wide variation in forecasts, especially for comparison goods, reflects the enormous uncertainty in future expenditure for these goods and, as a result of this, it is considered that only limited weight can be given to the forecasts for 2030 and 2035.

4.23 Figure 4.7 identifies the deficit or surplus of expenditure compared to notional average turnover for each Zone. Given the concentration of retail floorspace within Elgin (in each of the City Centre, Edgar Road area and also elsewhere within Elgin) the Figure identifies a large deficit of expenditure within Zone 1 whereas for all other zones there is a notional surplus of expenditure. Nonetheless, at a Moray-wide level of analysis, there is a clear implication that there is, and will continue to be, a significant quantitative retail deficiency for both general comparison and bulky goods within Moray. The analysis provided in both Section 3 has identified that, from a market perspective, any demand for additional comparison floorspace is most likely to be directed to Elgin rather than to other towns or locations within Moray.

4.24 **Convenience Goods.** The position for convenience goods differs from that of comparison goods. Figure 4.6 identifies an overall deficit of expenditure compared to average turnover yet Figure 6.2 shows that this is not evenly spread across the model zones. This shows that there is a very large deficit of expenditure in Elgin (Zone 1) but a surplus of expenditure (floorspace deficiency) in the surrounding rural areas (Zones 2, 4, 5 and 8). In effect this is demonstrating the wide catchment area for both Elgin City Centre and Edgar Road extending well beyond the City into nearby rural areas (this is demonstrated in Figures 5.8 and 5.44 below). For this reason Figure 4.7 also examines various combinations of rural zones with Zone 1 – this shows that, when one considers the catchment areas of the large Elgin foodstores there remains an expenditure deficit (i.e. surplus of existing floorspace) throughout the study period.

4.25 The conclusion from this is that, using this analysis, there is no quantitative retail deficiency for convenience goods within Moray as a whole or for any individual part of Moray.

#### *Analysis Allowing for Changes in Expenditure Flows*

4.26 The analysis in Figures 4.6 and 4.7 assumes there is no change in expenditure inflows or leakage from Moray. As such it can be criticised in that it assumes conditions remain static which is highly unlikely given the nature of change within retailing. One alternative approach is to adopt an optimistic assumption that it would be possible to increase net inflows of expenditure. This approach is typically adopted by Roderick MacLean Associates in their “optimistic” scenarios for calculating retail capacity for convenience goods planning authorities in Scotland. This approach requires a disaggregation of expenditure identifying outflows and inflows of expenditure for goods categories. This information is available from the SRM. The calculation of quantitative retail deficiencies using this type of approach is provided in Figure 4.8. The key difference in this approach is that, at steps (d) and (e) in

Figure 4.8 it has been assumed that there will be opportunities to reduce leakage and increase inflows of expenditure. It should be stressed that there is no basis from the SRM as to the extent to which these expenditure flows can be altered.

4.27 Figure 4.8 only considers the position for Moray as a whole using the central forecast adopted for the SRM (B2C2). This analysis identifies:

- Convenience goods: for Moray as a whole, even with the optimistic scenario, there is no quantitative retail deficiency even up to 2035.
- General Comparison Goods: there is a significant quantitative retail deficiency for all time periods up to 2035 for both the low and high forecasts.
- Bulky Comparison Goods: there is a significant quantitative retail deficiency for all time periods up to 2035 for both the low and high forecasts.

4.28 This, modified approach to assessing retail deficiencies, confirms the findings of the simplified assessment considered above.

### **Qualitative Deficiencies**

4.29 Access to retail and leisure facilities can be considered to be an important factor in assessing the presence of qualitative deficiencies. For convenience goods qualitative deficiencies can reflect the absence of important subsectors of retailing (such as convenience-format stores, discounters, freezer centres, other specialist stores or superstores) and the age/quality of the stores within a local area. In this way proposals for new investment to upgrade, expand or relocate existing older units may provide opportunities for improving the quality of provision, especially where the existing stock is limited. The diversity of both the comparison goods and leisure sectors renders it more difficult to consider deficiencies and consideration should also be given to the size of the settlement/community under consideration i.e. one should accept that a small community is unlikely to have immediate access to the full range of retail and leisure facilities. This is complicated by the fact that it is a matter of judgement and perspective as to what would be consider acceptable levels of accessibility – in Moray most principal communities have direct access by public transport to Elgin although there will be many that consider the level of public transport provision to be insufficient and that rural areas may not have good accessibility to the full range of retail and leisure (and other) facilities and services. Recognising these limitations the following should be noted:

- Within Elgin as a whole there is a wide choice of retail and leisure facilities including located within the City Centre and within the Edgar Road area. Public leisure facilities are also available within/on the edge of the urban area.
- For convenience goods all principal subsectors are present within Elgin and, for most, there is a choice of more than one retailer for each category.
- Outwith Elgin in the principal towns of Buckie, Forres and Keith each town has one principal supermarket (all operated by Tesco), smaller stores operated by the Co-op and other and Buckie and Forres have discount foodstores.
- For these principal towns the range of comparison goods shops is more limited although most day-to-day needs for comparison goods are available within each town. The offer in Keith is, however, more restricted than for Buckie or Forres. Each town has a limited range of commercial leisure facilities (notably for eating/drinking-out and health & beauty).

**Figure 4.8: Quantitative Retail Deficiencies – Modified Analysis (RMA Approach)**

	2021			2025			2030			2035		
	Conv	G Comp	BG	Conv	G Comp	BG	Conv	G Comp	BG	Conv	G Comp	BG
Resident's Expenditure Potential	£232.0	£204.0	£65.4	£227.1	£227.7	£72.9	£225.7	£253.1	£81.1	£224.7	£285.0	£91.4
Add inflows (incl tourists)	£14.1	£23.5	£4.1	£14.0	£25.6	£4.5	£14.0	£27.8	£4.8	£14.2	£30.5	£5.3
	6.1%	11.5%	6.2%	6.2%	11.2%	6.1%	6.2%	11.0%	6.0%	6.3%	10.7%	5.8%
Less Outflows	-£6.9m	-£26.5m	-£7.0m	-£6.7m	-£35.2m	-£8.7m	-£6.8m	-£46.8m	-£11.0m	-£6.8m	-£60.9m	-£13.8m
	-3.0%	-13.0%	-10.6%	-3.0%	-15.5%	-11.9%	-3.0%	-18.5%	-13.5%	-3.0%	-21.4%	-15.1%
Retained Expenditure (turnover)	£239.2	£201.0	£62.5	£234.3	£218.0	£68.7	£233.0	£234.1	£75.0	£232.1	£254.6	£83.0

	2021-2025			2021-2030			2021-2035		
	Conv	G Comp	BG	Conv	G Comp	BG	Conv	G Comp	BG
(a) Current under (-) or over-(+) trading	-£31.4m	-£1.8m	£8.8	-£31.4m	-£1.8m	£8.8	-£31.4m	-£1.8m	£8.8
(b) Growth in retained expenditure	-£4.9m	£16.9	£6.2	-£6.3m	£33.0	£12.5	-£7.2m	£53.5	£20.5
(c) Less Planning Commitments									
<b>Low Estimate</b>	<b>-£36.3m</b>	<b>£15.1</b>	<b>£15.0</b>	<b>-£37.7m</b>	<b>£31.2</b>	<b>£21.3</b>	<b>-£38.6m</b>	<b>£51.7</b>	<b>£29.2</b>
(d) Add Potential to reduce outflow									
Assume Clawback of Leakage									
30% conv; 15% GC & BG	£2.0	£5.3	£1.3	£2.0	£7.0	£1.6	£2.0	£9.1	£2.1
(e) Add: potential to increase inflow									
20% conv; 5% GC & BG	£2.8	£10.1	£3.1	£2.8	£10.9	£3.4	£2.8	£11.7	£3.7
<b>High Estimate</b>	<b>-£31.5m</b>	<b>£30.5</b>	<b>£19.4</b>	<b>-£32.8m</b>	<b>£49.2</b>	<b>£26.3</b>	<b>-£33.7m</b>	<b>£72.6</b>	<b>£35.0</b>

- In smaller settlements, the range and choice for convenience, comparison and leisure is more restricted. This reflects the smaller settlements and markets that are served. In the following settlements it is considered that the principal deficiency concerns the lack of small supermarket/large convenience format store: Aberlour; Dufftown; Fochabers; and Rothes. Larger stores are not expected to be supported by the market areas served by these settlements.

### Market Potential

4.30 *Comparison Goods*. The review set out in Section 3 identified that:

- For many multiple retailers the review of the existing portfolio could result in closures, especially in mid-sized centres such as Elgin in favour of concentration in largest centres.
- There continues to be strong growth from non-food discounters – the preferred location will continue to be locations with easy vehicular access and parking.
- Bulky goods retailing is linked closely to the strength of the housing market, particularly nationally.

4.31 These, relatively short-term, market considerations would diverge from the quantitative retail deficiency assessment set out above. The implication is that, generally, there is likely to be *reduced* demand for space within Elgin City Centre but, potentially, increased demand for space at Edgar Road and also, other out-of-centre locations such as along the A96. In general there is likely to be limited change in provision in the other town centres with comparison retail primarily serving local markets.

4.32 *Convenience Goods*. The review has highlighted that, in general, there is unlikely to be further demand for major superstores – the only foreseeable possibility would be a major operator seeking to enter the Moray market at a prime location in Elgin. This is, however unlikely given the limited overall size of the market and the established presence of both ASDA and Tesco. Each of the remaining towns has well established supermarkets and also discounters (Forres and Buckie). The limited size of these local markets would indicate that new entrants are unlikely. Similarly, although there is limited provision in the smaller towns and villages (notably Lossiemouth, Fochabers and Speyside) markets are limited. The greatest potential is for an operator such as the Co-op looking at developing stores in the region of 500-1000 sq m GFA size in place of existing smaller stores. A further key factor is pressure from existing foodstore operators that see existing units as constrained (e.g. from limited parking) who would have aspirations to relocate to provide modern foodstores typically in easily accessible out-of-centre locations, For example M&S Food have published that their store requirements include a new store for Elgin with a preference for edge of centre or out of town.

4.33 *Leisure and Services*. Section 3 noted that the leisure sector is diverse and is based on discretionary spend but has grown rapidly and is expected to grow strongly in the long term. Space requirements are varied and a significant proportion of this is expected to be directed to Elgin City Centre and the other principal town centres within Moray. Tourism is also strong which should support requirements throughout Moray, particularly in the towns and Speyside. Leisure and tourism has the potential to take space released by retail units closing in centres.



## Conclusions

4.34 The conclusions from the analysis of deficiencies are:

### *Convenience Goods*

- At the Moray level of analysis no quantitative nor qualitative retail deficiency is identifiable.
- For individual towns/zones the principal quantitative deficiencies identified concerned the Speyside towns/villages, Lossiemouth and Fochabers. However, each of these areas is within the catchment area for the superstores located in Elgin.
- Qualitative retail deficiencies in terms of lack of small supermarket/large convenience-format store are identified for Aberlour, Dufftown, Fochabers and Rothes.
- It is noted that there could be possible requirements for operators not present within Moray to seek locations in Elgin although this is considered unlikely. More significant could be from existing operators with what are considered to be suboptimal units to relocate to more commercially attractive units.

### *Comparison Goods*

- At the Moray level and for individual towns significant quantitative retail deficiencies are identified although the scale identified varies considerably according to which growth scenario is considered. As a result caution is required when considering the scale of deficiencies identified for 2030-35.
- However, market demand is unlikely to support the scale of deficiency identified. Current trends indicate that, rather than increase demand for space within Elgin town centre, multiple retailers are more likely to reduce space occupied.
- In the other principal town centres there is low likelihood of any significant change in comparison space provision.

### *Leisure Space*

- In the long term demand for commercial leisure space is expected to grow significantly in both Elgin City Centre, other locations in Elgin (out-of-centre) and in the other principal towns. Increased demand for leisure and other service uses has the potential to offset the decline in comparison goods retailing, which could be particularly significant in Elgin City Centre.
- There is also the significant potential for additional leisure space to serve the long term growth of tourism throughout Moray including the principal towns and Speyside area.

## 5 Review of Centres

### Introduction

5.1 This section provides a review of each of the principal city, town and commercial centres within Moray. It sets out:

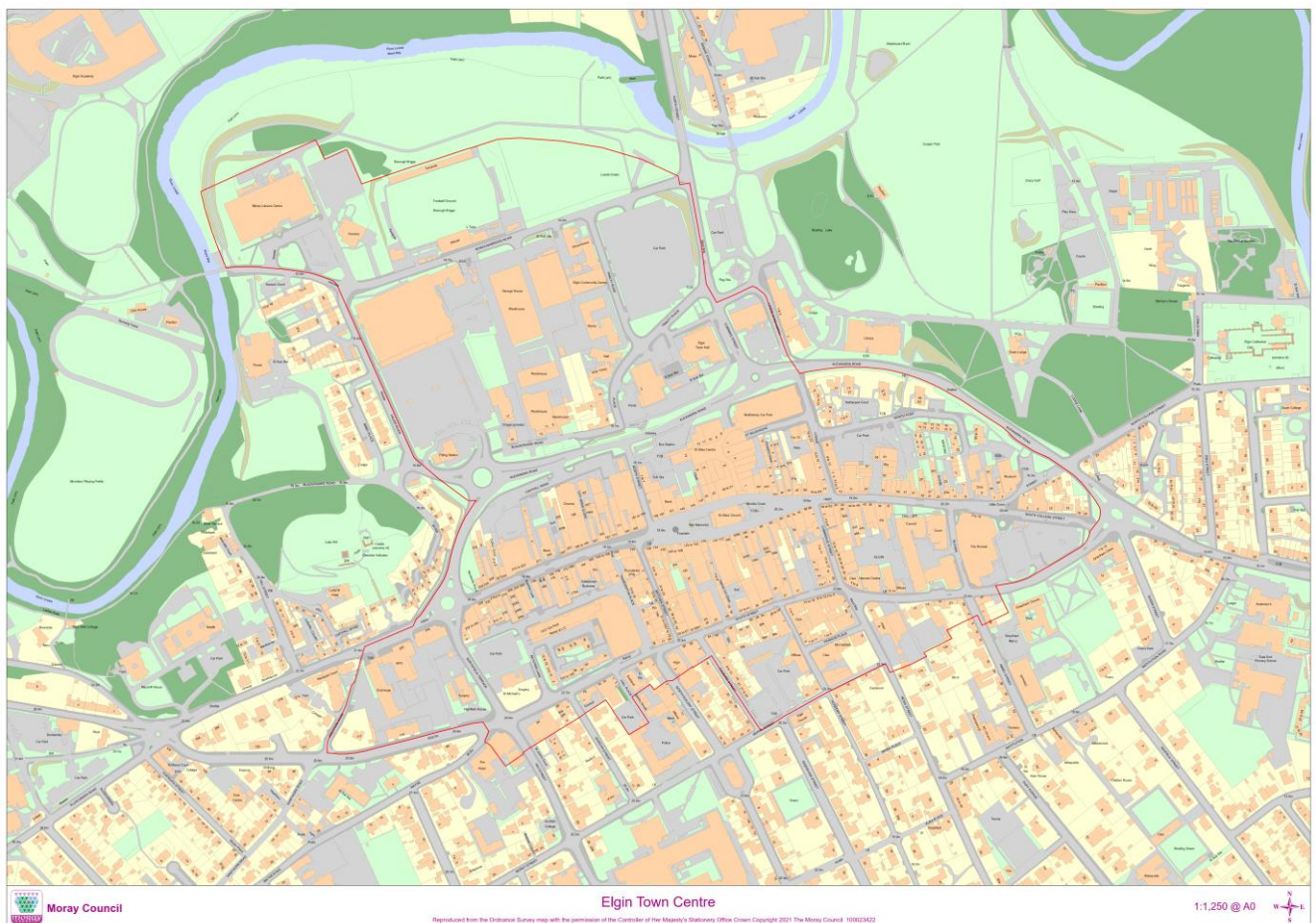
- A description of the land use, floorspace and retail turnover.
- A town centre health check including identification of changes over time.
- An overview of the catchment area and market penetration of each centre for principal categories of retail goods.
- Forecasts of future turnover for these goods categories based on different model scenarios.

### Elgin City Centre: Space in Use and Health Check

#### Definition of City Centre

5.2 Figure 5.1 identifies the extent of the City Centre as defined in the LDP.

**Figure 5.1: Elgin City Centre**



## Space in Use

### *Numbers of Units by Type*

- 5.3 Figure 5.2 sets out information on the numbers of units and space by type of retail and leisure/service use in accordance with the categories identified in Goad town centre reports. This covers the period 2010 to 2021. It should be noted that it is not always evident from visual inspection as to precisely which category a business/unit is most appropriate which accounts for some of the variation between different surveys.

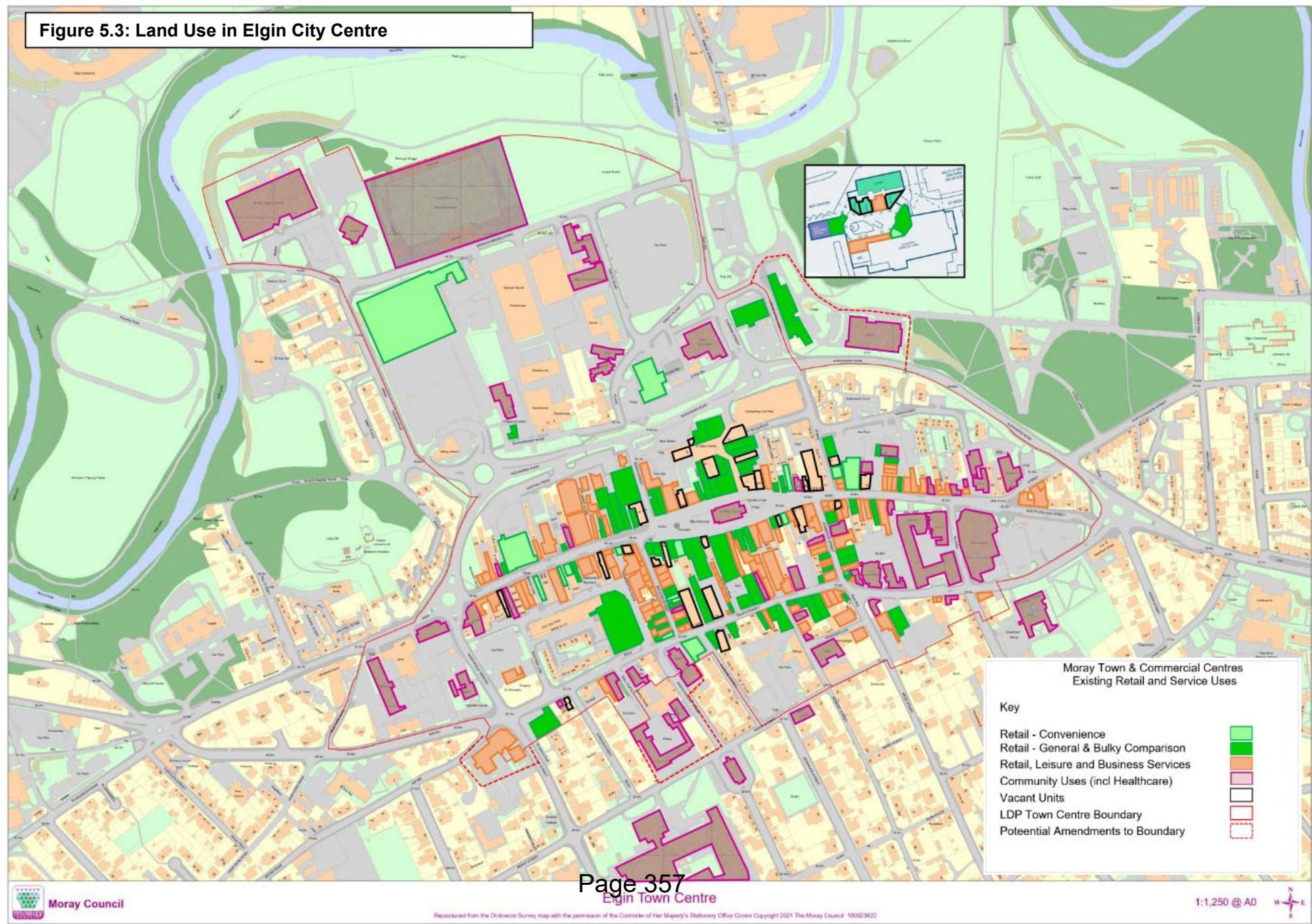
**Figure 5.2: Elgin City Centre – Types of Use 2010-21**

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	98	94	86	86	90	82	82
Convenience	24	22	18	18	19	19	16
Retail Services	44	46	45	47	51	43	55
Leisure Services	70	67	67	65	65	56	61
Business and Financial Services	46	49	48	39	38	27	26
Vacant	15	25	39	36	25	40	32
<b>TOTAL</b>	<b>297</b>	<b>303</b>	<b>303</b>	<b>291</b>	<b>288</b>	<b>267</b>	<b>272</b>
TYPES OF RETAIL/SERVICE UNITS	FLOOR AREA (Sq M)						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 GRA/HPL
Comparison	22296	27209	23865	23766	24300	19249	28338
Convenience	17471	16009	15570	15683	15728	11734	10293
Retail Services	4676	7157	5088	4598	4847	3855	17460
Leisure Services	16419	15631	16283	15868	16332	12114	
Business and Financial Services	6564	8923.5	8848	8357	8141	3475	
Vacant	2722	5204	7520	23766	6127	8231	6546
<b>TOTAL</b>	<b>70148</b>	<b>80132</b>	<b>77174</b>	<b>92037</b>	<b>75474.8</b>	<b>58658</b>	<b>62637</b>

- 5.4 Figure 2.3 identifies the general distribution of retail, service, community and vacant uses within the City Centre (in this figure retail, leisure and business/financial services are combined).



Figure 5.3: Land Use in Elgin City Centre



*Multiple Retailers*

- 5.5 The 2021 survey identified national and regional multiple retailers for retail goods shops only (i.e. excluding café/restaurant and other service brands). In total 32 multiples were identified which is 33% of retailer goods operators. This is a typical level of multiple representation for a centre of this size.

*Additional Facilities and Services*

- 5.6 The City Centre provides an extensive range of additional facilities and services including:

- Library
- Town Hall
- Churches + Halls (8+)
- Driving Test Centre
- Job Centre+
- Football Club and stadium
- Nursery
- Registrar's Office
- MSP Office
- Newspaper offices
- Film/recording studio
- Grampian Housing Association
- Clubs (4+)
- Clinics (3+)
- The Warehouse@EYC (Youth Club)
- Dentists
- Citizens Advice Bureau
- Moray Council offices
- Samaritans
- Sheriff Court
- Museum
- Business Gateway
- Arrows/Quarriers
- Music school/Play Centre
- Driver Training Centre
- Cinema
- Community Support:
  - NE Financial Planning
  - Cornerstone
  - Inspire
  - Pluscarden Abbey Appeal Centre
  - Cancer support
  - Moray Food Plus

*Changes over Time*

- 5.7 Examination of Figure 5.2 shows that, for the period 2010 to 2018 the number of retail and service units was broadly constant in the region of 290-300 units but with a net increase in total floorspace. The 2020/21 surveys identified a reduction in both numbers of units and commercial floorspace. However, it is not possible to confirm whether or not this represents a significant change in the City Centre – in particular the 2020/21 surveys were undertaken by different organisations (i.e. Goad and HPL) both of which will have less intimate knowledge of the City Centre (and therefore have the potential to miss smaller units) and may also reflect short-term impacts associated with the Covid-19 lockdowns. Another significant factor at the time of survey were the works in progress for 161-163 High Street – since this building is undergoing redevelopment the 20/21 surveys would not have included it in the survey.
- 5.8 Figure 5.2 identifies some variation in numbers and space for different types of retail/service categories for the period 2010-2018 but there are no clear and strong trends emerging for this time period. There is a slight reduction in retail goods units for 2010-18 but this is not reflected in floorspace. This lack of strong shift away from retail goods shopping could be interpreted as a positive feature in that the long term trends across the country as a whole are for a steady shift away from retail goods shops (i.e. convenience and comparison) to retail and leisure services. The most recent survey information for 2020 and 2021 identifies a significant reduction in retail and service floorspace. This may reflect short term pandemic related factors or a more significant reduction in floorspace.

**Vacancies***Vacancy Rates*

- 5.9 Figure 5.2 also set out information on vacancies within Elgin City Centre. In 2021 the vacancy rates were:
- Number of units: 2020 (Goad) 15%; 2021 (HPL) 12%
  - Floor area: 2020 (Goad) 14%; 2021 (GRA/HPL) 10%
- 5.10 Goad reported that, in September 2020 the UK national vacancy rate was 13.9% by number of units and 12.75% by floor area. This would suggest that, at that time, Elgin City Centre's vacancy rate was marginally above the UK average by both number and area of vacant units. The 2021 data would indicate a vacancy rate lower than the national average rate of vacancies by both number of units and floor area.

*Distribution of Vacancies*

- 5.11 Examination of Figure 5.3 shows that there are concentrations of vacancies in what could be considered to be the City Centre's prime retail areas: within the St Giles Centre; and in the western part of the High Street (both north and south sides). Given the prominence of these locations this may be a reason for the perception that Elgin City Centre has a high vacancy rate which is not supported by the quantitative data. Nonetheless, the fact that vacancies are in high profile locations has a significant negative impact on the image of the City Centre.

*Changes over Time*

- 5.12 Figure 2.2 does show that vacancies, in terms of percentage of numbers of units, has increased since 2010 with the main period of increase was 2010-2014 (increased from 5% to 13%) and has remained broadly within the



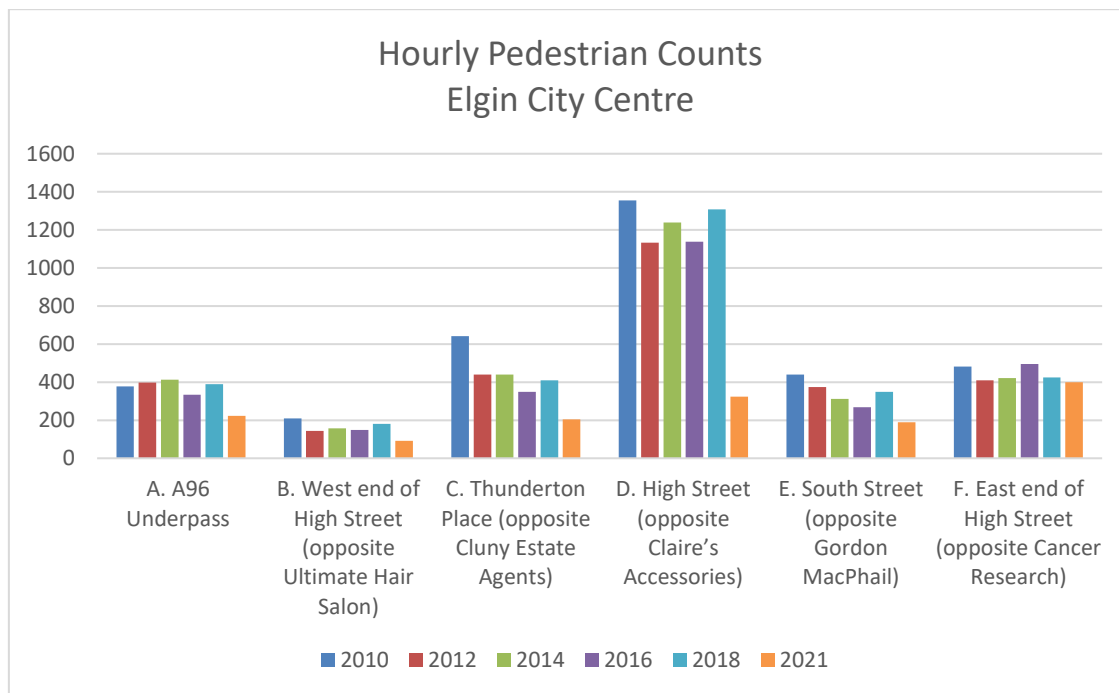
range of 10% to 15% since 2014. A similar pattern can be identified for vacant space but with a particularly high level identified in 2016 (at 26%) which subsequently reduced to 14% in Sept 2020. Vacancy floorspace using Assessor data identifies levels close to those identified in 2018.

### Pedestrian Flow

- 5.13 Pedestrian flow counts were undertaken at 5 locations within the City Centre (the same locations used by Moray Council in the biennial town centre health checks) on a Wednesday afternoon and Thursday morning. With the exception of location F, these all identified significant reductions in flows compared to 2018. Data for flows at each location for 2010 to 2021 are set out in Figure 5.4.
- 5.14 Limited weight can be given to the reductions from 2018 to 2021 because of the impact of Covid-19 lockdown restrictions still affecting behaviour patterns and also the timing of the surveys could also affect numbers surveyed. What is notable, however, is that location D, which is adjacent to the prime retail frontage and close to St Giles identified the largest drop in pedestrian numbers whereas peripheral locations experienced less dramatic falls in numbers.

**Figure 5.4: Pedestrian Flows – Elgin City Centre**

	Location	Average Hourly Ped Flows (10.00 - 17.00) Weekdays					
		2010	2012	2014	2016	2018	2021
A. A96 Underpass	A	377	397	413	333	390	222
B. West end of High Street (opposite Ultimate Hair Salon)	B	210	144	157	148	181	92
C. Thunderton Place (opposite Cluny Estate Agents)	C	642	440	439	349	410	205
D. High Street (opposite Claire's Accessories)	D	1354	1132	1239	1138	1308	323
E. South Street (opposite Gordon MacPhail)	E	440	374	312	269	349	190
F. East end of High Street (opposite Cancer Research)	F	481	409	421	496	424	400
	<i>Total</i>	3504	2896	2981	2733	3062	1432
Average Change (2010 = 100%)		100%	83%	85%	78%	87%	41%



## Commercial Property Market Indicators

### Prime Retail Rents

5.15 Due to Covid-19 restrictions few commercial transactions took place during 2020-21 from which Prime Zone A rents can be identified. In terms of properties being marketed the following Zone A equivalent rents are being sought:

- St Giles Centre: max £415 psm (range from £200 psm).
- High Street: max £285 psm
- Secondary locations: £150-£200 psm

5.16 An indication of the distribution of rental patterns can be identified from Regional Assessor information which identifies, as a base for determining rateable value, the following Zone A retail rents:

- St Giles Centre: £350 psm (range from £190 psm)
- High Street east: £155 psm
- High Street west: £200-£290 psm
- Commerce Street: £170-£200 psm
- South Street: £150 psm
- Batchen Street: £200 psm

## Indicators of Environmental Quality

5.17 The environmental character of Elgin City Centre varies significantly between the traditional city centre south of the A96 and the area north of the A96 which is characterised by large foodstores (Tesco and Aldi), industrial premises, the leisure centre and community civic buildings.

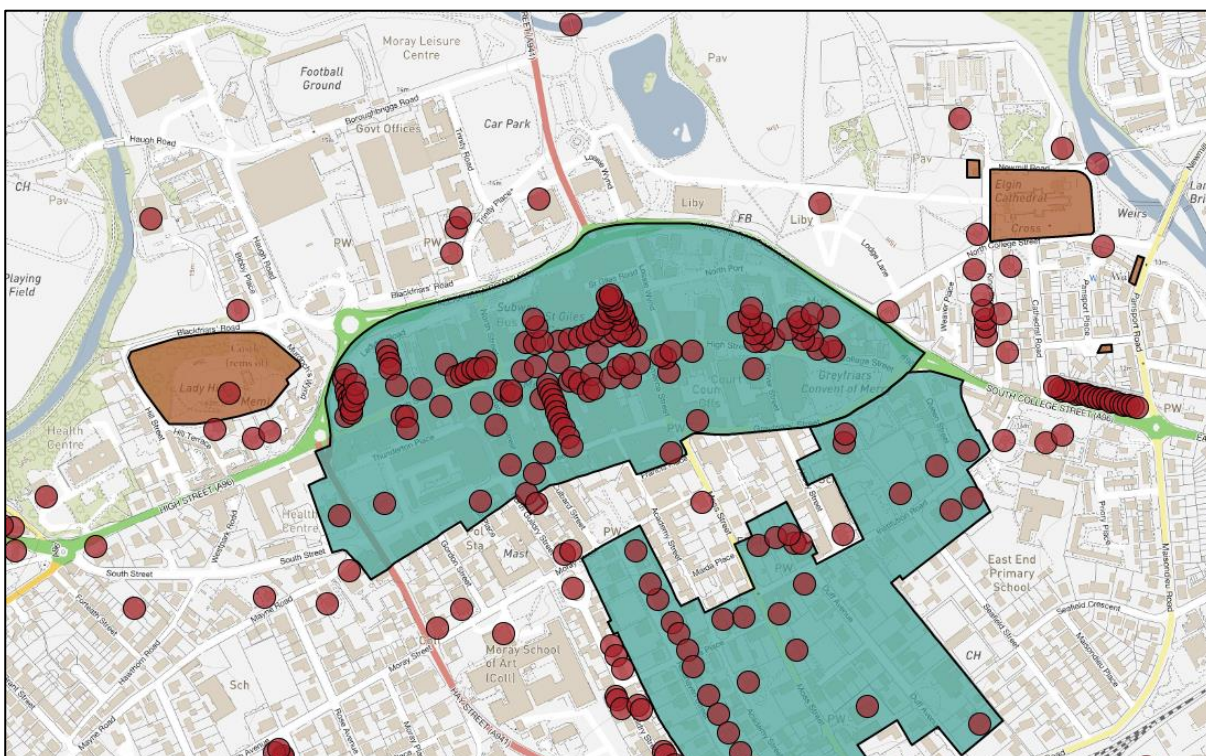


- 5.18 The traditional city centre presents a generally very high environmental quality with extensive pedestrianised areas and smaller streets with varied and intimate character. The high environmental quality of the city centre as a whole was also confirmed in responses to the In-Street survey but not in the household survey responses.

### *Heritage*

- 5.19 There are in excess of 150 listed buildings within the City Centre, four scheduled monuments close to the City Centre (although these are just outwith the boundary of the centre) and most of the defined City Centre is included within a Conservation Area – either in the Elgin High Street Conservation Area or Elgin South Conservation Area. Figure 5.5 indicates the location of these heritage designations.

**Figure 5.5: Elgin City Centre – Heritage Designations  
(Listed Buildings, Conservation Areas and Scheduled Monuments)**



### **Perceptions of the City Centre**

- 5.20 Information on attitudes towards the range and quality of facilities and services within the City Centre are available from the in-street and household surveys and limited information has also been provided by businesses who are members of the Elgin BID.

### *User Views of the City Centre*

- 5.21 Information on the views of users/visitors of the City Centre were provided from the In-Street survey. This identified that the most important strengths of the City Centre as a place to visit were its:

- Historic character and buildings
- Pedestrianised streets

- That it is not too crowded
- Range of places to eat

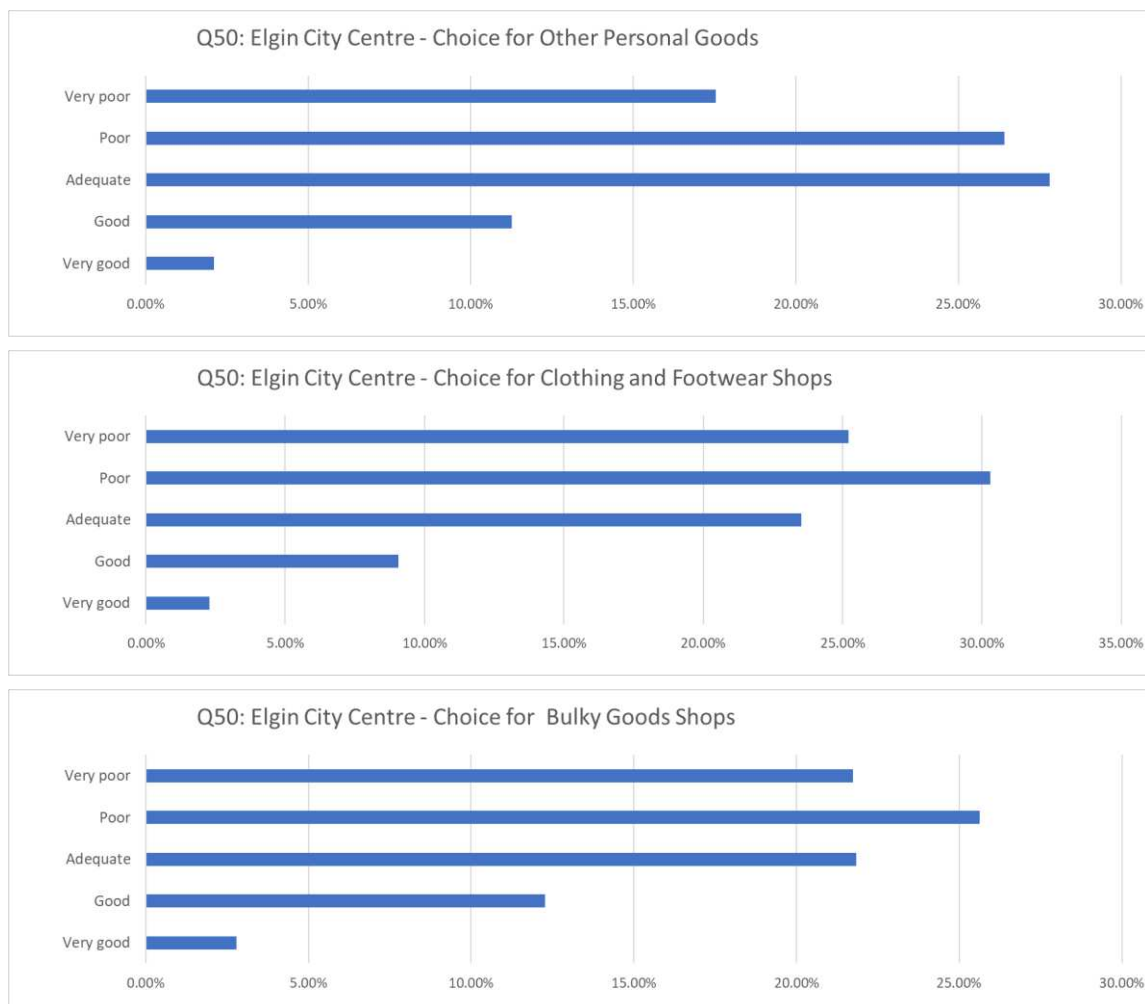
5.22 The biggest weaknesses of the City Centre were identified as:

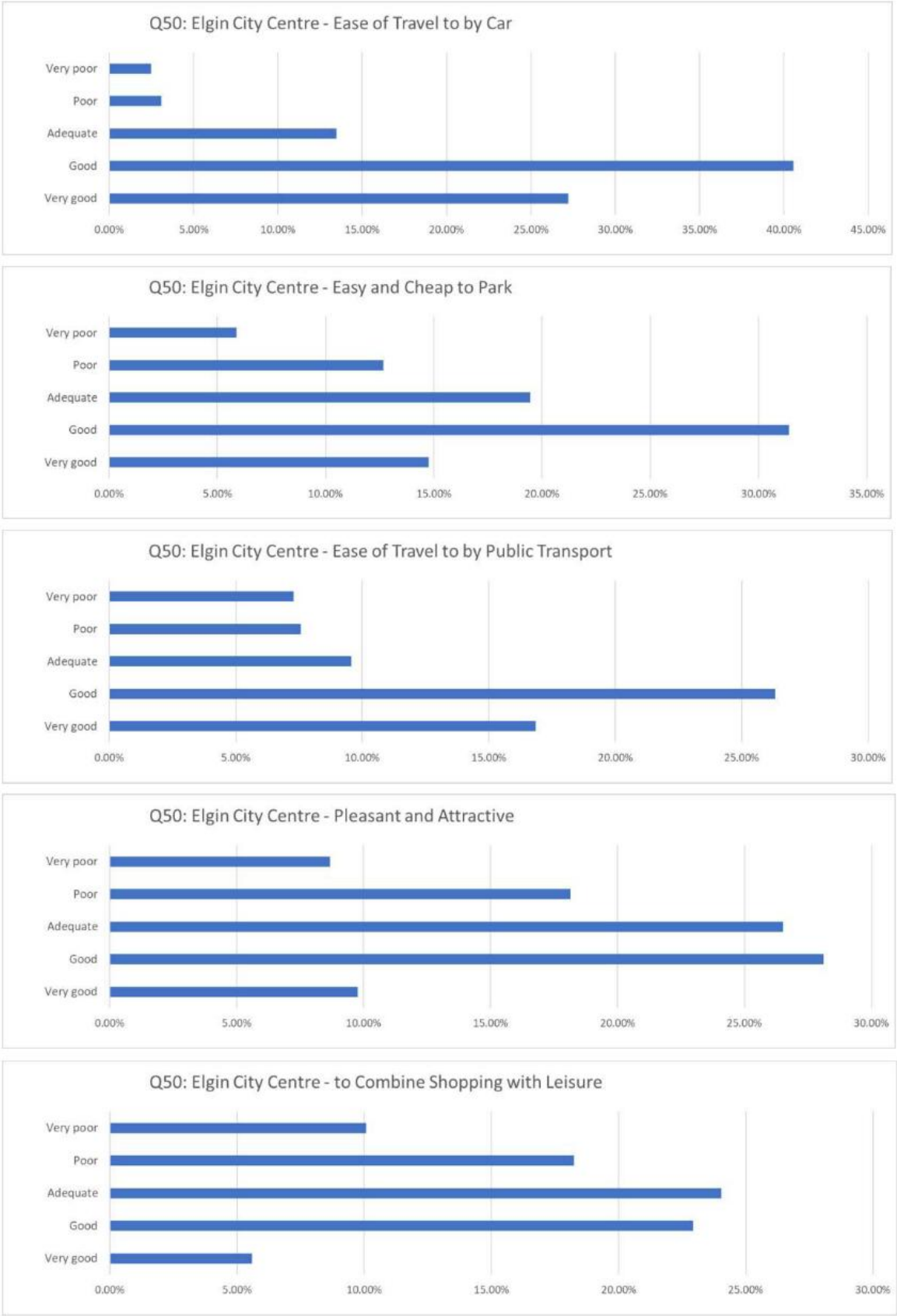
- Vacant shops and buildings
- Dirty shopping streets
- Lack of independent shops
- Cost of parking

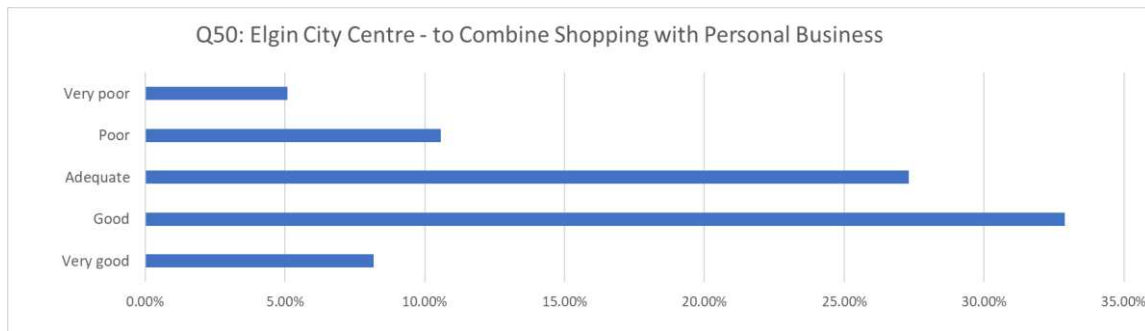
#### *Household Survey Perceptions of the City Centre*

5.23 Figure 5.6 sets out attitudes to characteristics of the City Centre from the household survey.

**Figure 5.6 Household Survey: Attitudes to Elgin City Centre**



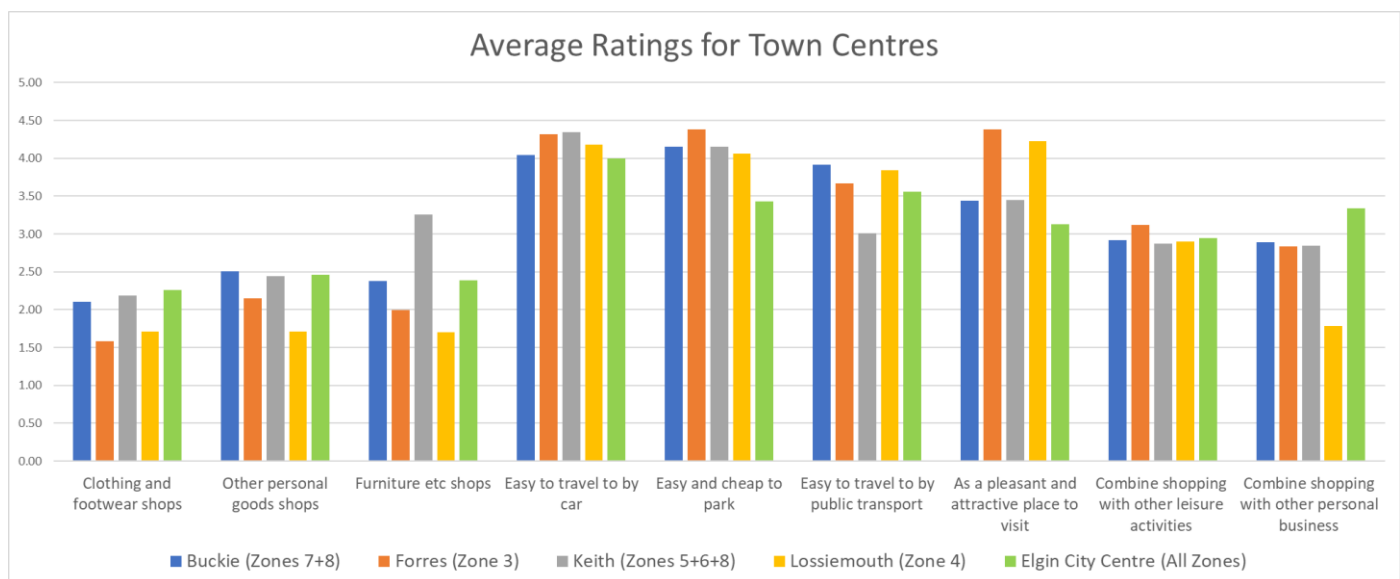




5.24 Figure 5.7 sets out the average “scores” for each of these criteria in comparison to other town centres in Moray where a score of 5 is “very good” and 1 is “very poor”.

**Figure 5.7: Comparison of City Centre Attributes to other Moray Town Centres**

	Buckie (Zones 7+8)	Forres (Zone 3)	Keith (Zones 5+6+8)	Lossiemouth (Zone 4)	Elgin City Centre (All Zones)	Average
Clothing and footwear shops	2.10	1.58	2.19	1.71	2.26	1.97
Other personal goods shops	2.51	2.15	2.44	1.71	2.46	2.25
Furniture etc shops	2.38	1.99	3.26	1.7	2.39	2.34
Easy to travel to by car	4.05	4.32	4.35	4.18	4	4.18
Easy and cheap to park	4.16	4.38	4.16	4.06	3.43	4.04
Easy to travel to by public transport	3.92	3.67	3.01	3.84	3.56	3.60
As a pleasant and attractive place to visit	3.44	4.38	3.45	4.23	3.13	3.73
Combine shopping with other leisure activities	2.92	3.12	2.87	2.9	2.95	2.95
Combine shopping with other personal business	2.89	2.84	2.85	1.78	3.34	2.74
Average across all Centres	3.15	3.16	3.17	2.90	3.06	3.09



5.25 In summary the principal findings are that:

- Shopping provision for comparison goods (all categories) is rated as “poor” to “adequate” by residents.
- Access to the City Centre by car (including for parking) and by public transport is identified as “adequate” to “good”.
- The City Centre is only identified as “adequate” as a pleasant and attractive place to visit.
- Ratings are “adequate” to “good” for the City Centre as a place to combine shopping with leisure or personal business activities.

#### *Views of Businesses*

5.26 Limited comments have been received from businesses. The principal comments received are that:

- existing businesses are expected to be sufficiently resilient to “survive” the effects of the pandemic although significant criticisms are been directed to the level of rates affecting businesses<sup>2</sup>. *It should be noted that rates are set nationally in terms of poundage rate and rateable values are identified by the Regional Assessor – both are outwith the direct control of the local authority.*
- There is a concern that action is needed to get shoppers/visitors back into the town centre but others consider that businesses are able to adapt to changing habits.
- Some consider that more active support could be given to help businesses through the BID.
- Particular concerns are with: policing; parking restrictions, cleanliness of the environment and vacant buildings.

#### **Conclusions**

5.27 The findings of the health check undertaken during 2021 must be considered to be atypical due to the effects of the ongoing pandemic and the impact that this has had on activity in town centres. However, at this stage it is evident that the vitality and viability indicators present a very mixed picture of the health of the centre:

- Vacancies are close to national averages but have increased significantly since 2010 (although not in recent years) and are concentrated in prime retail frontages on the High Street and St Giles Centre.
- There does appear to be a shift in changes in types of use, from retail goods shops to services, but not as strongly as seen in national trends.
- The centre does provide a balance between large scale modern foodstore units and traditional smaller units. The In-street survey confirms that there are important linkages between the two parts of the City Centre despite these being separated by the A96.
- Current market information suggests relatively weakness in prime rents – but it is not clear whether this is a longstanding issue or simply a reflection of the hiatus caused by Covid-19.
- The city centre’s historic and architectural character, together with attractive pedestrianised areas, are important contributors to the vitality of the centre and this is appreciated by users/visitors to the centre.
- Household interview responses are muted in the degree to which there are positive views of the City Centre. Whereas the centre is seen as easy to access/park the retail offer is identified as weak.

<sup>2</sup> It should be noted that rates are set nationally in terms of poundage rate or rateable values are identified by the Regional Assessor – both are outwith the direct control of the local authority.

## Elgin City Centre: Turnover, Catchment Area and Future Growth

### Turnover and Sales Densities

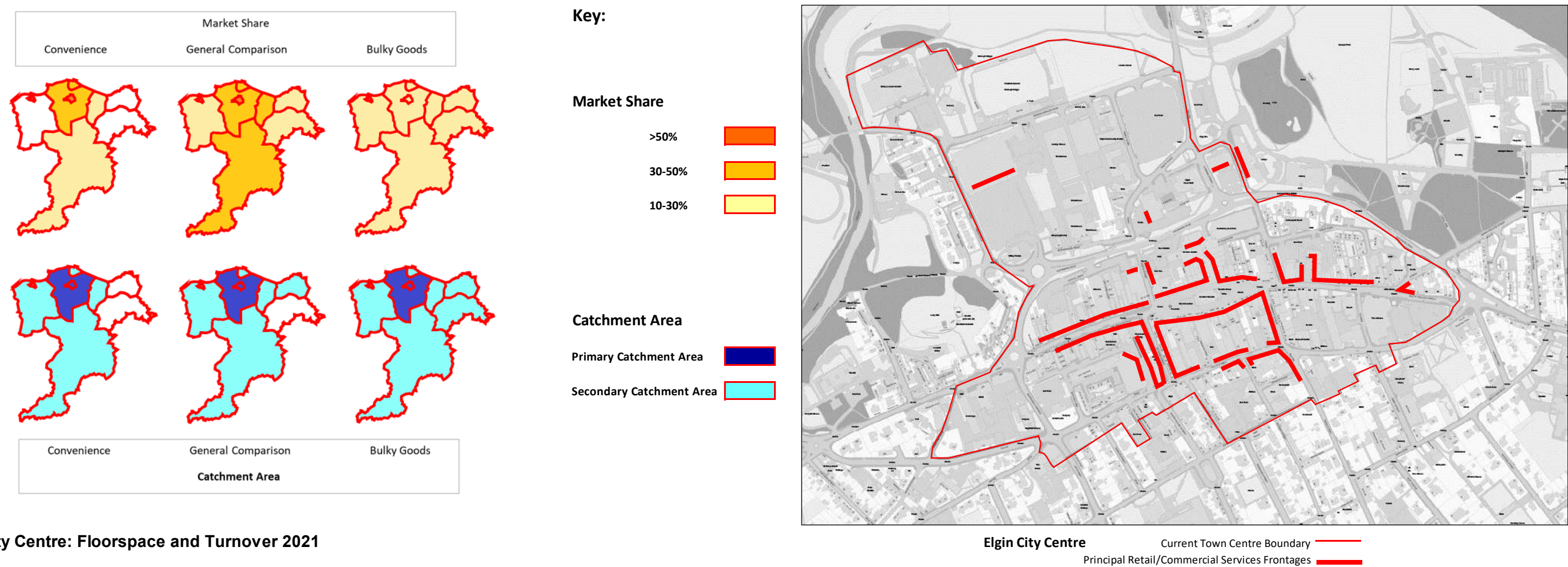
- 5.28 The Strategic Retail Model (central case scenario) identifies the number of units, gross and net floorspace and turnover for each of convenience goods, general comparison and bulky goods retail as follows:
- Convenience Goods: 16 units; 10,293 sq m GFA; 6585 sq m NFA (sales); and £62.38m turnover.
  - General Comparison Goods: 73 units; 23,895 sq m GFA; 14,505 sq m NFA (sales); and £80.48m turnover.
  - Bulky Comparison Goods: 9 units; 4,443 sq m GFA; 3,394 sq m NFA (sales); and £12.01m turnover.
  - Services: 142 units; 17,460 sq m GFA
  - Vacancies: 32 units; 6,546 sq m GFA
- 5.29 This confirms that, although general comparison goods is the largest category of retail floorspace within the centre it does not dominate floorspace, instead a significant proportion of space and turnover is for convenience goods (in particular reflecting the presence of each of Tesco, Aldi and M&S Foodhall within the town centre) and also a significant bulky goods offer within the town centre. The southern part of the town centre, south of the A96 is characterised by the traditional “High Street” with smaller units predominantly retailing general comparison goods whereas the area north of the A96 has mostly larger floorplate units for convenience and bulky goods. The in-street survey confirmed that these two parts are reasonably well linked with the underpass, over-bridge and at-grade crossing facilities.
- 5.30 The SRM also allows comparison between sales densities and national average densities. For convenience goods these are identified to be, in 2021, trading at 88% of national averages. For general comparison goods densities are similar at 90% average whereas bulky goods appear to be trading slightly above national average levels.
- 5.31 Caution is needed in interpreting these figures. National averages will include all principal retail locations within the UK, including high-cost areas such as locations within London and major City Centres. On this basis it would not be unreasonable to expect retail units in a town such as Elgin to trade at levels slightly below national averages and still achieving acceptable sales densities and for businesses to be adequately profitable.

### Catchment Area and Market Penetration

- 5.32 Figure 5.8 uses information from the SRM to identify the primary and secondary catchment areas (PCA and SCA) for Elgin City Centre and also the levels of market penetration for different goods categories. The figure also summaries other key information for the City Centre in 2021 including the location of principal retail frontages within the City Centre. The figure identifies that:
- For Convenience Goods: the centre has a clearly identifiable PCA comprising Elgin and the immediate rural areas around the City and a SCA comprising the southern and western parts of Moray and Lossiemouth. The SCA does not, however, extend into the Keith or Buckie areas. Market penetration levels are in the region of 30-50%+ within the PCA and but 10-30% in the SCA.
  - For General Comparison Goods: the centre has a clearly identifiable PCA similar to that identified for convenience goods but the SCA extends further east to include Buckie. Market penetration levels are similar to those identified for convenience goods.



Figure 5.8: Elgin City Centre – Key Retail Characteristics



Elgin City Centre

Current Town Centre Boundary

Principal Retail/Commercial Services Frontages

Elgin City Centre: Floorspace and Turnover 2021

	No.	Convenience				General Comparison				Bulky Goods				All Goods		
		GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
Elgin City Centre																
Retail Goods Shops	98	10293	6585	£9,473psm	£62.38m	23895	14505	£5,548psm	£80.48m	4443	3394	£3,538psm	£12.01m	38632	24484.33	£154.87m
Services	142													17460		
Vacant	32													6546		
TOTAL	272	10293	6585		£62.38m	23895	14505		£80.48m	4443	3394		£12.01m	62637.3		£154.87m

Changes in Numbers of Retail and Service Units over Time

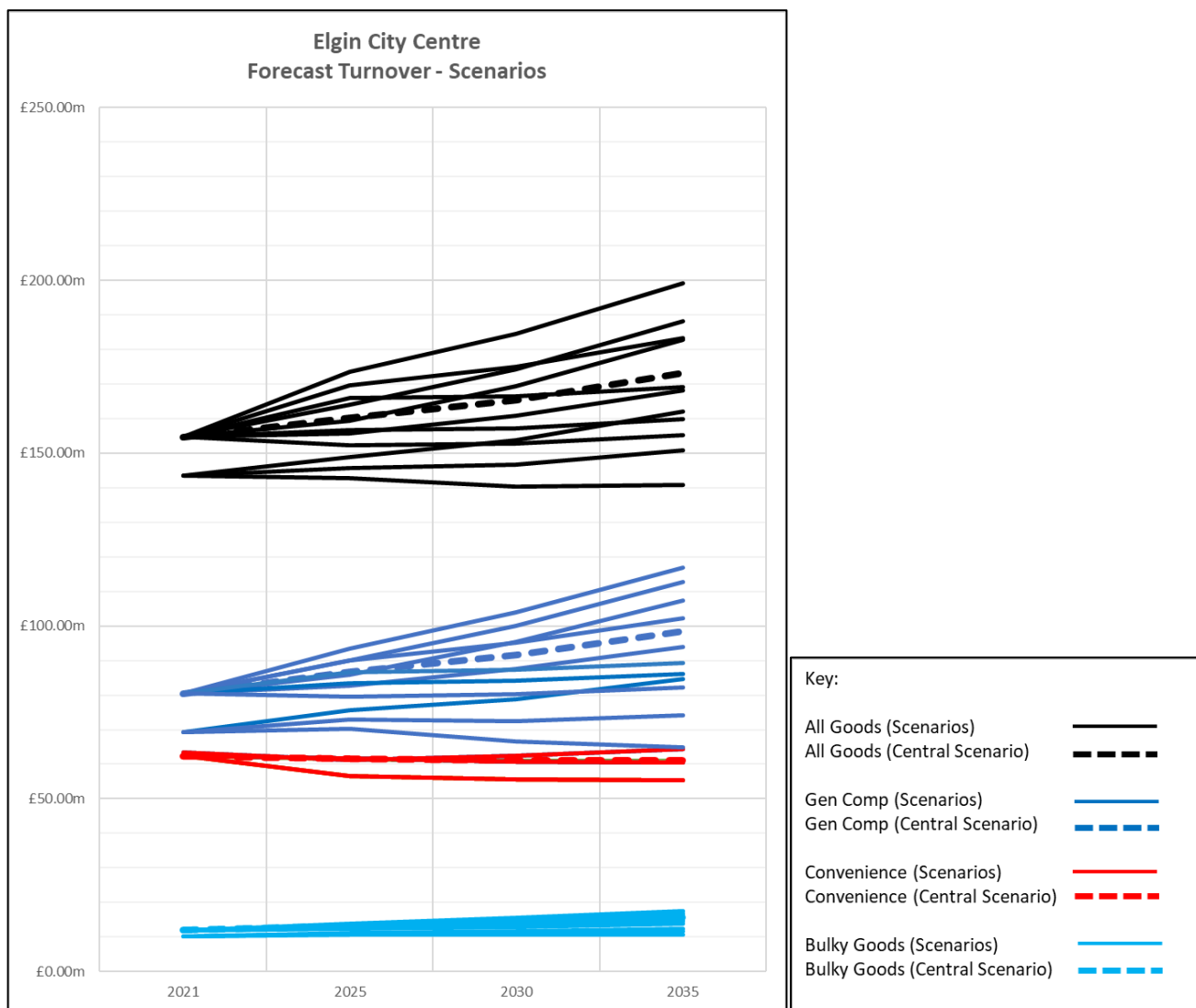
TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goat	2021 HPL
Comparison	98	94	86	86	90	82	82
Convenience	24	22	18	18	19	19	16
Retail Services	44	46	45	47	51	43	55
Leisure Services	70	67	67	65	65	56	61
Business and Financial Services	46	49	48	39	38	27	26
Vacant	15	25	39	36	25	40	32
TOTAL	297	303	303	291	288	267	272

- For Bulky Goods: the centre has a clearly identifiable PCA comprising Elgin and the immediate rural areas around the City and a SCA comprising the whole of the remaining parts of Moray. Market penetration levels are general in the region of 10-30% for both the PCA and SCAs.

*Forecast Changes in Retail Turnover: Elgin City Centre*

- 5.33 Figure 5.9 sets out forecasts of future turnover for each of the principal goods categories for the period 2021 to 2035. The central case is denoted by the dashed lines.

**Figure 5.9: Forecast Future Turnover Elgin City Centre**



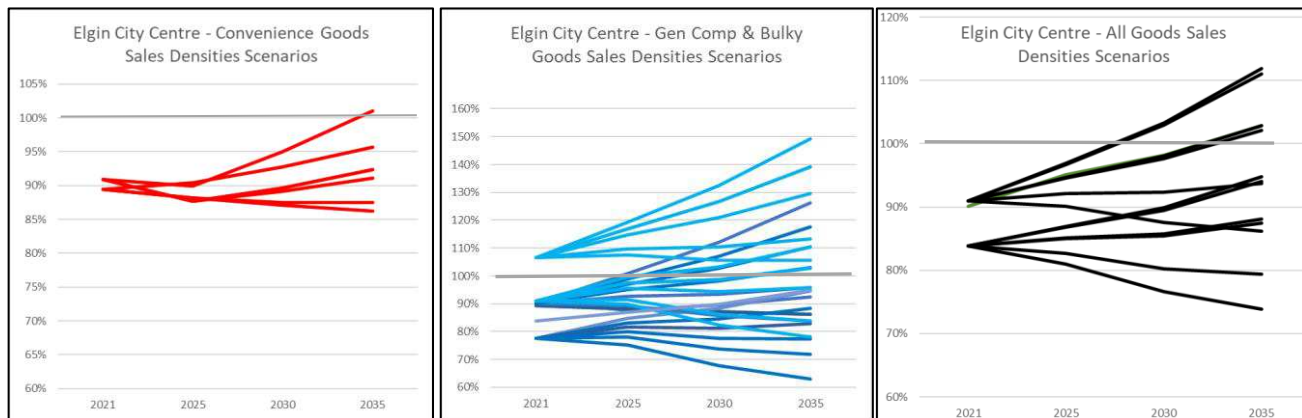
- 5.34 The figure shows that in the central case and most scenarios turnover in the City Centre is expected to increase in real terms. Even in the most pessimistic scenarios turnover is expected to be broadly flat (i.e. without significant reduction). This assumes, of course, that the City Centre is able to retain the general mix of retailers currently present within the centre.



*Forecast Changes in Sales Densities: Elgin City Centre*

- 5.35 Figure 5.10 (in three parts) considers these forecasts of turnover in terms of national average sales densities. This can be used as a proxy indicator for overall viability of businesses (subject to the earlier comment in para 5.31 above).

**Figure 5.10: Future Sales Densities as a Percentage of National Average Densities**



- 5.36 There is considerable variation in the assessments of sales densities – this reflects the fact that not only are there variations in the forecasts of future turnover but, in addition, there is significant variation in the rate at which increases in sales densities are considered appropriate. However, the general picture which emerges is:

- For convenience goods sales densities will tend to remain below national average levels, primarily between 85% and 95% of average.
- For comparison goods there is especially wide variation and there does appear, at the pessimistic end, for general comparison densities to have the potential to drop to particularly low levels (as low as 65% by 2035). In this scenario there is a risk of significant retail unit closures. However, the converse is also true, optimistic scenarios identify densities increasing well above national average levels which would imply potential demand for additional floorspace within the City Centre.

- 5.37 It is not possible to draw clear conclusions from this analysis except the fact that there is enormous uncertainty at the present time concerning future retail growth up to 2035. This uncertainty would encourage the adoption of a cautious approach to the identification of new retail floorspace and the protection of the City Centre, especially with respect to comparison goods.

## Buckie Town Centre: Space in Use and Health Check

### Definition of Town Centre

5.38 Figure 5.11 identifies the extent of Buckie Town Centre as defined in the LDP.

**Figure 5.11: Buckie Town Centre**



### Space in Use

#### *Numbers of Units by Type*

5.39 Figure 5.12 sets out information on the numbers of units and space by type of retail and leisure/service use in accordance with the categories identified in Goad town centre reports. This covers the period 2010 to 2021. It should be noted that it is not always evident from visual inspection as to precisely which category a business/unit is most appropriate which results in some variation between different surveys.

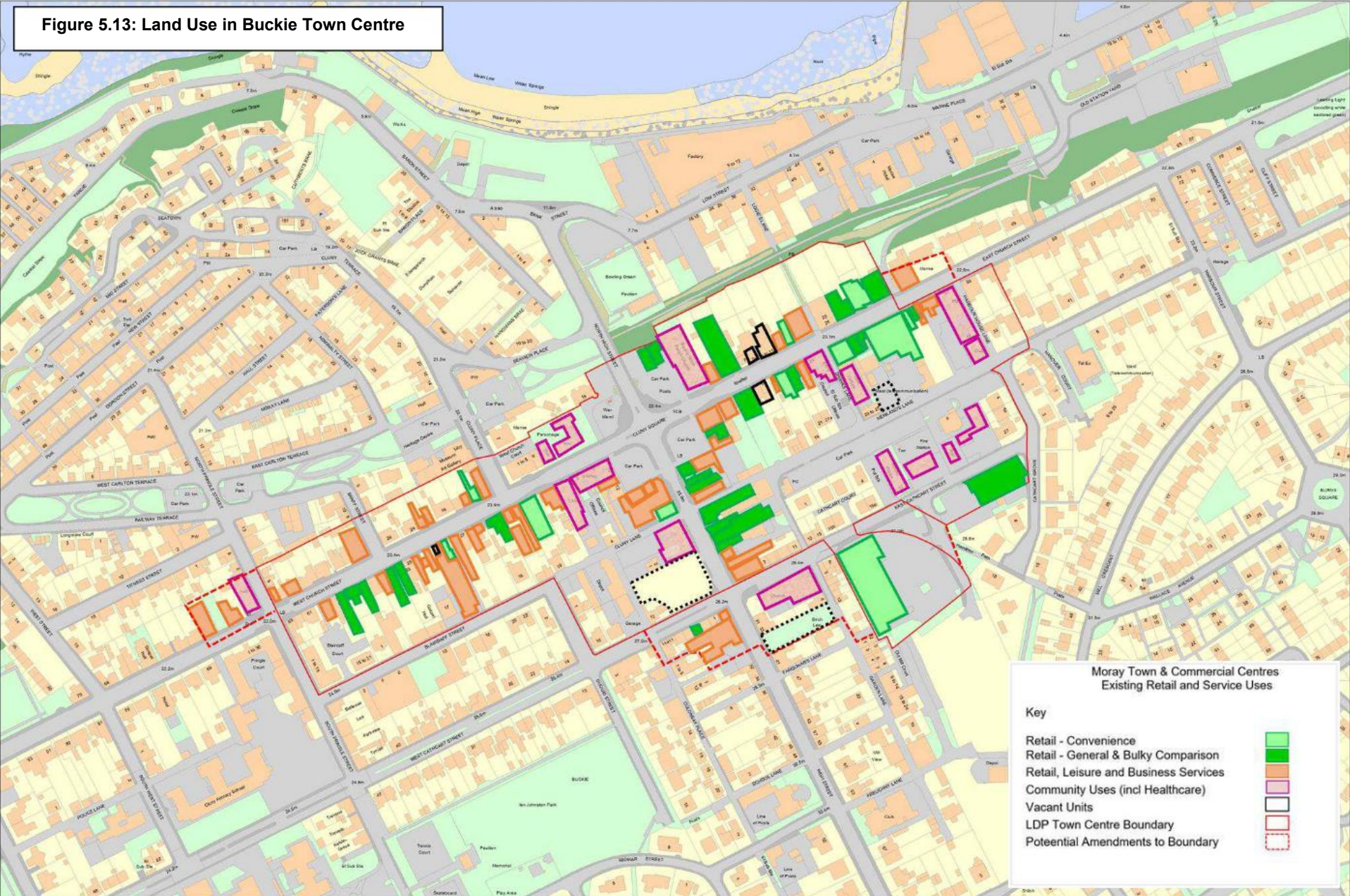
**Figure 5.12: Buckie Town Centre – Types of Use 2010-21**

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	33	35	27	28	27	29	27
Convenience	9	8	7	7	8	9	12
Retail Services	14	17	15	15	16	14	11
Leisure Services	13	19	19	21	20	25	23
Business and Financial Services	17	17	15	13	10	6	7
Vacant	4	4	4	8	10	11	6
<b>TOTAL</b>	<b>90</b>	<b>100</b>	<b>87</b>	<b>92</b>	<b>91</b>	<b>94</b>	<b>86</b>
TYPES OF RETAIL/SERVICE UNITS	FLOOR AREA (Sq M)						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 GRA/HPL
Comparison	4873	6611	5610	5669	4964	6652	6161
Convenience	3685	2289	2187	2187	2268	4013	3413
Retail Services	989	1682	1487	1498	1534	1338	4693
Leisure Services	1283	2000	2054	2294	2236	5862	
Business and Financial Services	1797	2556	2613	2399	1603	1096	724
Vacant	453	333	478	611	1799	1570	
<b>TOTAL</b>	<b>13080</b>	<b>15472</b>	<b>14429</b>	<b>14658</b>	<b>14403</b>	<b>20531</b>	<b>14991</b>

5.40 Figure 5.13 identifies the distribution of retail, service, community and vacant uses within the Town Centre (in this figure retail, leisure and business/financial services are combined).



Figure 5.13: Land Use in Buckie Town Centre



Moray Town & Commercial Centres  
Existing Retail and Service Uses

Key

- Retail - Convenience
- Retail - General & Bulky Comparison
- Retail, Leisure and Business Services
- Community Uses (incl Healthcare)
- Vacant Units
- LDP Town Centre Boundary
- Potential Amendments to Boundary



*Multiple Retailers*

- 5.41 The 2021 survey identified national and regional multiple retailers for retail goods shops only (i.e. excluding café/restaurant and other service brands). In total 6 multiples were identified which is 15% of retailer goods operators. This level is slightly below average for a centre of this size.

*Additional Facilities and Services*

- 5.42 Buckie town centre provides a reasonable range of additional facilities and services:

- Churches and halls (5)
- Police Station
- Fire station
- Cadet Hall
- Funeral Directors
- Gym
- Delivery office
- Social club/Masons
- Job Centre+
- Moray Reach Out
- Dentist
- Council offices
- Vet

*Changes over Time*

- 5.43 Figure 5.12 shows that, for the period 2010 to 2021 the number and floor area of retail and service units was broadly constant (in the region of 85-100 units and 13,000-15,500 sq m GFA). There is some variation in numbers and space for different types of retail/service categories: there is a steady reduction in comparison goods units but a recent increase in convenience goods shops and a slight increase in retail/service units. This trend appears to reflect national patterns of change with a steady shift from retail goods shops (i.e. convenience and comparison) to retail and leisure services although the growth of convenience shops appears to be against the national trend. This growth in number of convenience shops is not matched by increases in floorspace for this sector.

**Vacancies***Vacancy Rates*

- 5.44 Figure 5.12 also sets out information on vacancies within Buckie Town Centre. In 2021 the vacancy rates were:
- Number of units: 2020 (Goad) 12%; 2021 (HPL) 7%
  - Floor area: 2020 (Goad) 8%; 2021 (Regional Assessor) 5%.
- 5.45 Goad reported that, in September 2020 the UK national vacancy rate was 13.9% by number of units and 12.75% by floor area. This would suggest that the current level of vacancies is significantly below the UK average both



by numbers of units and floor area. Vacancy rates are, however, significantly higher currently than were identified in the period 2010-2014.

#### *Distribution of Vacancies*

- 5.46 Examination of Figure 2.3 shows that there is a small concentration of vacant units in East Church Street.

#### *Changes over Time*

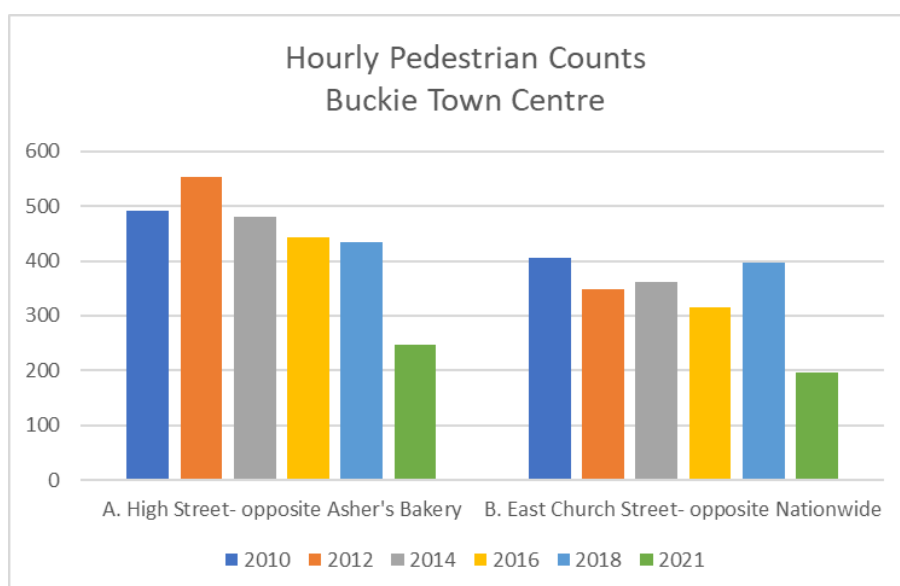
- 5.47 Figure 2.2 does show that vacancies, in terms of percentage of numbers of units, has increased significantly since 2014 although they are significantly less than were identified in 2018.

#### **Pedestrian Flow**

- 5.48 Pedestrian flow counts were undertaken at the 2 locations used by Moray Council on a Thursday morning. These identified significant reductions in flows compared to 2018. Data for flows at each location for 2010 to 2021 are set out in Figure 5.14.

**Figure 5.14: Pedestrian Flows – Buckie Town Centre**

	Location	Average Hourly Ped Flows (10.00 - 17.00) Weekday					
		2010	2012	2014	2016	2018	2021
A. High Street-opposite Asher's Bakery	A	491	553	481	443	433	248
B. East Church Street-opposite Nationwide	B	406	348	361	315	397	197
	<i>Total</i>	897	901	842	758	831	445
Average Change (2010 = 100%)		100%	100%	94%	85%	93%	50%



- 5.49 Limited weight can be given to the reductions from 2018 to 2021 because of the impact of Covid-19 lockdown restrictions still affecting behaviour patterns and also the timing of the surveys could also affect numbers

surveyed. Insofar as this data can be interpreted it would appear that pedestrian flows have declined by similar levels in East Church Street and High Street.

### **Commercial Property Market Indicators**

#### *Prime Retail Rents*

5.50 Due to Covid-19 restrictions there have been few commercial transactions from which Prime Zone A rents can be identified. In terms of properties being marketed the following Zone A equivalent rents are being sought:

- East Church Street: £125 psm

5.51 An indication of the distribution of rental patterns can be identified from Regional Assessor information which identifies, as a base for determining rateable value, the following Zone A retail rents:

- East and West Church Street: £130 psm
- High Street: £130 psm

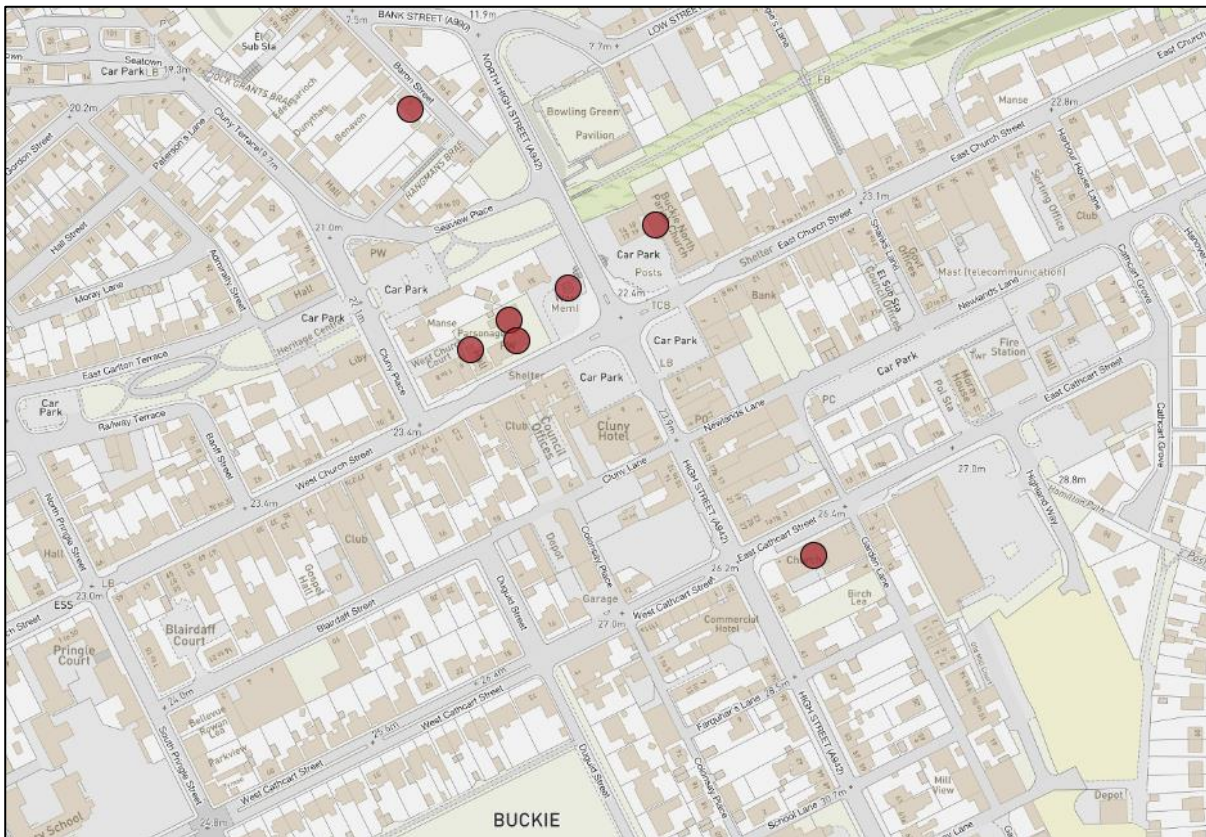
### **Indicators of Environmental Quality**

5.52 The environmental character of Buckie Town Centre is mixed. There are some attractive buildings and the overall quality of Cluny Square is high. However, traffic has a greater impact on pedestrian amenity on principal shopping streets than it does in other Moray towns and two vacant sites in the southern part of the town centre affect the environmental quality of the centre.

#### *Heritage*

5.53 There are only 6 listed buildings within the Town Centre and none of the centre is included within a Conservation area. Figure 5.15 indicates the location of these heritage designations.

**Figure 5.15: Buckie Town Centre – Heritage Designations  
(Listed Buildings, Conservation Areas and Scheduled Monuments)**



### User Views of the Town Centre

5.54 Information on the views of users of Buckie Town Centre is available from the household survey in 2021. Average scores (where 1 = “very poor” and 5 = “very good”) for characteristics of the centre are as follows (Moray town centres’ average in brackets):

- Choice of shops for clothing and footwear: 2.1 (2.0)
- Choice of shops for other personal goods : 2.5 (2.3)
- Choice of shops for furniture, floor coverings and large household electrical items: 2.4 (2.3)
- Easy to travel to by car: 4.0 (4.2)
- Easy and cheap to park: 4.2 (4.0)
- Easy to travel to by public transport: 3.9 (3.6)
- As a pleasant and attractive place to visit: 3.4 (3.7)
- As a good place to combine shopping with other leisure activities: 2.9 (3.0)
- As a good place to combine shopping with other personal business: 2.9 (2.7)
- Overall across all of the above: 3.1 (3.1)

5.55 In terms of choice of shops ratings were slightly higher than for other Moray town centres and for other indicators the users views were similar to those of other town centres. Figure 5.7 sets out a comparison between the principal centres within Moray and this identifies that user views were generally similar between Buckie, Forres and Keith which were slightly more positive than they were for either Elgin City Centre or Lossiemouth.



## Conclusions

5.56 As noted for Elgin the findings of the health check undertaken during 2021 must be regarded as atypical due to the effects of the pandemic. However, from the information available it is evident that the vitality and viability indicators suggest that the centre is mixed:

- Vacancies are below national averages in terms of numbers of vacant units and vacant floorspace.
- There does appear to be a shift in changes in types of use, from retail goods shops to services, but not as strongly as seen in national trends.
- The centre provides a reasonable range of services and facilities additional to retail and retail services.
- The town centre provides a mixed quality of environment which is adversely affected by traffic and vacant sites and has limited heritage interest (compared to other Moray towns)..
- The centres has a generally limited retail and service offer which is, primarily, a reflection of its relatively small size.

## Buckie Town Centre: Turnover, Catchment Area and Future Growth

### Turnover and Sales Densities

5.57 Key information on numbers of units, floorspace and turnover in 2021 is provided from the SRM:

- Convenience Goods: 12 units; 3,413 sq m GFA; 2406 sq m NFA (sales); and £15.24m turnover.
- General Comparison Goods: 23 units; 4,980 sq m GFA; 3,344 sq m NFA (sales); and £10.16m turnover.
- Bulky Comparison Goods: 4 units; 1,182 sq m GFA; 777 sq m NFA (sales); and £1.43 turnover.
- Services: 41 units; 4,693 sq m GFA
- Vacancies: 6 units; 724 sq m GFA

5.58 This indicates that there is a broad balance between comparison goods (general and bulky) and convenience floorspace within the town centre. Convenience turnover, although providing 40% of retail goods floorspace accounts for 56% of turnover. Within the town centre Lidl, M&Co and the Original Factory Shop are significant and these three units account for 41% of retail goods floorspace and 43% of turnover.

5.59 In terms of turnover rates compared to national averages:

- Convenience goods floorspace is trading at 91% of the UK national average
- General comparison floorspace is trading at 91% of the UK national average
- Bulky Goods floorspace is trading at 106% of the UK average.

5.60 Taking into account that these are comparison to UK national averages and reflecting the relatively small size of the centre and its location it is considered that these sales densities are relatively healthy and this appears to be reflected in the relatively low levels of vacancies within the town centre.

### Catchment Area and Market Penetration

5.61 Figure 5.16 presents information on the primary and secondary catchment areas for Buckie town centre and levels of market penetration for different goods categories.

- For Convenience Goods: the centre has a clearly identifiable PCA comprising Buckie and the immediate rural areas and villages to the east of the town (Zone 7) and a SCA comprising rural areas towards Fochabers (Zone 8). The SCA does not, however, extend into the Keith area. Market penetration levels are over 50% within the PCA and but 10-30% in the SCA.
- For General Comparison Goods: the centre has a clearly identifiable PCA based on Zone 7 (Buckie and adjacent rural areas) but no secondary catchment. Market penetration levels in the PCA are 30% to 50%.
- For Bulky Goods: the centre has a clearly identifiable PCA based on Zone 7 (Buckie and adjacent rural areas) but no secondary catchment. Market penetration levels in the PCA are 10% to 30%.

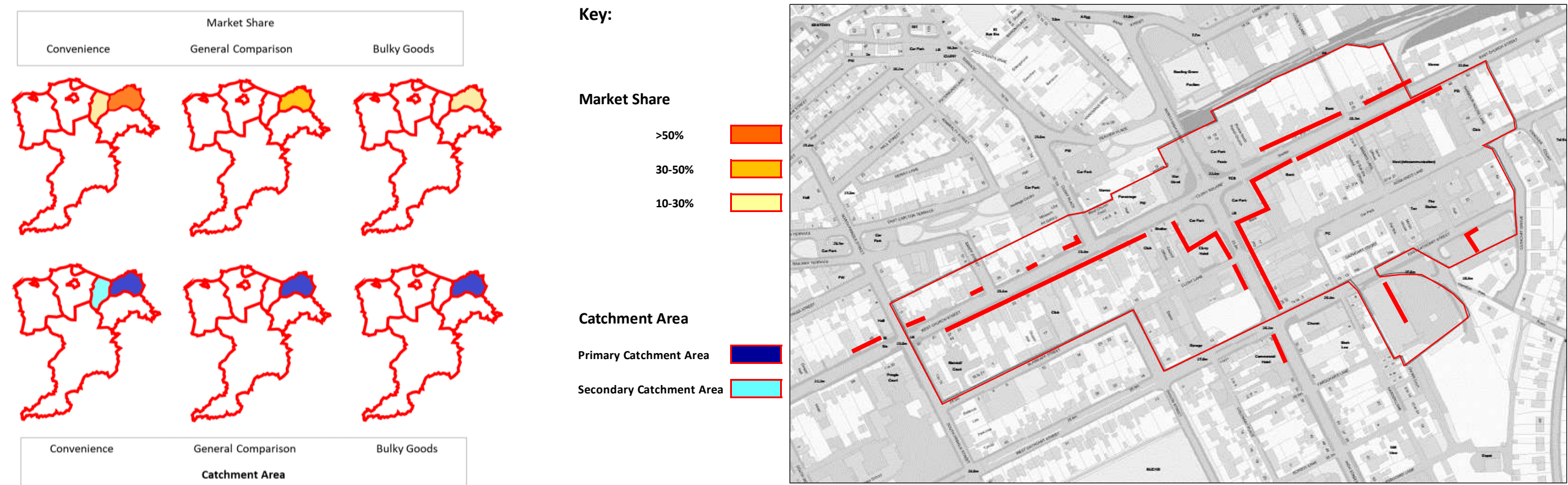
### **Future Turnover Growth**

- 5.62 Information of future turnover growth has been derived from the Strategic Retail Model in the same way as set out for Elgin City Centre.

#### *Forecast Changes in Retail Turnover: Buckie Town Centre*

- 5.63 Figure 5.17 sets out forecasts of future turnover for each of the principal goods categories for the period 2021 to 2035. The central case is denoted by the dashed lines.

Figure 5.16: Buckie – Key Retail Characteristics

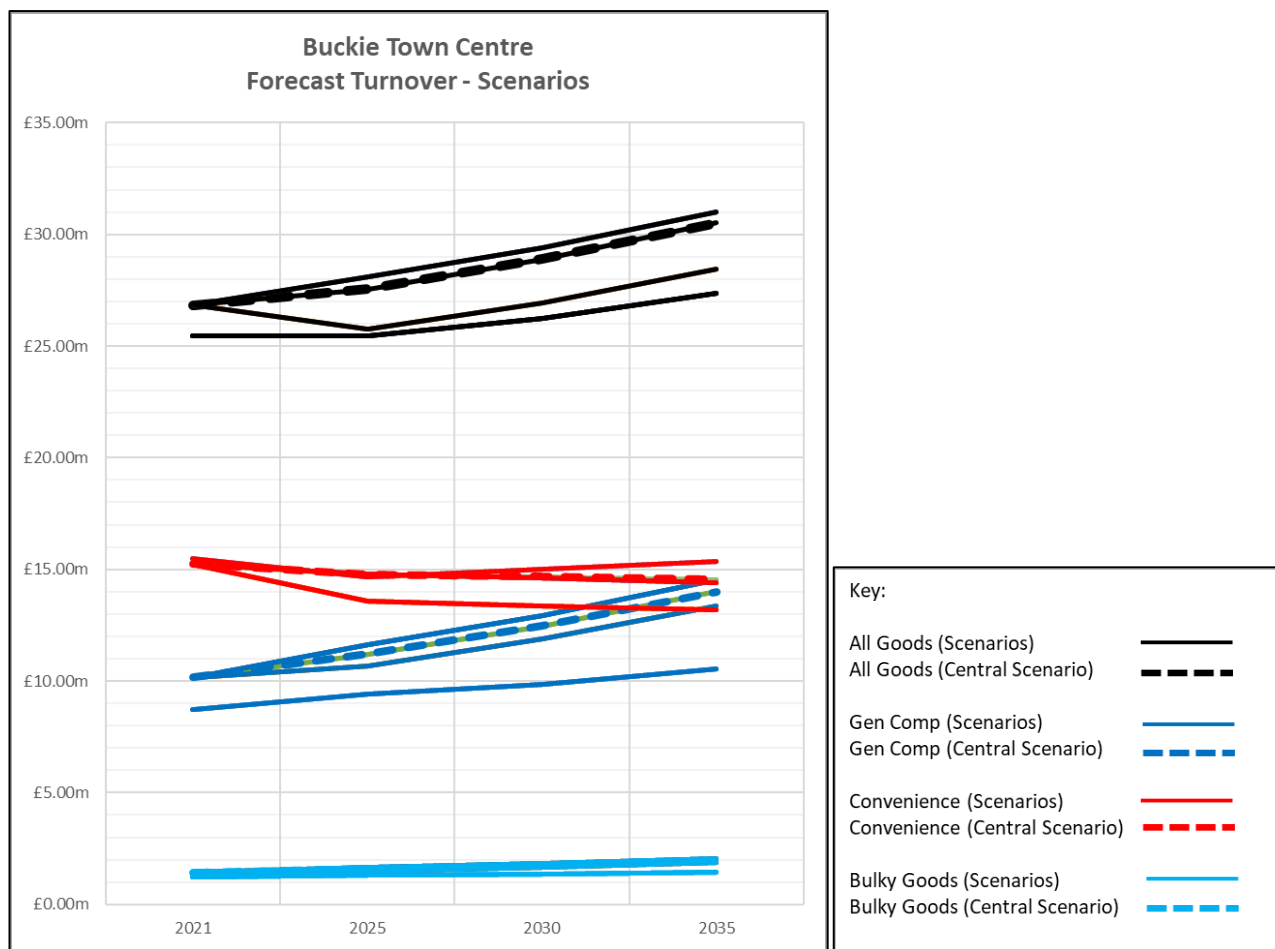


Buckie: Floorspace and Turnover 2021

	No.	Convenience				General Comparison				Bulky Goods				All Goods		
		GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
<b>Buckie Town Centre</b>																
Retail Goods Shops	35	3413	2406	£6,335psm	£15.24m	4980	3344	£3,039psm	£10.16m	1182	777	£1,845psm	£1.43m	9575.12	6526.82	£26.84
Services	41													4693		
Vacant	6													724		
TOTAL	86	3413	2406		£15.24	4979.848	3344.009		£10.16	1182.112	776.594		£1.43	14991.62		£26.84
<b>Remainder Buckie</b>																
Retail Goods Shops	14	3086	2179	£8,653psm	£18.86m	963	700	£5,833psm	£4.08m	39	25	£1,052psm	£0.03m	4089	2905	£22.97m
Services	9													563		
Vacant	3													356		
TOTAL	26	3086	2179		£18.86m	963	700		£4.08m	39	25		£0.03m	5007	2905	£22.97m

Changes in Numbers of Retail and Service Units over Time

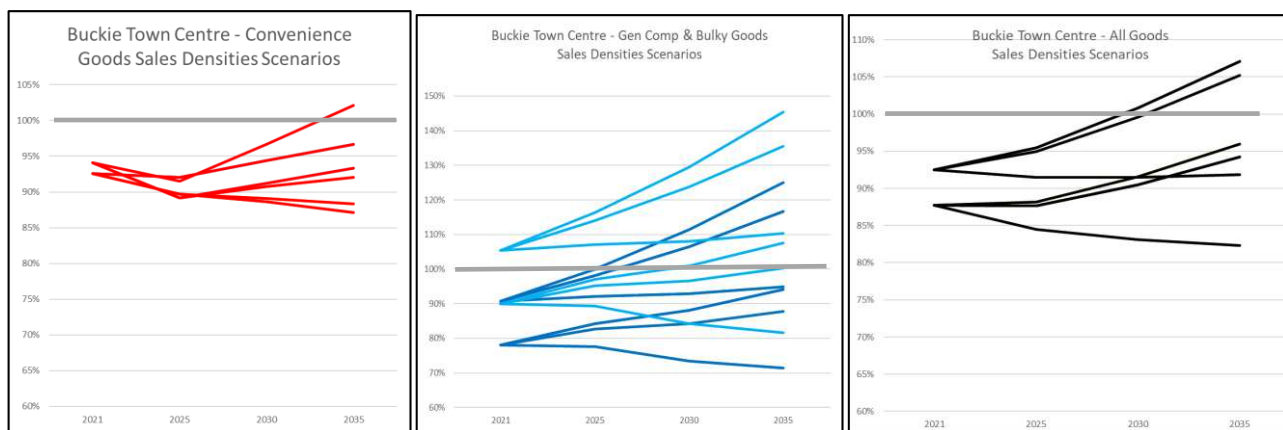
TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goald	2021 HPL
Comparison	33	35	27	28	27	29	27
Convenience	9	8	7	7	8	9	12
Retail Services	14	17	15	15	16	14	11
Leisure Services	13	19	19	21	20	25	23
Business and Financial Services	17	17	15	13	10	6	7
Vacant	4	4	4	8	10	11	6
TOTAL	90	100	87	92	91	94	86

**Figure 5.17: Forecast Future Turnover Buckie Town Centre**

- 5.64 The figure shows that in the central case and most scenarios turnover in the Town Centre is expected to increase in real terms for all goods. However, whereas general comparison goods turnover is expected to grow relatively strongly, that for convenience goods is expected to decline slightly.

*Forecast Changes in Sales Densities: Buckie Town Centre*

- 5.65 Figure 5.18 (in three parts) considers these forecasts of turnover in terms of national average sales densities. This can be used as a proxy indicator for overall viability of businesses (subject to the earlier comment in para 5.31 above).

**Figure 5.18: Future Sales Densities as a Percentage of National Average Densities**

5.66 As with Elgin City Centre there is considerable variation in the assessments of sales densities – this reflects the fact that not only are there variations in the forecasts of future turnover but, in addition, there is significant variation in the rate at which increases in sales densities are considered appropriate. However, a general picture emerges which is:

- For convenience goods sales densities will tend to remain below national average levels, primarily between 90% and 100% of average.
- For comparison goods there is especially wide variation and there does appear, at the pessimistic end, for general comparison densities to have the potential to decline slightly (to 70% by 2035 for general comparison goods). In this scenario there is a risk of potential retail unit closures. However, the converse is also true, optimistic scenarios identify densities increasing above national average levels which would imply potential demand for additional floorspace within the Town Centre.

5.67 As with Elgin City Centre it is not possible to draw clear conclusions from this analysis except the fact that there is enormous uncertainty at the present time concerning future retail growth up to 2035.

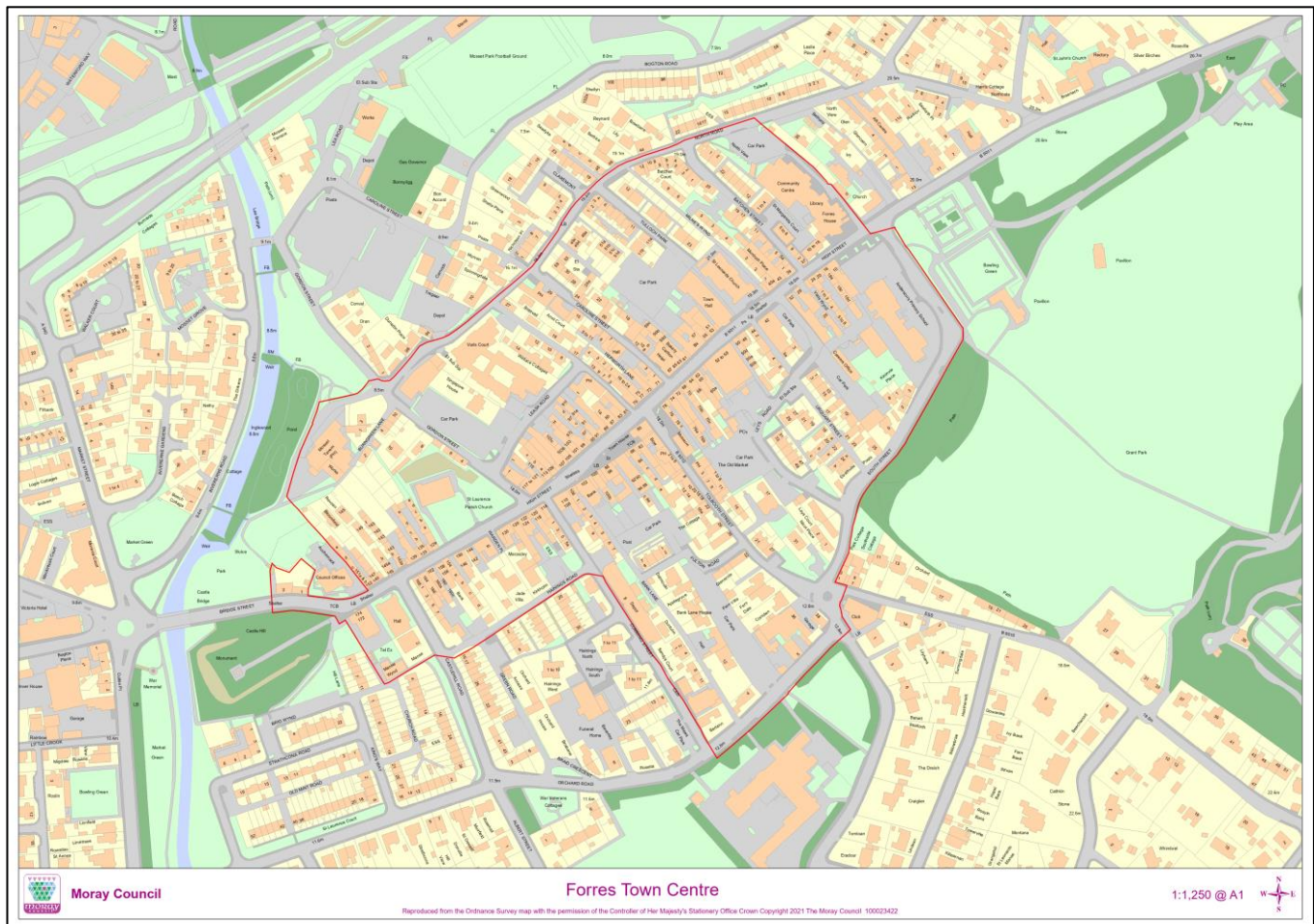


## Forres Town Centre: Space in Use and Health Check

### Definition of Town Centre

5.68 Figure 5.19 identifies the extent of Forres Town Centre as defined in the LDP.

**Figure 5.19: Forres Town Centre**



### Space in Use

#### *Numbers of Units by Type*

5.69 Figure 5.20 sets out information on the numbers of units and space by type of retail and leisure/service use in accordance with the categories identified in Goad town centre reports. This covers the period 2010 to 2021. It should be noted that it is not always evident from visual inspection as to precisely which category a business/unit is most appropriate which accounts for some of the variation between different surveys.

**Figure 5.20 Forres Town Centre – Types of Use 2010-21**

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	34	32	32	29	28	27	29
Convenience	12	15	15	13	15	11	11
Retail Services	17	22	20	21	27	15	18
Leisure Services	22	23	23	23	23	24	21
Business and Financial Services	14	21	21	20	14	9	8
Vacant	7	10	8	9	3	8	12
<b>TOTAL</b>	<b>106</b>	<b>123</b>	<b>119</b>	<b>115</b>	<b>110</b>	<b>94</b>	<b>99</b>
TYPES OF RETAIL/SERVICE UNITS	FLOOR AREA (Sq M)						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 GRA/HPL
Comparison	4701	3917	4924	4715	4660	3902	4455
Convenience	2269	2390	2360	2269	2370	2490	1840
Retail Services	1316	2449	2416	2490	2225	1747	4591
Leisure Services	1469	1387	1292	1292	1292	3948	
Business and Financial Services	3741	4316	4271	4491	4104	1403	
Vacant	2274	3568	2548	835	305	1319	1084
<b>TOTAL</b>	<b>15770</b>	<b>18026</b>	<b>17812</b>	<b>16091</b>	<b>14956</b>	<b>14809</b>	<b>11970</b>

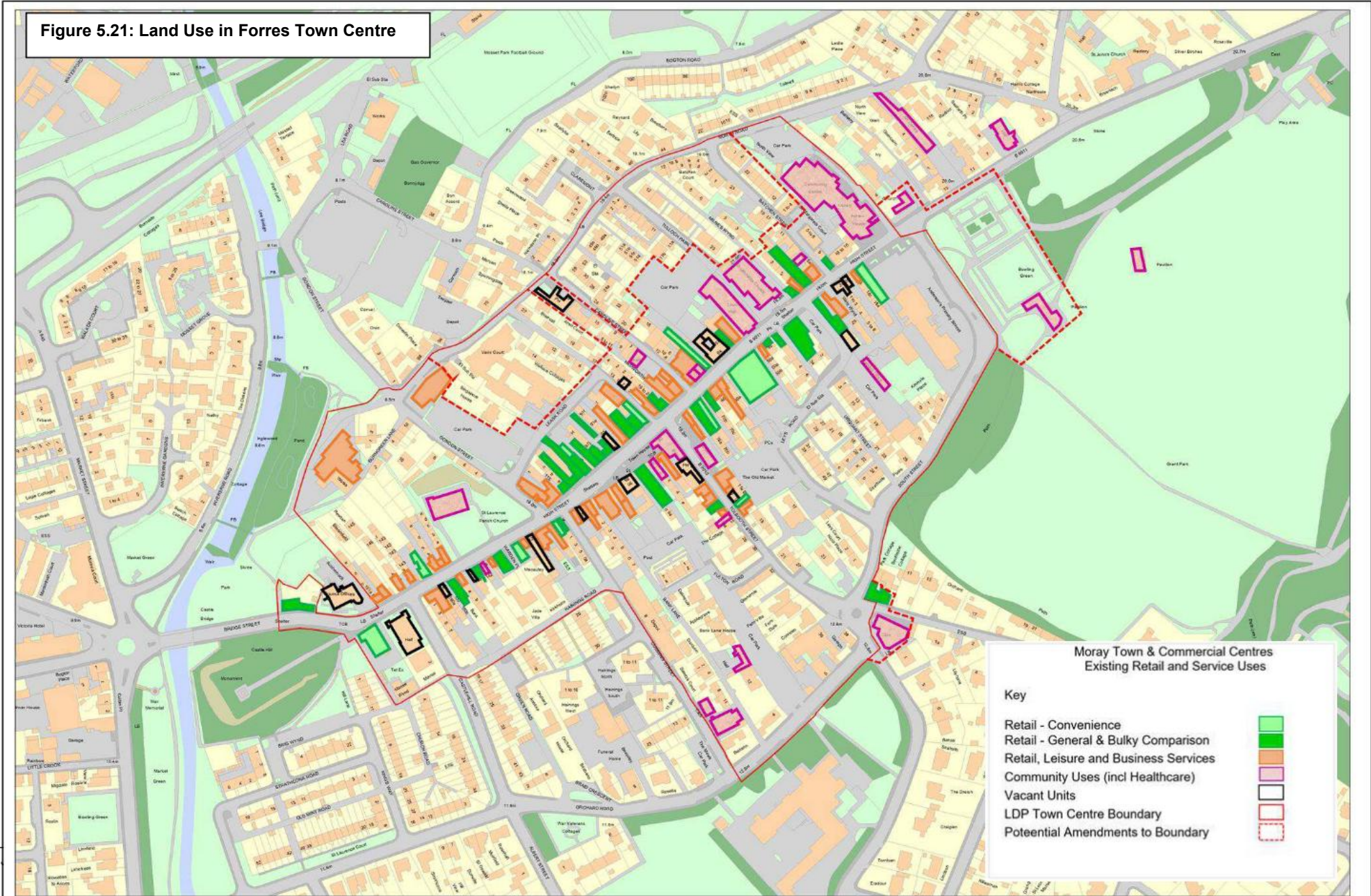
5.70 Figure 5.21 identifies the distribution of retail, service, community and vacant uses within the Town Centre (in this figure retail, leisure and business/financial services are combined).

#### *Multiple Retailers*

5.71 The 2021 survey identified national and regional multiple retailers for retail goods shops only (i.e. excluding café/restaurant and other service brands). In total 9 multiples were identified which is 23% of retailer goods operators which is close to average for a centre of this size.



Figure 5.21: Land Use in Forres Town Centre





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*Additional Facilities and Services*

5.72 Forres town centre provides a range of additional facilities and services:

- Churches/places of worship (5)
- Falconer Museum
- Forest Group Action Hub
- Clinics (5)
- Findhorn Bay Arts
- Forres Cycling Club
- Community Centre + Education Centre + Library
- Tolbooth Tower House
- Moray Council offices
- MSP Office
- Moray Firth Credit Union
- Town Hall
- Funeral Directors

*Changes over Time*

5.73 Figure 5.20 shows that, for the period 2010 to 2018 the number and floor area of retail and service units was broadly constant (in the region of 106-123 units and 15,000-18,000 sq m GFA). Data from the Regional Assessor identifies significantly lower levels of floorspace compared to previous years – the reason for this is not clear and may reflect definitional differences compared to earlier surveys rather than a significant recent drop in floorspace.

**Vacancies***Vacancy Rates*

5.74 Figure 5.20 also sets out information on vacancies within Forres Town Centre. In 2021 the vacancy rates were:

- Number of units: 2020 (Goad) 9%; 2021 (HPL) 12%
- Floor area: 2020 (Goad) 9%; 2021 (Regional Assessor data) 9%

5.75 Goad reported that, in September 2020 the UK national vacancy rate was 13.9% by number of units and 12.75% by floor area. This would suggest that, at that time, Forres' Town Centre's vacancy rate was significantly below the UK average by both number and area of vacant units. The 2021 data (HPL survey and regional Assessor) identified a higher rate of vacancies by number of units but which would still be marginally *below* the national average.

*Distribution of Vacancies*

5.76 Examination of Figure 5.21 shows that there is no strong concentration of vacancies in the town centre.

*Changes over Time*

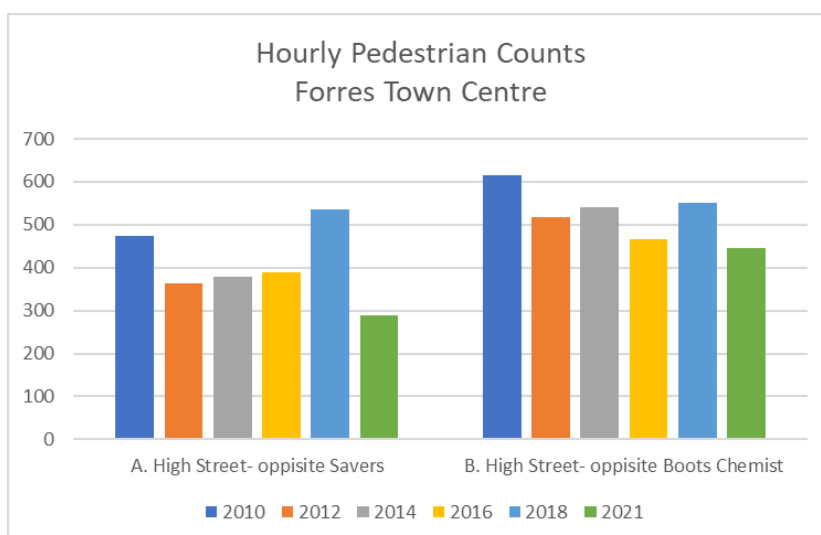
- 5.77 Figure 3.2 does show that vacancies, in terms of percentage of numbers of units, has remained broadly similar since 2010 with the exception of 2018 which recorded very low levels of vacancies and vacant floorspace. However, the 2020/21 surveys have resulted in higher vacancy rates compared to previous years in terms of number of units. In terms of floorspace vacancy rates have varied considerably – with high rates 2010-2014, very low rates in 2016-2018 and, at the current time, rates mid-way between these extremes.

**Pedestrian Flow**

- 5.78 Pedestrian flow counts were undertaken at the 2 locations used by Moray Council health check surveys on a Wed morning. These identified slight reductions in flows compared to 2018. Data for flows at each location for 2010 to 2021 are set out in Figure 5.22.

**Figure 5.22: Pedestrian Flows – Forres Town Centre**

	Location	Average Hourly Ped Flows (10.00 - 17.00) Weekday					
		2010	2012	2014	2016	2018	2021
A. High Street- opposite Savers	A	473	364	379	388	535	288
B. High Street- opposite Boots Chemist	B	616	517	540	467	551	446
	<i>Total</i>	1089	881	919	855	1085	734
Average Change (2010 = 100%)		100%	81%	84%	79%	100%	67%



- 5.79 Limited weight can be given to the reductions from 2018 to 2021 because of the impact of Covid-19 lockdown restrictions still affecting behaviour patterns and also the timing of the surveys could also affect numbers surveyed. Insofar as this data can be interpreted it would appear that pedestrian flows have held up relatively strongly in the prime retail frontage of the High Street.

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**Commercial Property Market Indicators***Prime Retail Rents*

5.80 Due to Covid-19 restrictions there have been few commercial transactions from which Prime Zone A rents can be identified. In terms of properties being marketed the following Zone A equivalent rents are being sought:

- High Street: £125-£150 psm

5.81 An indication of the distribution of rental patterns can be identified from Regional Assessor information which identifies, as a base for determining rateable value, the following Zone A retail rents:

- High Street: £180 psm

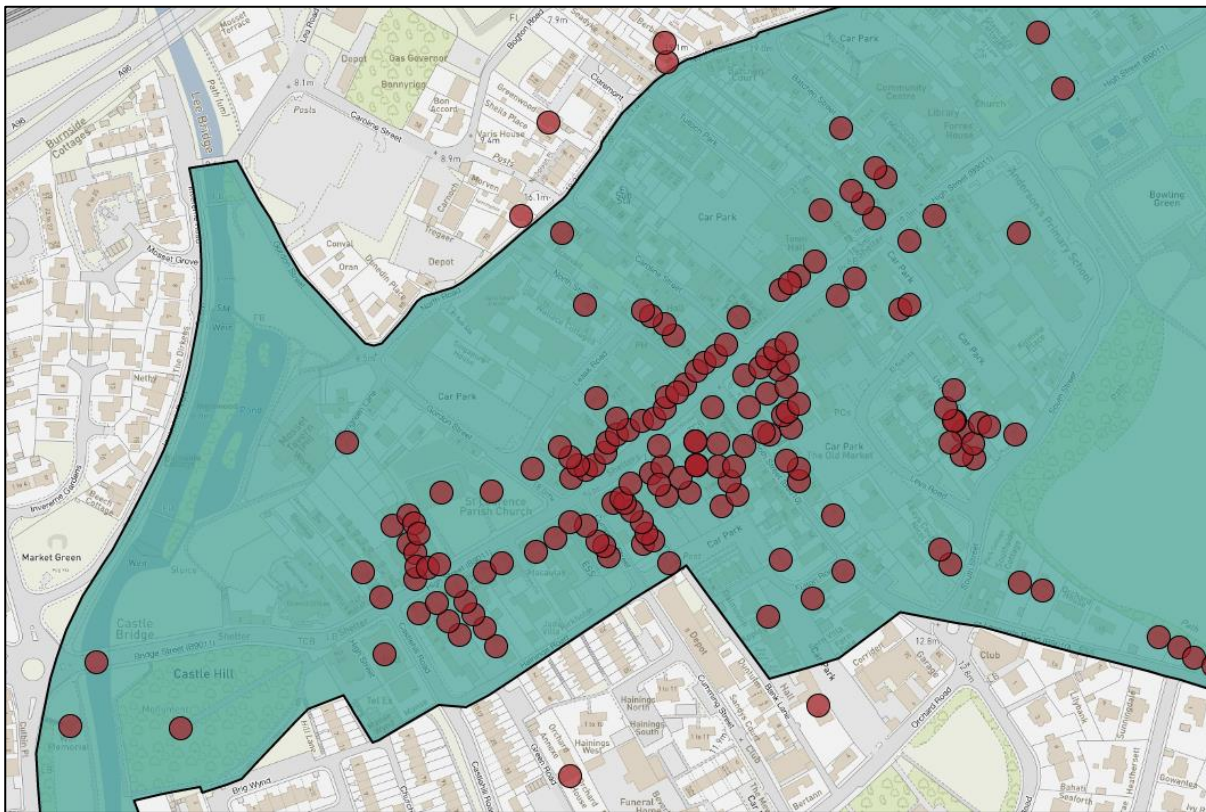
**Indicators of Environmental Quality**

5.82 The environmental character of Forres Town Centre is considered to be generally high. This reflects the historic character of the centre as a whole and the fact that, although not pedestrianised, traffic flows along the High Street are relatively low and traffic travels at quite low speeds which makes it easy for pedestrians to cross to both sides of the street.

**Heritage**

5.83 There are in excess of 150 listed buildings within the Town Centre and most of the defined town centre is included within the Forres Conservation Area. Figure 5.23 indicates the location of these heritage designations.

**Figure 5.23: Forres Town City Centre – Heritage Designations  
(Listed Buildings, Conservation Areas and Scheduled Monuments)**



#### User Views of the Town Centre

5.84 Information on the views of users of Forres Town Centre is available from the household survey in 2021. Average scores (where 1 = “very poor” and 5 = “very good”) for characteristics of the centre are as follows (Moray town centres’ average in brackets):

- Choice of shops for clothing and footwear: 1.6 (2.0)
- Choice of shops for other personal goods : 2.2 (2.3)
- Choice of shops for furniture, floor coverings and large household electrical items: 2.0 (2.3)
- Easy to travel to by car: 4.3 (4.2)
- Easy and cheap to park: 4.4 (4.0)
- Easy to travel to by public transport: 3.7 (3.6)
- As a pleasant and attractive place to visit: 4.4 (3.7)
- As a good place to combine shopping with other leisure activities: 3.1 (3.0)
- As a good place to combine shopping with other personal business: 2.8 (2.7)
- Overall across all of the above: 3.2 (3.1)

5.85 In terms of choice of shops ratings were slightly lower than for other Moray town centres but for other indicators the users views slightly higher than those of other town centres. Figure 5.7 sets out a comparison between the principal centres within Moray and this identifies that user views were generally similar between Forres, Buckie, and Keith which were slightly more positive than they were for either Elgin City Centre or Lossiemouth.

## Conclusions

5.59 As noted for Elgin the findings of the health check undertaken during 2021 must be regarded as atypical due to the effects of the pandemic. However, from the information available it is evident that the vitality and viability indicators suggest that the centre remains relatively strong:

- Vacancies are below national averages in terms of numbers of vacant units and vacant floorspace.
- There does appear to be a shift in changes in types of use, from retail goods shops to services, but not as strongly as seen in national trends.
- The centre provides a good range of services and facilities additional to retail and retail services.
- Current market information suggests prime rents have been maintained at reasonable levels despite the effects of the hiatus caused by Covid-19.
- The town centre provides a very attractive environment with numerous historic buildings.
- The centres principal weakness is lack in terms of range of retail units and services which is, primarily, a reflection of its relatively small size.

## Forres Town Centre: Turnover, Catchment Area and Future Growth

### Turnover and Sales Densities

5.86 Key information on numbers of units, floorspace and turnover in 2021 is provided from the SRM:

- Convenience Goods: 11 units; 1840 sq m GFA; 1196 sq m NFA (sales); and £6.62m turnover.
- General Comparison Goods: 27 units; 3204 sq m GFA; 2082 sq m NFA (sales); and £5.53m turnover.
- Bulky Comparison Goods: 2 units; 1251 sq m GFA; 938 sq m NFA (sales); and £1.75m turnover.
- Services: 47 units; 4591 sq m GFA
- Vacancies: 12 units; 1084 sq m GFA

5.87 This indicates that there is significantly more floorspace for the retail of comparison goods (both general and bulky goods) than for convenience goods in the town centre although, in terms of turnover, the situation is more balanced. The Co-op store is the largest shop in the centre accounting for 15% of the retail floorspace within the town centre and almost 50% of its turnover.

5.88 In terms of turnover rates compared to national averages:

- Convenience goods floorspace is trading at 79% of the UK national average
- General comparison floorspace is are trading at 81% of the UK national average
- Bulky Goods floorspace is trading at 117% of the UK average.

5.89 Even taking into account the fact that these are in comparison to UK national averages and the relatively small size and location of the centre, these sales densities for convenience and general comparison goods are relatively low, especially when compared to Buckie. This also appears to be reflected in the levels of vacancies within the town centre which are higher than in Buckie.

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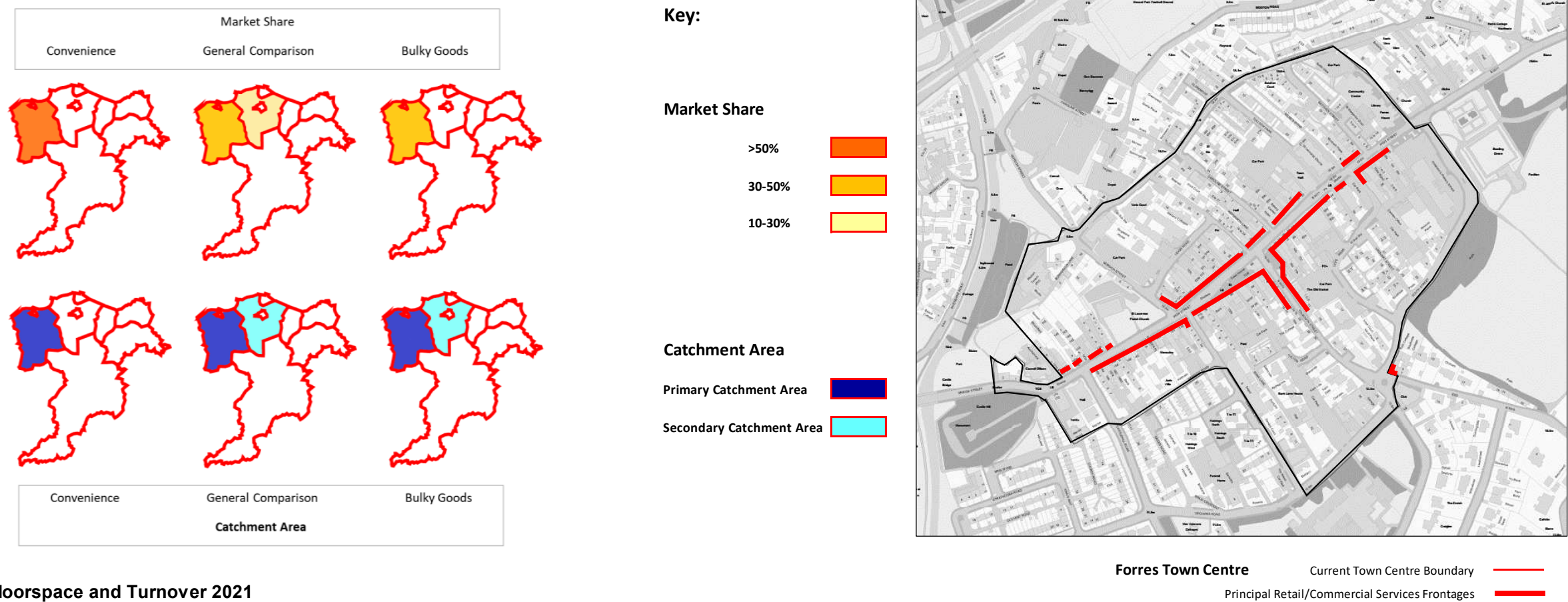
**Catchment Area and Market Penetration**

5.90 Figure 5.24 presents information on the primary and secondary catchment areas for principal shops in Forres (including the town centre and also Tesco plus Lidl) including levels of market penetration for different goods categories.

- For Convenience Goods: Forres has a clearly identifiable PCA comprising Forres and the immediate rural hinterland (Zone 3). It does not, however, have a clearly identifiable secondary catchment area. Market share, taking into account the Tesco and Lidl stores located outwith the centre but within the urban area, is above 50%.
- For General Comparison Goods: Forres has a clearly identifiable PCA based on Zone 3 (Forres and adjacent rural areas) but it also draws some trade from the west part of Zone 2 (Elgin rural) such that this can be identified as a secondary catchment area. Market share in the PCA is 30% to 50% and in the SCA is 10% to 30%.
- For Bulky Goods: the catchment areas for bulky goods are the same as for general comparison goods as is the market share in the PCA. In the SCA market share is low at less than 10%.



Figure 5.28: Forres – Key Retail Characteristics



Forres: Floorspace and Turnover 2021

	No.	Convenience				General Comparison				Bulky Goods				All Goods		
		GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
<b>Forres Town Centre</b>																
Retail Goods Shops	40	1840.323	1196.21	£5,535psm	£6.62m	3203.542449	2082.303	£2,655psm	£5.53m	1251	938.25	£1,862psm	£1.75m	6294.865	4216.762	£13.90
Services	47													4591		
Vacant	12													1084		
TOTAL	99	99	99		£6.62	3203.542449	2082.303		£5.53	1251	938.25		£1.75	11969.71		£13.90
<b>Remainder Forres</b>																
Retail Goods Shops	7	4173	2894	£9,353psm	£27.07m	2348	1605	£4,400psm	£7.06m	2531	1440	£1,213psm	£1.75m	8791	5939	£35.88m
Services	2													130		
Vacant	1													47		
TOTAL	10	4173	2894		£27.07m	2348	1605		£7.06m	2531	1440		£1.75m	8967	5939	£35.88m

Changes in Numbers of Retail and Service Units over Time

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goat	2021 HPL
Comparison	34	32	32	29	28	27	29
Convenience	12	15	15	13	15	11	11
Retail Services	17	22	20	21	27	15	18
Leisure Services	22	23	23	23	23	24	21
Business and Financial Services	14	21	21	20	14	9	8
Vacant	7	10	8	9	3	8	12
TOTAL	106	123	119	115	110	94	99



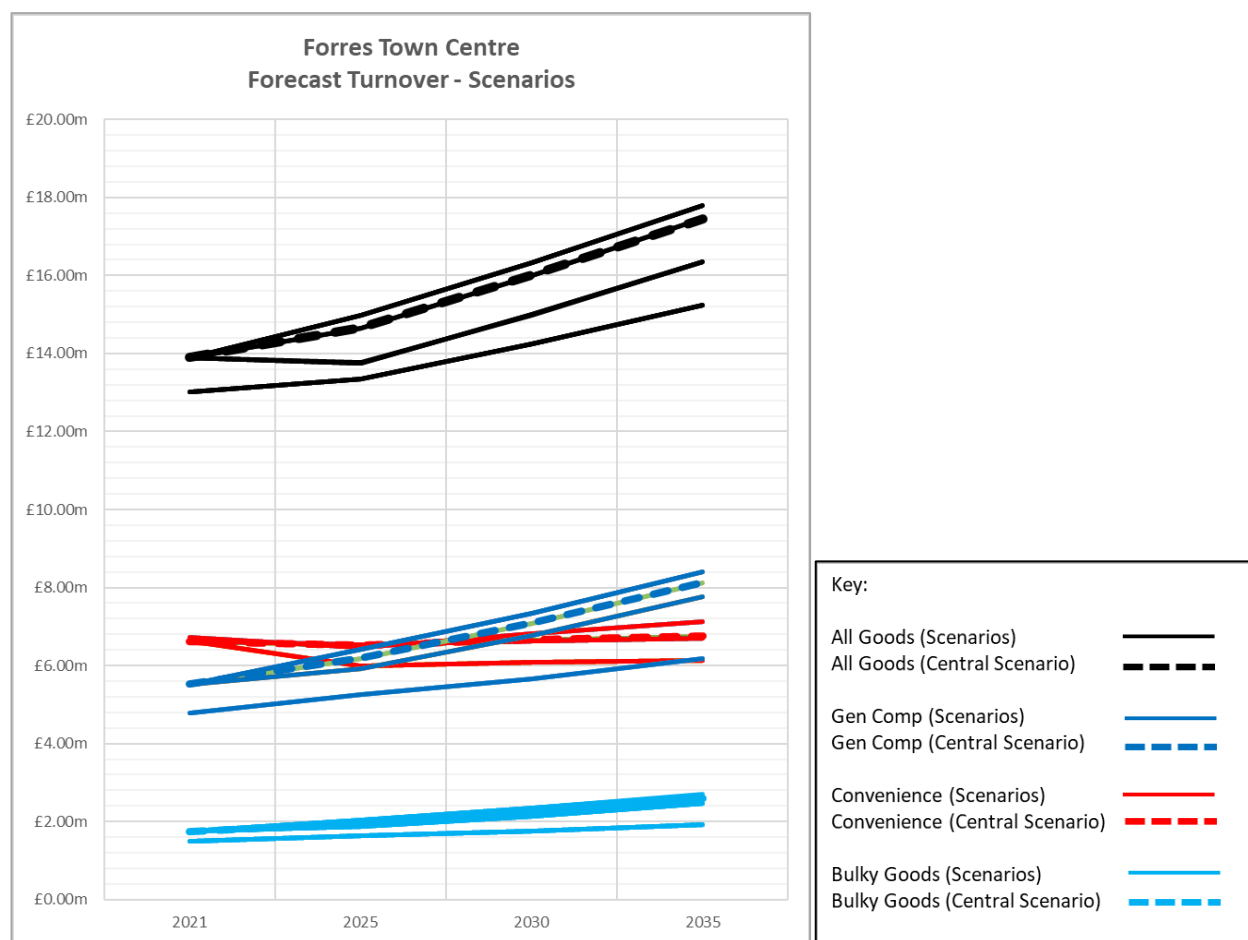
### Future Turnover Growth

- 5.91 Information of future turnover growth has been derived from the Strategic Retail Model in the same was as set out for Elgin City Centre.

#### *Forecast Changes in Retail Turnover: Forres Town Centre*

- 5.92 Figure 5.25 sets out forecasts of future turnover for each of the principal goods categories for the period 2021 to 2035. The central case is denoted by the dashed lines.

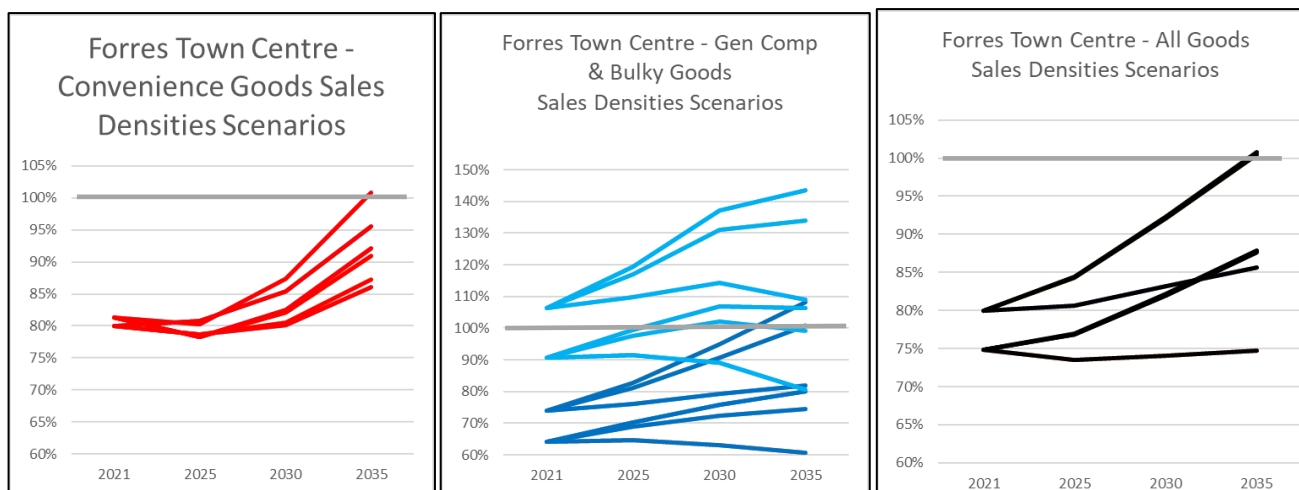
**Figure 5.25: Forecast Future Turnover Forres Town Centre**



- 5.93 The figure shows that in the central case and in all scenarios turnover in the Town Centre is expected to increase in real terms for all goods. However, whereas general comparison goods turnover is expected to grow relatively strongly, that for convenience goods is expected to remain flat (i.e. no significant growth or decline).

#### *Forecast Changes in Sales Densities: Forres Town Centre*

- 5.94 Figure 5.26 (in three parts) considers these forecasts of turnover in terms of national average sales densities. This can be used as a proxy indicator for overall viability of businesses (subject to the earlier comment in para 5.31 above).

**Figure 5.26: Forres Future Sales Densities as a Percentage of National Average Densities**

5.95 As with Elgin City Centre there is considerable variation in the assessments of sales densities – this reflects the fact that not only are there variations in the forecasts of future turnover but, in addition, there is significant variation in the rate at which increases in sales densities are considered appropriate. However, a general picture emerges which is:

- For convenience goods sales densities are expected to increase but will tend to remain below national average levels, primarily between 85% and 95% of average.
- For comparison goods there is especially wide variation. For general comparison goods sales densities are expected to increase relative to the national average increasing from current low levels (ca. 65%-85%) to approximately 80%-90%. The position with bulky goods is unclear and the different scenarios identify both increases and declines in sales densities.
- For all goods sales densities are expected to generally increase.

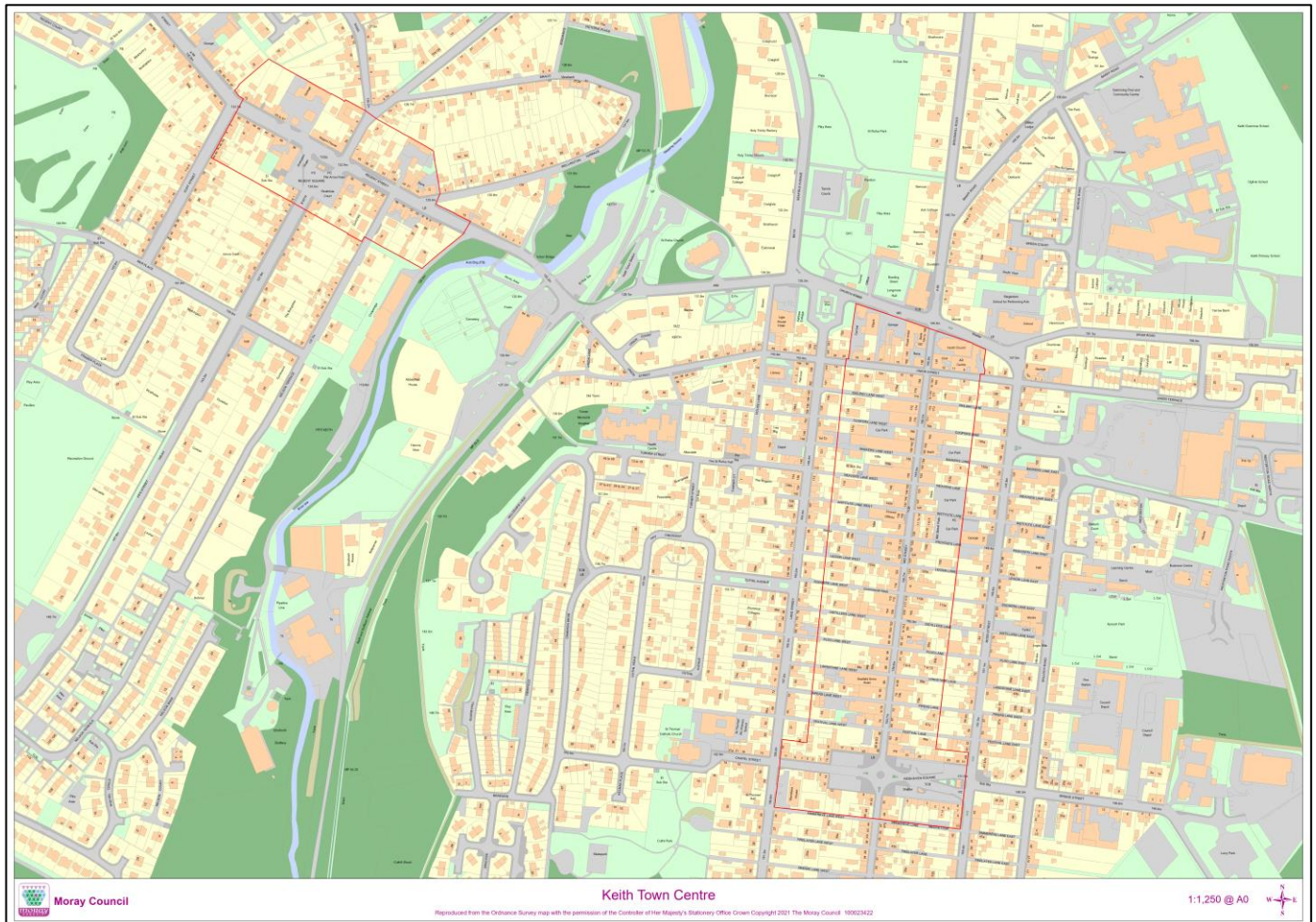
5.96 As with Elgin City Centre it is not possible to draw clear conclusions from this analysis except the fact that there is enormous uncertainty at the present time concerning future retail growth up to 2035.

## Keith Town Centre: Space in Use and Health Check

### Definition of Town Centre

5.97 Figure 5.27 identifies the extent of Keith Town Centre as defined in the LDP.

**Figure 5.27: Keith Town Centre**



### Space in Use

#### *Numbers of Units by Type*

5.98 Figure 5.28 sets out information on the numbers of units and space by type of retail and leisure/service use in accordance with the categories identified in Goad town centre reports. This covers the period 2010 to 2021. It should be noted that it is not always evident from visual inspection as to precisely which category a business/unit is most appropriate which accounts for some of the variation between different surveys.

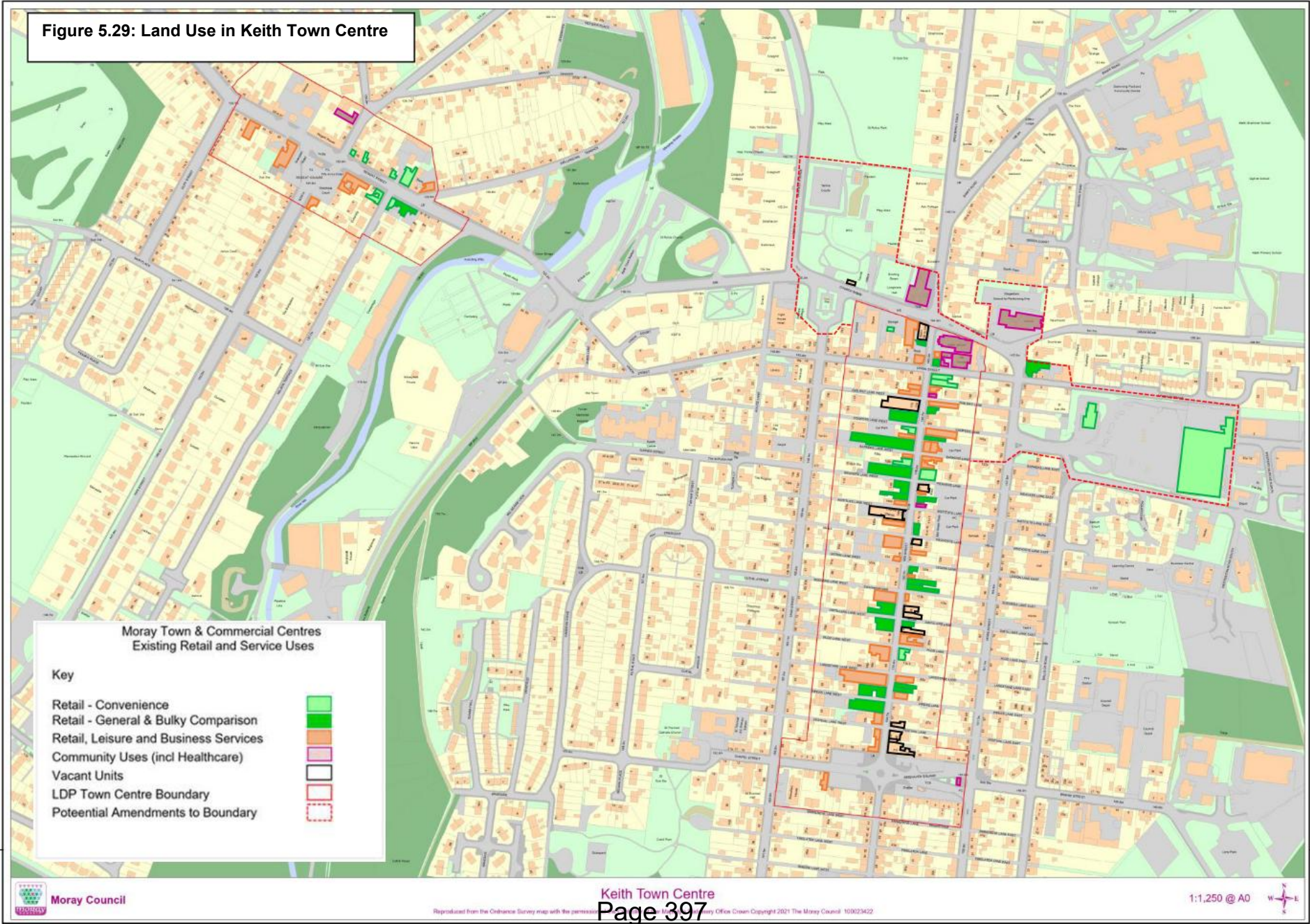
**Figure 5.28: Keith Town Centre – Types of Use 2010-21**

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	24	29	28	27	26	23	23
Convenience	11	12	13	13	13	8	11
Retail Services	12	10	9	12	13	12	14
Leisure Services	19	18	19	18	19	15	15
Business and Financial Services	11	13	14	12	11	6	8
Vacant	6	10	6	5	9	10	12
<b>TOTAL</b>	<b>83</b>	<b>92</b>	<b>89</b>	<b>87</b>	<b>91</b>	<b>74</b>	<b>83</b>
TYPES OF RETAIL/SERVICE UNITS	FLOOR AREA (Sq M)						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 GRA/HPL
Comparison	4949	5309	5811	5488	4498	5175	4051
Convenience	1353	1777	1410	1423	1423	4422	1497
Retail Services	722.5	956	768	960	1026	1124	3951
Leisure Services	1360	1012	1079	998	911	3317	
Business and Financial Services	1209	1546	1618	1392	1191	1059	
Vacant	765	959	660	641.9	1689	2453	1925
<b>TOTAL</b>	<b>10359</b>	<b>11559</b>	<b>11345</b>	<b>10902</b>	<b>10737</b>	<b>17549</b>	<b>11424</b>

5.99 Figure 5.29 identifies the distribution of retail, service, community and vacant uses within the Town Centre (in this figure retail, leisure and business/financial services are combined).



Figure 5.29: Land Use in Keith Town Centre



*Multiple Retailers*

5.100 The 2021 survey identified national and regional multiple retailers for retail goods shops only (i.e. excluding café/restaurant and other service brands). In total 2 multiples were identified which is 6% of retailer goods operators. This is very low for this size of centre.

*Additional Facilities and Services*

5.101 Keith provides a limited range of additional facilities and services:

- Funeral Directors
- Hotel
- Reap Scotland
- Club
- Army Cadets
- Stage School (currently edge of centre)
- Church
- Community Hall
- Clinic

*Changes over Time*

5.102 Figure 5.28 shows that the total numbers of units for retail goods shops is very similar in 2021 as was identified in 2010 although higher numbers have been identified in intervening years and retail service units remained broadly constant throughout the whole of the period 2010-2021. MC surveys also identify a similar pattern for retail goods and services floorspace. The latest Regional Assessor information for floorspace identifies a reduction in comparison floorspace since 2018 but increases in retail services and vacancies. The 2020 Goad survey information includes Tesco and other units within the defined town centre and therefore identifies significantly higher levels of floorspace.

5.103 Keith town centre therefore appears not to be following national trends for a shift from retail goods to retail services (apart from a limited shift 2018-2021), rather the general picture is of a relatively stable mix of retail goods and services uses.

**Vacancies***Vacancy Rates*

5.104 Figure 5.28 also sets out information on vacancies within Keith Town Centre. In 2021 the vacancy rates were:

- Number of units: 2020 (Goad) 14%; 2021 (HPL) 14%
- Floor area: 2020 (Goad) 14%; 2021 (HPL/Regional Assessor) 17%

5.105 Goad reported that, in September 2020 the UK national vacancy rate was 13.9% by number of units and 12.75% by floor area. This would suggest that, at that time, Keith's Town Centre's vacancy rate was at the UK average

by number and marginally above average by area of vacant units. The HPL survey (June 2021) identified a similar vacancy rate by number of units but an increase by floor area to higher than the national average..

#### *Distribution of Vacancies*

- 5.106 Examination of Figure 5.29 shows that there are significant concentrations of vacancies to the centre and southern end of Mid Street. Concentrations of vacancies can increase the perception of this as a particular problems for the centre to users of/visitors to the town centre.

#### *Changes over Time*

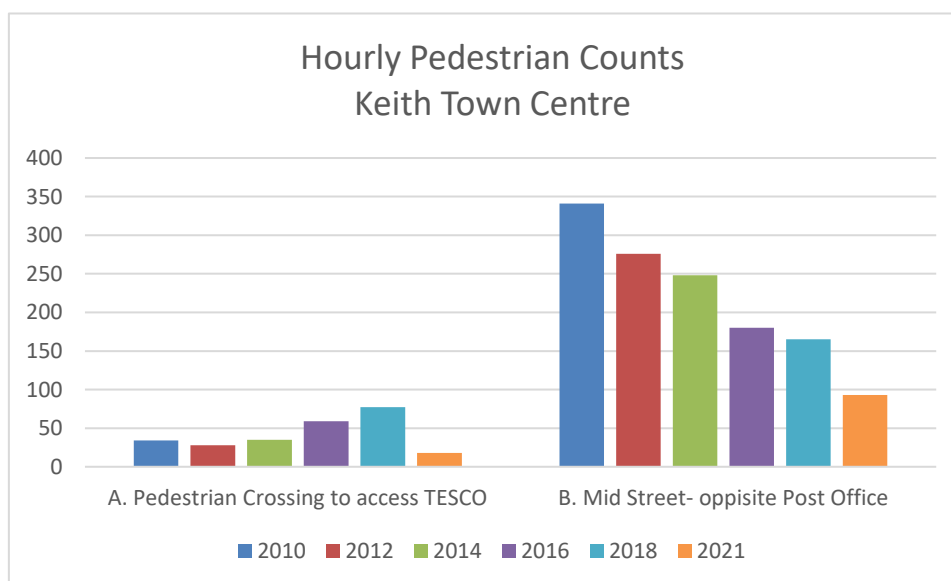
- 5.107 Figure 5.28 does show that vacancies, in terms of percentage of numbers of units and floor area, remained broadly stable up to 2016 but have increased significantly since that date.

#### **Pedestrian Flow**

- 5.108 Pedestrian flow counts were undertaken at the 2 locations used by MC on a Thursday morning. These identified some reductions in flows compared to 2018. Data for flows at each location for 2010 to 2021 are set out in Figure 5.30.

**Figure 5.30: Pedestrian Flows – Keith Town Centre**

	Location	Average Hourly Ped Flows (10.00 - 17.00) Weekday					
		2010	2012	2014	2016	2018	2021
A. Pedestrian Crossing to access TESCO	A	34	28	35	59	77	18
B. Mid Street- oppisite Post Office	B	341	276	248	180	165	93
	<i>Total</i>	375	304	283	239	243	111
Average Change (2010 = 100%)		100%	81%	75%	64%	65%	30%



- 5.109 Limited weight can be given to the reductions from 2018 to 2021 because of the impact of Covid-19 lockdown restrictions still affecting behaviour patterns and also the timing of the surveys could also affect numbers



surveyed. Insofar as this data can be interpreted it would appear that pedestrian flows have steadily declined on Mid Street. During the surveys undertaken in 2021 it was observed that, due to the relative ease of parking on Mid Street, most shoppers tended to park very close to their destination shop which minimised the need for walking and, furthermore, shoppers tended not to visit multiple shops in the town centre as part of the same trip (or at least did not walk to different shops/services as part of that trip).

### **Commercial Property Market Indicators**

#### *Prime Retail Rents*

5.110 Due to Covid-19 restrictions there have been few commercial transactions from which Prime Zone A rents can be identified. In terms of properties being marketed the following Zone A equivalent rents are being sought:

- Mid Street: £100 psm

5.111 An indication of the distribution of rental patterns can be identified from Regional Assessor information which identifies, as a base for determining rateable value, the following Zone A retail rents:

- Mid Street: £85 psm

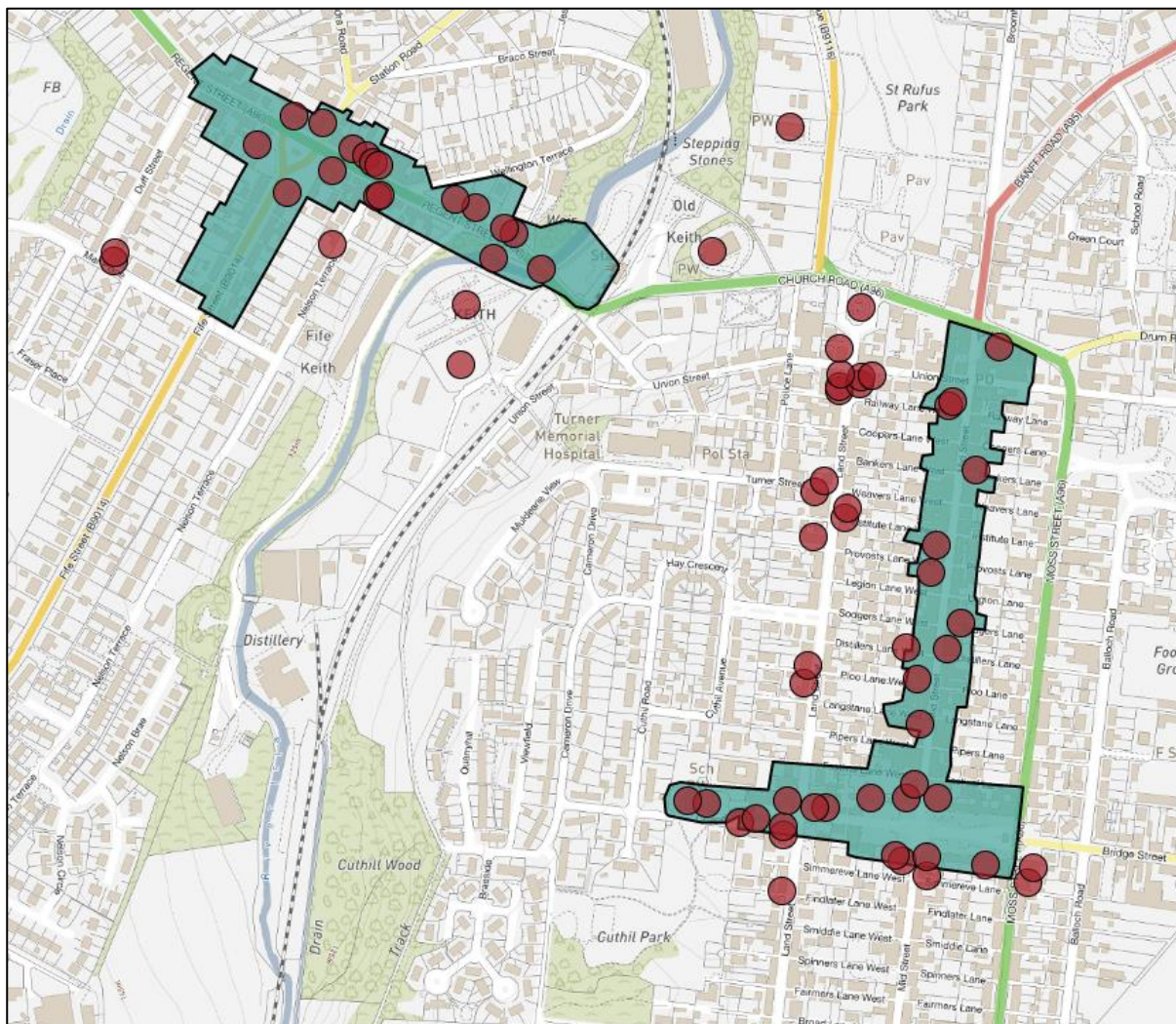
### **Indicators of Environmental Quality**

5.112 The environmental character of Keith is good to mixed. Certain buildings are very attractive as in Reidhaven Square. However, in other parts certain buildings are less attractive and the narrow footways and extensive parking limits the attractiveness of the centre to pedestrians. Traffic flows along Mid Street are low but traffic along the A96 does act as a barrier to pedestrians for those wishing to walk between Tesco and the defined town centre.

#### *Heritage*

5.113 There are approximately 38 listed buildings within the Town Centre and most of the defined town centre is included within the Fife Keith and Mid Street Conservation Areas. Figure 5.31 indicates the location of these heritage designations.

**Figure 5.31: Keith Town City Centre – Heritage Designations  
(Listed Buildings, Conservation Areas and Scheduled Monuments)**



### User Views of the Town Centre

5.114 Information on the views of users of Keith Town Centre is available from the household survey in 2021. Average scores (where 1 = “very poor” and 5 = “very good”) for characteristics of the centre are as follows (Moray town centres’ average in brackets):

- Choice of shops for clothing and footwear: 2.2 (2.0)
- Choice of shops for other personal goods : 2.4 (2.3)
- Choice of shops for furniture, floor coverings and large household electrical items: 3.3 (2.3)
- Easy to travel to by car: 4.4 (4.2)
- Easy and cheap to park: 4.2 (4.0)
- Easy to travel to by public transport: 3.0 (3.6)
- As a pleasant and attractive place to visit: 3.5 (3.7)
- As a good place to combine shopping with other leisure activities: 2.9 (3.0)
- As a good place to combine shopping with other personal business: 2.8 (2.7)
- Overall across all of the above: 3.2 (3.1)

5.115 In terms of choice of shops ratings were slightly higher than for other Moray town centres, in particularly so for bulky goods, but for other indicators the users views were generally similar to other towns apart for access by public transport (which was significantly lower than for other towns). Figure 5.7 set out a comparison between the principal centres within Moray and this identifies that user views were generally similar between Keith, Buckie and Forres which were slightly more positive than they were for either Elgin City Centre or Lossiemouth.

### Conclusions

5.116 As noted for Elgin the findings of the health check undertaken during 2021 must be regarded as atypical due to the effects of the pandemic. However, from the information available it is evident that the vitality and viability indicators suggest that the centre has mixed indicators of vitality and viability:

- Range of retail and service facilities within the town centre is relatively limited.
- Vacancies are close to UK averages by both numbers of units and floor area.
- Numbers of units and area of floorspace is close to that identified in 2010 but has declined from 2014/16.
- Rents are relatively low.
- There is a low level of multiple representation in the town centre.
- Environmental quality is good to mixed.
- Household survey attitudes towards the town centre are average to good with bulky goods identified as particularly strong.

## Keith Town Centre: Turnover, Catchment Area and Future Growth

### Turnover and Sales Densities

5.117 Key information on numbers of units, floorspace and turnover in 2021 is provided from the SRM:

- Convenience Goods: 12 units; 1497 sq m GFA; 973 sq m NFA (sales); and £2.84m turnover.
- General Comparison Goods: 21 units; 2608 sq m GFA; 1695 sq m NFA (sales); and £5.49m turnover.
- Bulky Comparison Goods: 3 units; 1443 sq m GFA; 1082 sq m NFA (sales); and £2.62m turnover.
- Services: 37 units; 3851 sq m GFA
- Vacancies: 12 units; 1925 sq m GFA

5.118 This indicates that there is significantly more floorspace and turnover for the retail of comparison goods (both general and bulky goods) than for convenience goods in the town centre. Keith town centre has significantly more bulky goods floorspace than either of the other town centres (excluding Elgin) in Moray.

5.119 These figures exclude Tesco which is located close to the defined town centre. Observations confirm that there are regular pedestrian movements between the Tesco store and the defined town centre and that it would be logical to include Tesco within the defined town centre.

5.120 In terms of turnover rates compared to national averages:

- Convenience goods floorspace is trading at 56% of the UK national average
- General comparison floorspace is are trading at 90% of the UK national average
- Bulky Goods floorspace is trading at 139% of the UK average.

5.121 These figures present significant variation between retail sectors. Even taking into account the fact that these are in comparison to UK national averages and the relatively small size and location of the centre sales densities for convenience goods are low and may be indicative of the fact that the Tesco supermarket is located very close to the defined town centre and is dominating trade in convenience goods. In contrast general comparison sales densities are relatively healthy and bulky goods sales densities are strong.

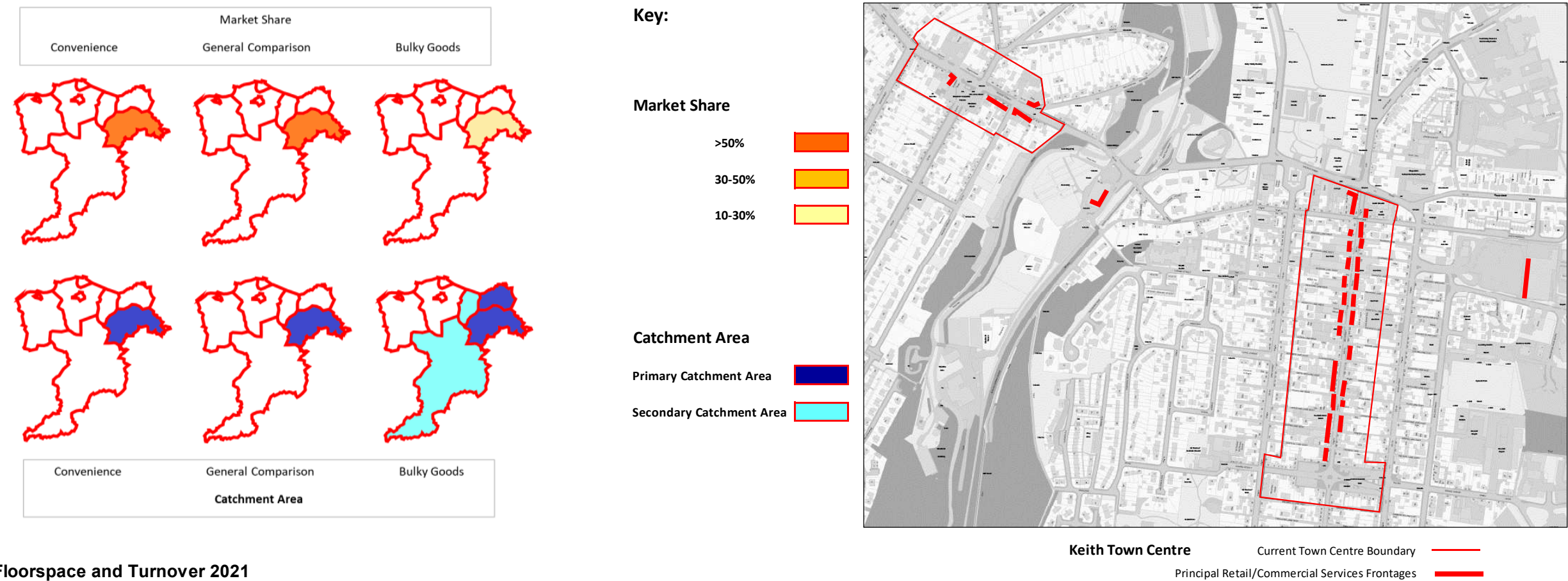
#### **Catchment Area and Market Penetration**

5.122 Figure 5.32 presents information on the primary and secondary catchment areas for Keith town centre, along with Tesco and other nearby stores, and levels of market penetration for different goods categories.

- For Convenience Goods: the centre has a clearly identifiable PCA comprising Keith and the immediate rural hinterland (Zone 6). The centre does not, however, have a clearly identifiable secondary catchment area. Market share, taking into account the Tesco, is above 50% within the PCA.
- For General Comparison Goods: the centre has a clearly identifiable PCA based on Zone 6 (Keith and adjacent rural areas) but, as with convenience goods, does not have an identifiable secondary catchment area. Market share for the town centre plus Tesco in the PCA is slightly above 50%.
- For Bulky Goods: the catchment areas for bulky goods is relatively extensive although market share within this wide area is quite low. The PCA can be identified to comprise Zones 6 and 7 (Keith, Buckie and rural hinterlands) and the SCA extends to include the Mosstodloch and Speyside rural areas (Zones 5 and 8). In the PCA market share is less than 30% and less than 10% in the SCA



Figure 5.32: Keith – Key Retail Characteristics



Keith: Floorspace and Turnover 2021

	No.	Convenience				General Comparison				Bulky Goods				All Goods		
		GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
<b>Keith Town Centre</b>																
Retail Goods Shops	36	1497	973	£2,919psm	£2.84m	2608	1695	£3,236psm	£5.49m	1443	1082	£2,423psm	£2.62m	5548.271	3750.706	£10.95
Services	37													3851		
Vacant	12													1925		
TOTAL	85	1497	973		£2.84	2608	1695		£5.49	1443	1082		£2.62	11324.1		£10.95
<b>Remainder Keith</b>																
Retail Goods Shops	2	2503	1641	£9,345psm	£15.33m	2221	1564	£4,663psm	£7.29m					4724	3205	£22.62m
Services																
Vacant																
TOTAL	2	2503	1641		£15.33m	2221	1564		£7.29m	0	0		£0.00m	4724	3205	£22.62m

Changes in Numbers of Retail and Service Units over Time

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	24	29	28	27	26	23	23
Convenience	11	12	13	13	13	8	11
Retail Services	12	10	9	12	13	12	14
Leisure Services	19	18	19	18	19	15	15
Business and Financial Services	11	13	14	12	11	6	8
Vacant	6	10	6	5	9	10	12
TOTAL	83	92	89	87	91	74	83

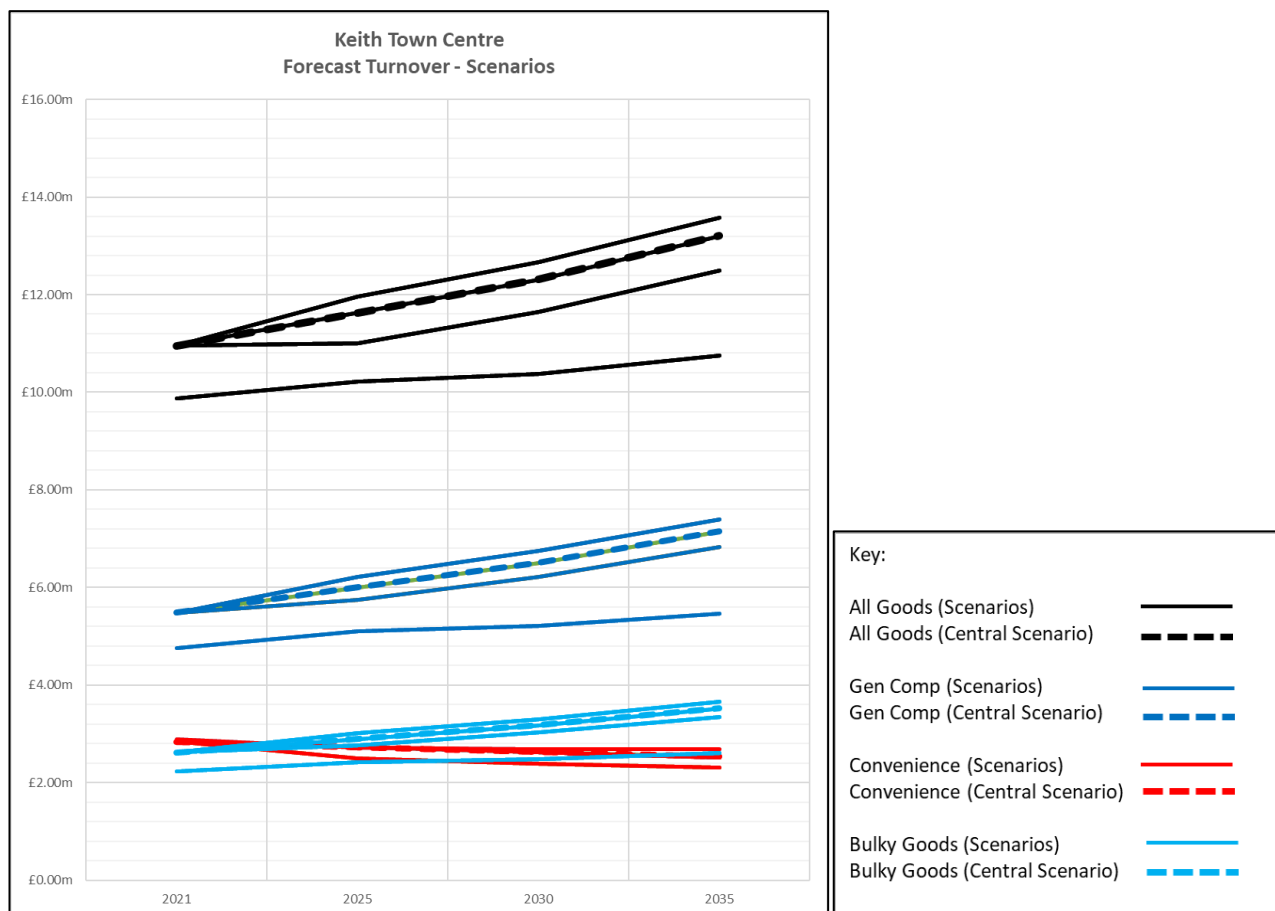
### Future Turnover Growth

5.123 Information of future turnover growth has been derived from the Strategic Retail Model in the same way as set out for Elgin City Centre.

#### *Forecast Changes in Retail Turnover: Keith Town Centre*

5.124 Figure 5.33 sets out forecasts of future turnover for each of the principal goods categories for the period 2021 to 2035. The central case is denoted by the dashed lines.

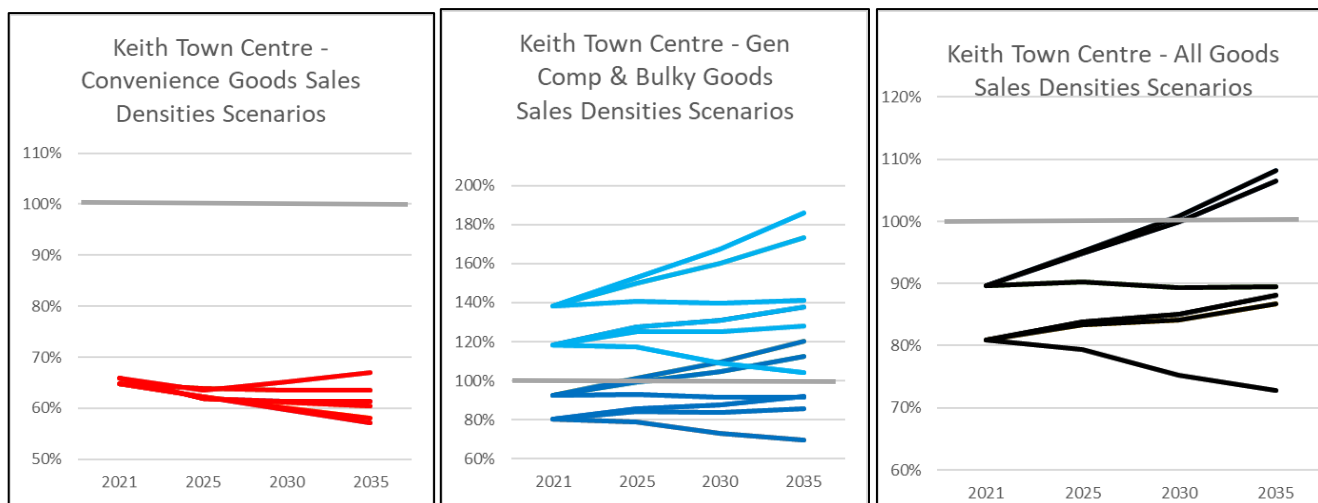
**Figure 5.33: Forecast Future Turnover Keith Town Centre**



5.125 The figure shows that in the central case and in all scenarios turnover in the Town Centre is expected to increase in real terms for all goods. However, whereas general comparison goods turnover is expected to grow relatively strongly, that for convenience goods is expected to decline slightly.

#### *Forecast Changes in Sales Densities: Keith Town Centre*

5.126 Figure 5.34 (in three parts) considers these forecasts of turnover in terms of national average sales densities. This can be used as a proxy indicator for overall viability of businesses (subject to the earlier comment in para 5.31 above).

**Figure 5.34: Keith Future Sales Densities as a Percentage of National Average Densities**

5.127 As with Elgin City Centre there is considerable variation in the assessments of sales densities – this reflects the fact that not only are there variations in the forecasts of future turnover but, in addition, there is significant variation in the rate at which increases in sales densities are considered appropriate. However, a general picture emerges which is:

- For convenience goods sales densities are expected to decline slightly remain broadly flat – some scenarios identify increases and others declines. In general sales densities would remain well below national averages.
- For comparison goods there is especially wide variation. For general comparison goods sales densities are expected to generally increase slightly compared to current levels but, in some scenarios, densities could increase rapidly whereas in others they could decline. The position with bulky goods is similar but with even greater variation in forecasts.
- For all goods sales densities there is wide variation in forecasts.

5.128 As with Elgin City Centre it is not possible to draw clear conclusions from this analysis except the fact that there is enormous uncertainty at the present time concerning future retail growth up to 2035. This uncertainty would encourage the adoption of a cautious approach to the identification of new retail floorspace and the protection of existing centres, especially with respect to comparison goods.

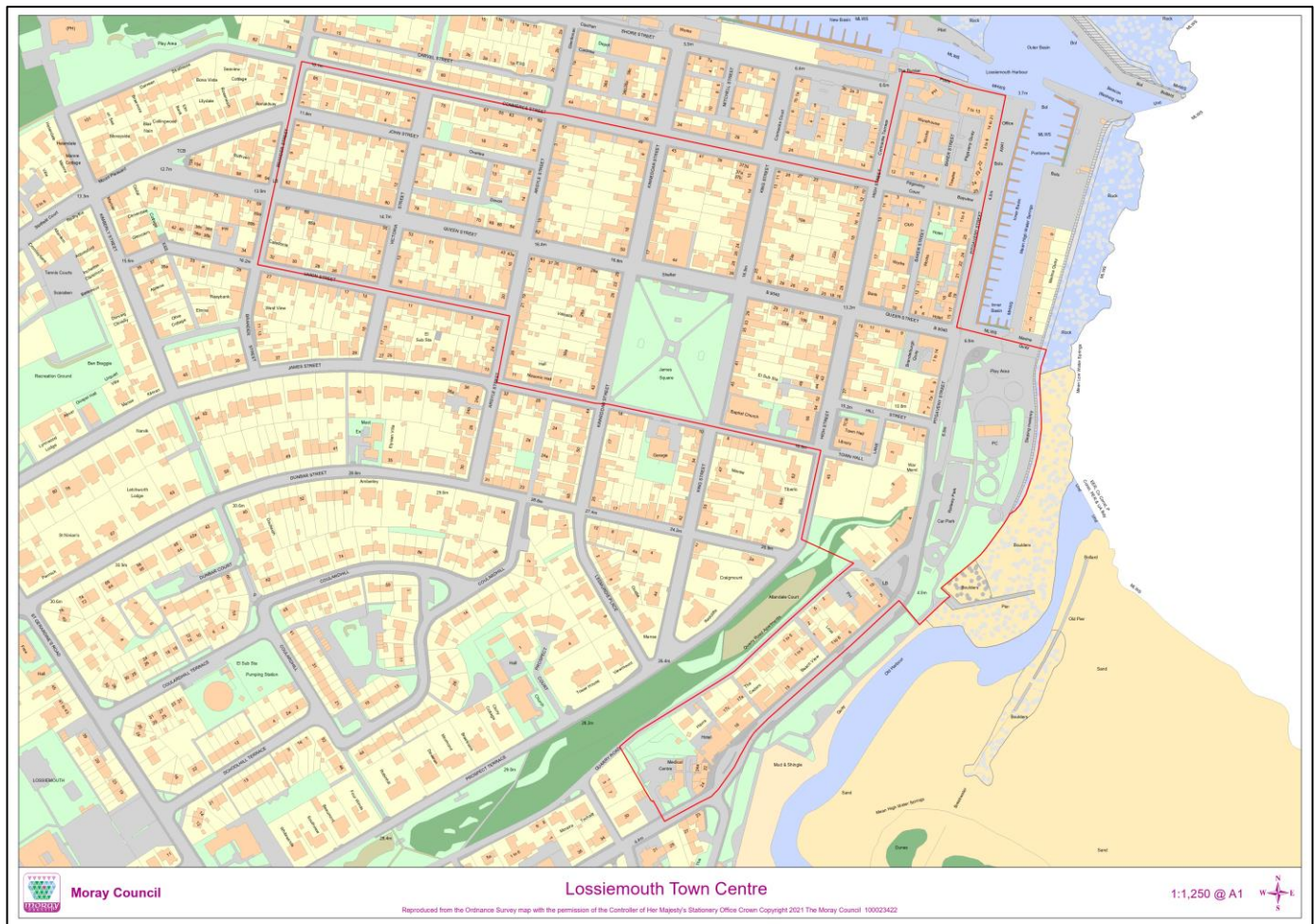


## Lossiemouth Town Centre: Space in Use and Health Check

### Definition of Town Centre

- 5.129 Figure 5.35 identifies the extent of Lossiemouth Town Centre that has been used in the Town Centre Health Checks undertaken by Moray Council. Lossiemouth is not identified as having a defined town centre in the current LDP.

**Figure 5.35: Lossiemouth Town Centre**



### Space in Use

#### *Numbers of Units by Type*

- 5.130 Figure 5.36 sets out information on the numbers of units and space by type of retail and leisure/service use in accordance with the categories identified in Goad town centre reports. This covers the period 2010 to 2021. It should be noted that it is not always evident from visual inspection as to precisely which category a business/unit is most appropriate which accounts for some of the variation between different surveys. Goad do not provide surveys of Lossiemouth.

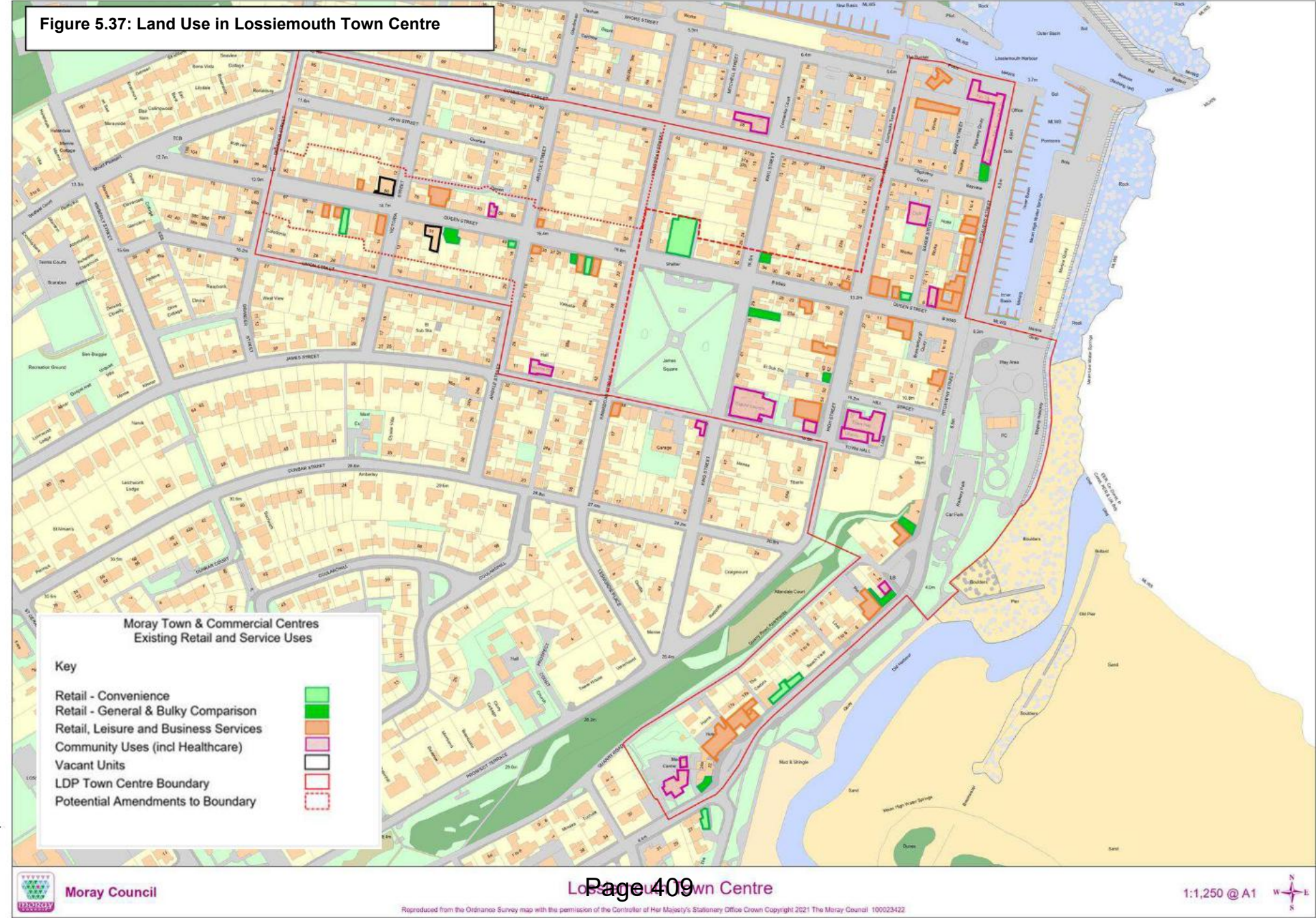
**Figure 5.36: Lossiemouth Town Centre – Types of Use 2010-21**

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	11	12	12	10	10		11
Convenience	8	12	6	6	6		8
Retail Services	8	12	10	9	12		12
Leisure Services	14	17	16	18	21		21
Business and Financial Services	3	5	5	5	4		2
Vacant	6	6	8	8	5		1
<b>TOTAL</b>	<b>50</b>	<b>64</b>	<b>57</b>	<b>56</b>	<b>58</b>	<b>0</b>	<b>55</b>
TYPES OF RETAIL/SERVICE UNITS	FLOOR AREA (Sq M)						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 GRA/HPL
Comparison	2048	2562	2562	2637	2165		882
Convenience	669	594	542	576	576		989
Retail Services	687	722	661	410	933		3404
Leisure Services	2167	1579	1579	1995	1639		
Business and Financial Services	431		1169	931	817		
Vacant	410	774	698	541	226		81
<b>TOTAL</b>	<b>6412</b>	<b>6231</b>	<b>7210</b>	<b>7090</b>	<b>6355</b>		<b>5356</b>

5.131 Figure 5.37 identifies the distribution of retail, service, community and vacant uses within the town centre (in this figure retail, leisure and business/financial services are combined).



Figure 5.37: Land Use in Lossiemouth Town Centre



*Multiple Retailers*

5.132 The 2021 survey identified national and regional multiple retailers for retail goods shops only (i.e. excluding café/restaurant and other service brands). In total 3 multiples were identified which is 16% of retailer goods operators which is close to average for a centre of this small size.

*Additional Facilities and Services*

5.133 Lossiemouth town centre provides a limited range of additional facilities and services:

- Dentist
- Boys' Brigade hall
- Lossiemouth Museum
- Health and fitness club
- Town Hall
- Library
- Music/dance school
- Social club
- Churches/places of worship (2)
- Business centre
- Vet

*Changes over Time*

5.134 Examination of Figure 5.36 shows that, for the period 2010 to 2020, the number and floor area of retail and service units was broadly constant (in the region of 50-64 units and 6,200-7,200 sq m GFA), however Regional Assessor data for 2021 shows significantly lower floorspace.

*Mix of Activities*

5.135 Figure 5.36 does identify some variation in numbers and space for different types of retail/service categories. The principal change is the reduction in comparison floorspace associated with the relocation of Grampian Furnishers' store to Elgin and relocation of the Co-op within Lossiemouth centre. The number of retail goods units has remained steady as has total number of retail/service units. The only additional significant change is the reduction in vacant units and floorspace.

**Vacancies***Vacancy Rates*

5.136 Figure 5.36 also sets out information on vacancies within Lossiemouth Town Centre. In 2021 the vacancy rates were:

- Number of units: 2021 (HPL) 2%
- Floor area: 81 sq m – only 2% of the total floor area.

- 5.137 Goad reported that, in September 2020 the UK national vacancy rate was 13.9% by number of units and 12.75% by floor area. This would suggest that, currently, Lossiemouth's Town Centre's vacancy rate is well below the UK average by number of vacant units.

#### *Distribution of Vacancies*

- 5.138 Examination of Figure 5.37 shows that there is no concentration of vacancies in the town centre although both vacant units are located towards the western end of Queen Street.

#### *Changes over Time*

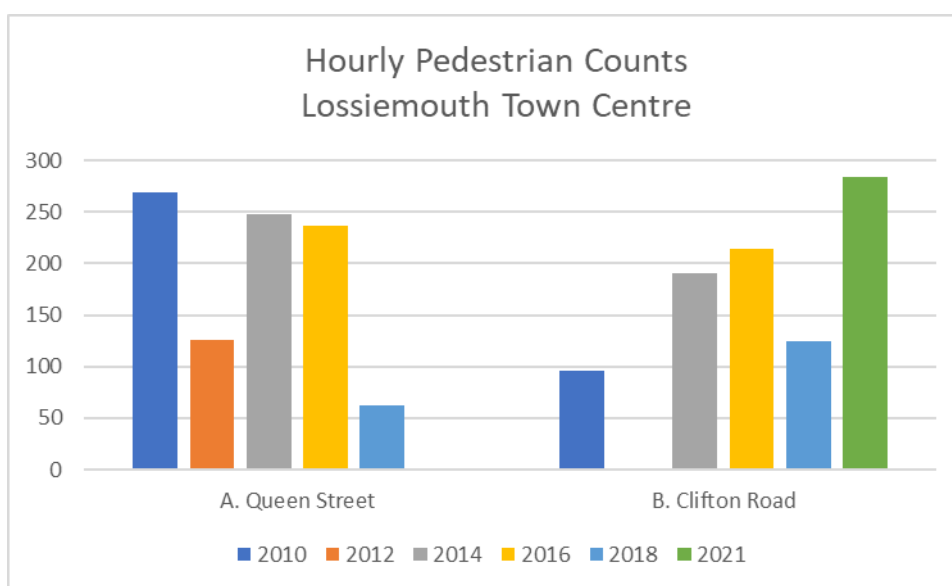
- 5.139 Figure 5.36 shows that vacancies, in terms of percentage of numbers of units, has declined – particularly since 2018.

#### **Pedestrian Flow**

- 5.140 Pedestrian flow counts were undertaken at the 2 locations used by MC on a Tuesday afternoon. However, limited weight can be given to these – minimal pedestrian activity was observed at the Queen Street location whereas, in contrast, reflecting the particularly warm and sunny summer weather on the day of survey, high numbers of pedestrians were visiting the ice cream shops at the Clifton Road location. In addition, the relocation of the Co-op from 78 to 44 Queen Street would have resulted in a significant reduction in pedestrian flows at location the Queen Street location which is close to the former Co-op store.

**Figure 3.6: Pedestrian Flows – Lossiemouth Town Centre**

	Location	Average Hourly Ped Flows (10.00 - 17.00) Weekday					
		2010	2012	2014	2016	2018	2021
A. Queen Street	A	269	126	248	236	62	
B. Clifton Road	B	96		190	214	124	284
	<i>Total</i>	365	126	438	450	186	284
Average Change (2010 = 100%)		100%	35%	120%	123%	51%	78%



## Commercial Property Market Indicators

### *Prime Retail Rents*

- 5.141 Due to Covid-19 restrictions there have been no meaningful transactions of commercial premises in Lossiemouth that can be used to indicate current prime rents. Regional Assessor information indicates that, for the basis of calculating rateable value, there is no strong prime pitch – whereas Queen Street was identified to have £100 psm Zone A, that identified for both Pitgavenney Street and Clifton Road is £75 psm. This appears to reflect the dispersed nature of Lossiemouth centre.

## Indicators of Environmental Quality

- 5.142 The environmental character of Lossiemouth is generally high. The Clifton Road/Pitgaveeny area fronts onto the river, beach and harbour and the James Square is also an attractive location. In certain areas poorly designed buildings detract from the appearance of the centre but these are, generally, limited.

### *Heritage*

- 5.143 There are 10 listed buildings within the area identified as the town centre and none of the centre is included within a Conservation Area. Figure 5.39 indicates the location of these heritage designations.

## User Views of the Town Centre

- 5.144 Information on the views of users of Lossiemouth Town Centre is available from the household survey in 2021. Average scores (where 1 = “very poor” and 5 = “very good”) for characteristics of the centre are as follows (Moray town centres’ average in brackets):

- Choice of shops for clothing and footwear: 1.7 (2.0)
- Choice of shops for other personal goods : 1.7 (2.3)
- Choice of shops for furniture, floor coverings and large household electrical items: 1.7 (2.3)
- Easy to travel to by car: 4.2 (4.2)
- Easy and cheap to park: 4.1 (4.0)
- Easy to travel to by public transport: 3.8 (3.6)
- As a pleasant and attractive place to visit: 4.2 (3.7)
- As a good place to combine shopping with other leisure activities: 2.9 (3.0)
- As a good place to combine shopping with other personal business: 1.8 (2.7)
- Overall across all of the above: 2.9 (3.1)



**Figure 5.39: Lossiemouth Town City Centre – Heritage Designations  
(Listed Buildings, Conservation Areas and Scheduled Monuments)**



5.145 Figure 5.7 set out a comparison between the principal centres within Moray and this identifies that user views of Lossiemouth centre were significantly lower than for the other town centres. Lossiemouth scored particularly low ratings for choice of shops but ratings for other indicators Lossiemouth was similar to or higher than other centres.

### Conclusions

5.146 In general the key feature of Lossiemouth is its small size. There are only approximately two thirds the number of retail/service and related units within the centre compared to Keith (which is the smallest of the adopted LDP defined town centres) and it has only about half the floorspace. The second important characteristic of the centre is that it is highly dispersed. Queen Street no longer provides a clear concentration of commercial or



community uses, even with the relocation of the Co-op, and the Clifton Road/Pitgavenney Street area is, primarily, serving visitor and tourist trade with activity concentrated in the summer months.

- 5.147 Nonetheless, the facilities and services provided within the area identified in Figures 5.35 and 5.37 are important to the local community. Furthermore, recognising the small size of the centre it is reasonable to conclude that the centre is healthy and the relocation/expansion of the Co-op will have strengthened the centre following the departure of Grampian Furnishers.

## **Lossiemouth Town Centre: Turnover, Catchment Area and Future Growth**

### **Turnover and Sales Densities**

- 5.148 Key information on numbers of units, floorspace and turnover in 2021 is provided from the SRM:

- Convenience Goods: 8 units; 989 sq m GFA; 643 sq m NFA (sales); and £3.97m turnover.
- General Comparison Goods: 11 units; 882 sq m GFA; 573 sq m NFA (sales); and £1.61m turnover.
- Bulky Comparison Goods: 0 units
- Services: 35 units; 3404 sq m GFA
- Vacancies: 1 unit; 81 sq m GFA

- 5.149 This indicates that there is significant more floorspace for retail and related services than for the retail of goods (convenience and general comparison combined).

- 5.150 In terms of turnover rates compared to national averages:

- Convenience goods floorspace is trading at 81% of the UK national average
- General comparison floorspace is are trading at 93% of the UK national average

- 5.151 Taking into account the small size of the centre these sales densities would appear relatively healthy which is consistent with the low vacancy rates within the centre..

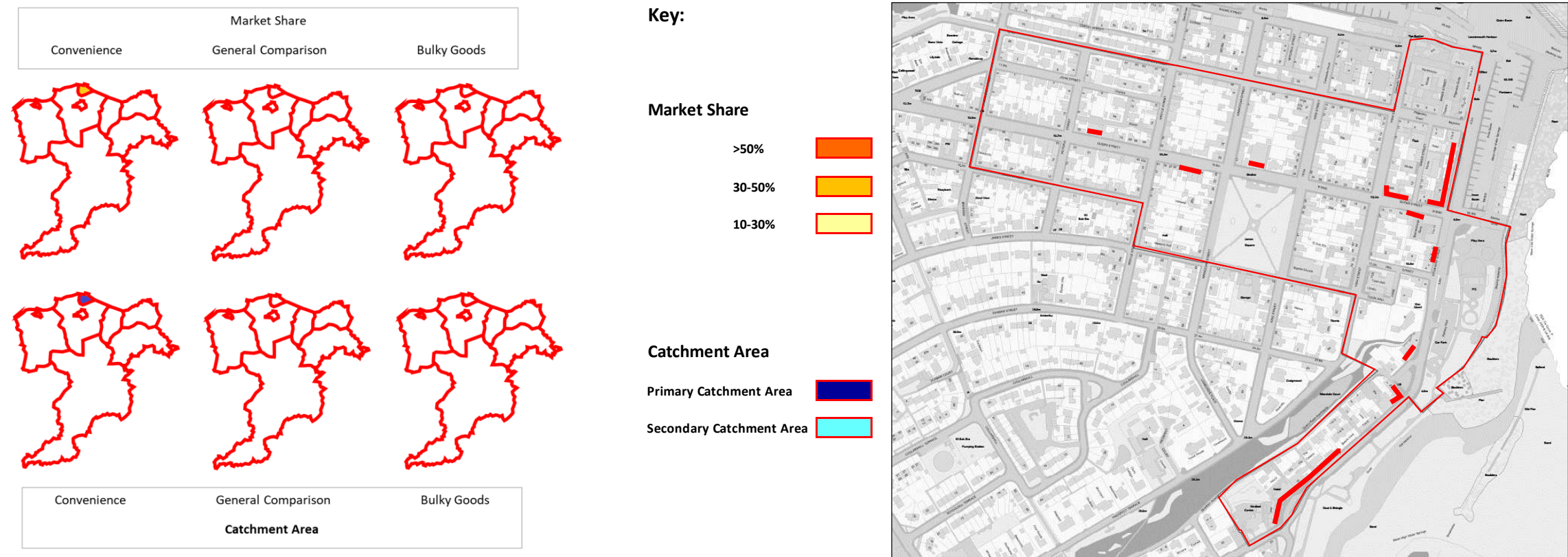
### **Catchment Area and Market Penetration**

- 5.152 Figure 5.40 presents information on the primary and secondary catchment areas for Lossiemouth town centre and levels of market penetration for different goods categories. Due to its small size Lossiemouth effectively only has a definable primary catchment area for Convenience goods and this is limited to the town of Lossiemouth. Within this area, taking into account both Co-op stores, the town achieves 30-50% market penetration.

### **Future Turnover Growth and Sales Densities**

- 5.153 Due to the small size of the centre forecasts of future turnover and sales densities have not been presented for Lossiemouth.

Figure 5.40: Lossiemouth – Key Retail Characteristics



Lossiemouth: Floorspace and Turnover 2021

	No.	Convenience				General Comparison				Bulky Goods				All Goods		
		GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
<b>Lossiemouth Town Centre</b>																
Retail Goods Shops	19	989	643	£6,174psm	£3.97m	882	573	£2,807psm	£1.61m					1871.33	1216.365	£5.58m
Services	35													3404		
Vacant	1													81		
TOTAL	55	989	643		£3.97m	882	573		£1.61m	0	0		£0.00m	5356.23		£5.58m
<b>Remainder Lossiemouth</b>																
Retail Goods Shops	2	841	547	£9,851psm	£5.39m	93	61	£2,638psm	£0.16m	79	51	£1,250psm	£0.06m	1014	659	£5.61m
Services	7													471		
Vacant														0		
TOTAL	9	841	547		£5.39m	93	61		£0.16m	79	51		£0.06m	1485	659	£5.61m

Lossiemouth Town Centre    Current Town Centre Boundary  
Principal Retail/Commercial Services Frontages

Changes in Numbers of Retail and Service Units over Time

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	11	12	12	10	10		11
Convenience	8	12	6	6	6		8
Retail Services	8	12	10	9	12		12
Leisure Services	14	17	16	18	21		21
Business and Financial Services	3	5	5	5	4		2
Vacant	6	6	8	8	5		1
TOTAL	50	64	57	56	58	0	55

## Edgar Road Commercial Centre

5.154 The Edgar Road Commercial Centre does not provide the range of retail, service and other facilities that would be expected within a town or district centre, instead it is dominated by a relatively small number of large floorplate retail units. It is not, therefore, appropriate to undertake a full health check of the centre. It is, however, as noted in Section 4 above, a very important retail location within the network of centres in Moray. This section therefore sets out key information concerning the characteristics of the retail units within the Edgar Road area.

### Definition of Commercial Centre

5.155 Figure 5.41 identifies the extent of the Edgar Road Commercial Centre as defined in the LDP.

**Figure 5.41: Edgar Road Commercial Centre**



**Space in Use***Numbers of Units by Type*

5.156 Figure 5.42 sets out information on the numbers of units and space by type of retail and leisure/service use in accordance with the categories identified in Goad centre reports. This covers the period 2010 to 2021. It should be noted that it is not always evident from visual inspection as to precisely which category a business/unit is most appropriate which accounts for some of the variation between different surveys.

**Figure 5.42: Edgar Road Commercial Centre – Types of Use 2010-21**

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	15	15	19	20	21		14
Convenience	2	2	2	2	2		3
Retail Services	0	3	3	2	2		
Leisure Services	1	1	2	3	4		2
Business and Financial Services	0	4	4	3	3		
Vacant	9	9	5	5	7		4
<b>TOTAL</b>	<b>27</b>	<b>34</b>	<b>35</b>	<b>35</b>	<b>39</b>		<b>23</b>
TYPES OF RETAIL/SERVICE UNITS	FLOOR AREA (Sq M)						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 GRA/HPL
Comparison	18432	18047	20719	21382	21172		23226
Convenience	12438	12387	12387	12387	12387		7363
Retail Services		626	626	547	547		706
Leisure Services		270	457	973	1182		
Business and Financial Services		1754	1754	1232	1232		
Vacant	6878	6375	3516	3260	4247		2533
<b>TOTAL</b>	<b>37748</b>	<b>39457</b>	<b>39458</b>	<b>39781</b>	<b>40767</b>		<b>33828</b>

5.157 The data in Figure 5.42 refers to all retail and related commercial units in the Edgar Road area, including those located immediately outwith the boundary identified in the LDP as shown in Figure 5.41. Figure 5.43 identifies the distribution of retail, service, community and vacant uses within the Edgar Road area (in this figure retail, leisure and business/financial services are combined).





### Changes over Time

5.158 Examination of Figure 5.42 shows that, for the period 2010 to 2021 the number of retail units increased to 2018 but has subsequently reduced while, over the same period there has also been a slight reduction in total floor area for retail and related services. These trends reflect the amalgamation of units within the retail parks and the move of retail and vacant space. The figure also identifies that there has, over the whole period, been an increase in total comparison floorspace and reduction in vacant space and space used for services.

### Vacancies

5.159 Figure 5.42 also sets out information on vacancies within the Edgar Road area. In 2021 the vacancy rates were:

- Number of units: 17%
- Floor area: 7%

5.160 Vacancies are, therefore, slightly above average by number of units but below national averages by floor area. Vacancy rates have steadily reduced since 2010.

5.161 These vacancies are concentrated in the Elgin Retail Park and are long term having been vacant since the Retail Park first opened in 2007/08.

### Turnover and Sales Densities

5.162 Key information on numbers of units, floorspace and turnover in 2021 is provided from the SRM:

- Convenience Goods: 3 units; 7363 sq m GFA; 4524 sq m NFA (sales); and £46.09m turnover.
- General Comparison Goods: 8 units; 13266 sq m GFA; 9085 sq m NFA (sales); and £62.44m turnover.
- Bulky Comparison Goods: 7 units; 9961 sq m GFA; 7255 sq m NFA (sales); and £33.72m turnover.
- Services: 2 units; 706 sq m GFA (this excludes space within café's within major retail units)
- Vacancies: 4 units; 2533 sq m GFA

5.163 These figures confirm the dominance of retail floorspace within the Commercial Centre and the, generally, even spread between the three principal retail goods categories within the centre.

5.164 In terms of turnover rates compared to national averages:

- Convenience goods floorspace is trading at 95% of the UK national average
- General comparison floorspace is are trading at 136% of the UK national average
- Bulky Goods floorspace is trading at 127% of the UK average.

5.165 These figures indicate that the retail units at Edgar Road are trading strongly, particularly those retailing general comparison goods. These are the strongest sales densities for any location within Moray and, reflecting the commercial success of this location, it is likely that Edgar Road would be the most attractive location from a commercial perspective should demand for additional retail floorspace be forthcoming. Similarly it is also conceivable that there could be pressure to relocate existing retail units (e.g. from the City Centre) to space at Edgar Road.

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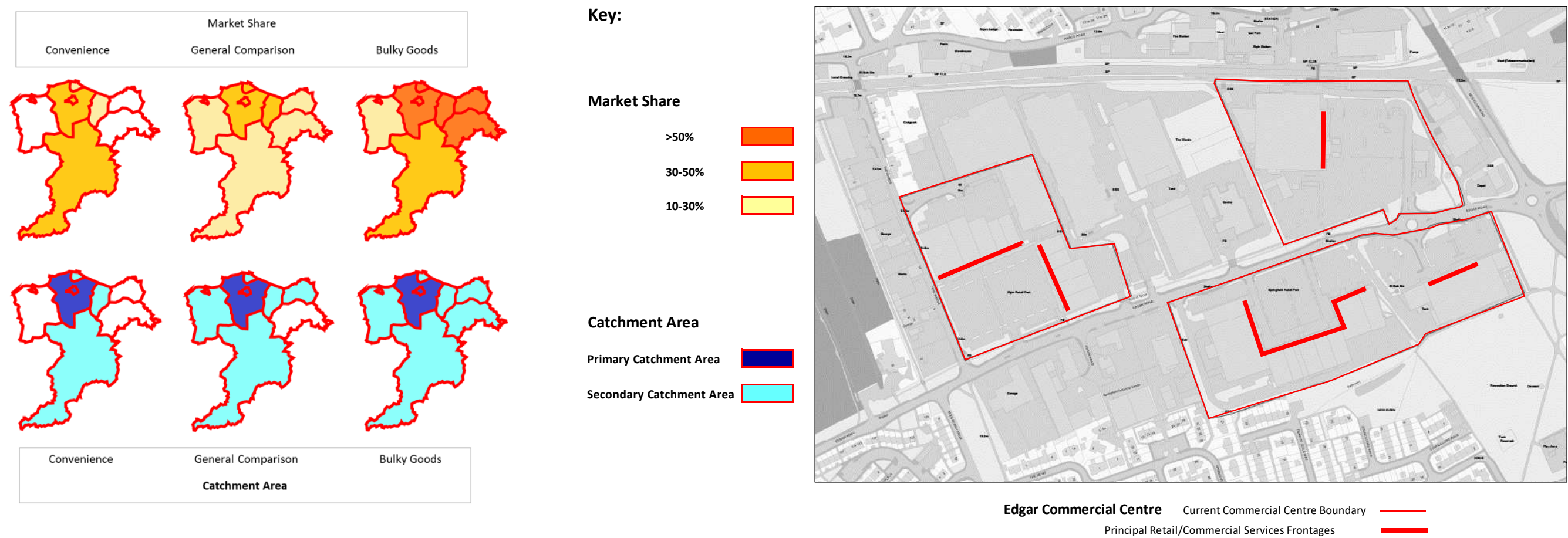
**Catchment Area and Market Penetration**

5.166 Figure 5.44 presents information on the primary and secondary catchment areas for the Commercial Centre and levels of market penetration for different goods categories.

- For Convenience Goods: the centre has a clearly identifiable PCA Elgin and the immediate rural hinterland (Zones 1 and 2) and a secondary catchment area comprising Speyside, Lossiemouth and the Fochabers area (Zones 4,5 and 8). Market share in the PCA is 30-50% and in the SCA 10-50%.
- For General Comparison Goods: the PCA for the centre is the same as identified for convenience goods but the SCA extends further covering the whole of Moray with the exception of the Keith area. Market share is in the range of 30-50% in Elgin town, Elgin rural and Lossiemouth and 10-30% in the remainder of Moray.
- For Bulky Goods: the PCA for bulky goods is the same as for convenience and general comparison but the SCA is identified to comprise the whole of the remainder of Moray. Market share for bulky goods is high, greater than 50% expenditure for these goods is directed from Elgin, Lossiemouth, Fochabers and Buckie areas (Zones 1,2,4,6,7,& 8) and is 10-30% from Speyside (Zone 5) and 10-30% in the Forres area (Zone 3).



Figure 5.44: Edgar Road Commercial Centre – Key Retail Characteristics



Edgar Road Commercial Centre: Floorspace and Turnover 2021

	No.	Convenience				General Comparison				Bulky Goods				All Goods		
		GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Turnover Rate £/Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m
Elgin City Centre																
Retail Goods Shops	18	7363	4524	£10,384psm	£46.97m	13266	9085	£5,881psm	£53.43m	9961	7255	£4,638psm	£33.65m	30589	20863.54	£134.05m
Services	2													706		
Vacant	4													2533		
TOTAL	24	7363	4524		£46.97m	13266	9085		£53.43m	9961	7255		£33.65m	33828.24		£134.05m

Changes in Numbers of Retail and Service Units over Time

TYPES OF RETAIL/SERVICE UNITS	COUNT						
	2010 MC	2012 MC	2014 MC	2016 MC	2018 MC	2020 Goad	2021 HPL
Comparison	15	15	19	20	21		14
Convenience	2	2	2	2	2		3
Retail Services	0	3	3	2	2		
Leisure Services	1	1	2	3	4		2
Business and Financial Services	0	4	4	3	3		
Vacant	9	9	5	5	7		4
TOTAL	27	34	35	35	39		23

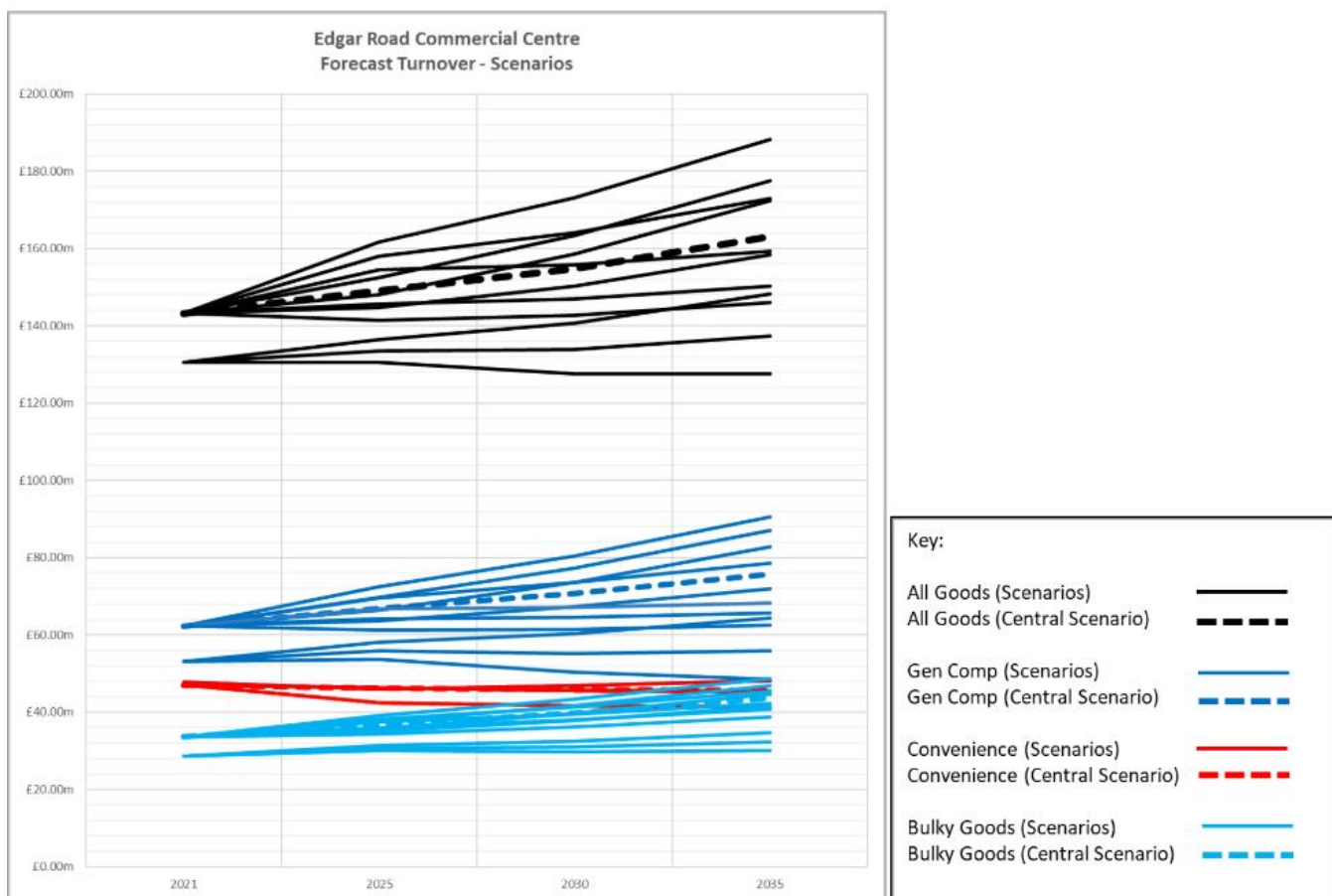
### Future Turnover Growth

5.167 Information of future turnover growth has been derived from the Strategic Retail Model in the same way as set out for Elgin City Centre.

#### *Forecast Changes in Retail Turnover: Edgar Road Commercial Centre*

5.168 Figure 5.45 sets out forecasts of future turnover for each of the principal goods categories for the period 2021 to 2035. The central case is denoted by the dashed lines.

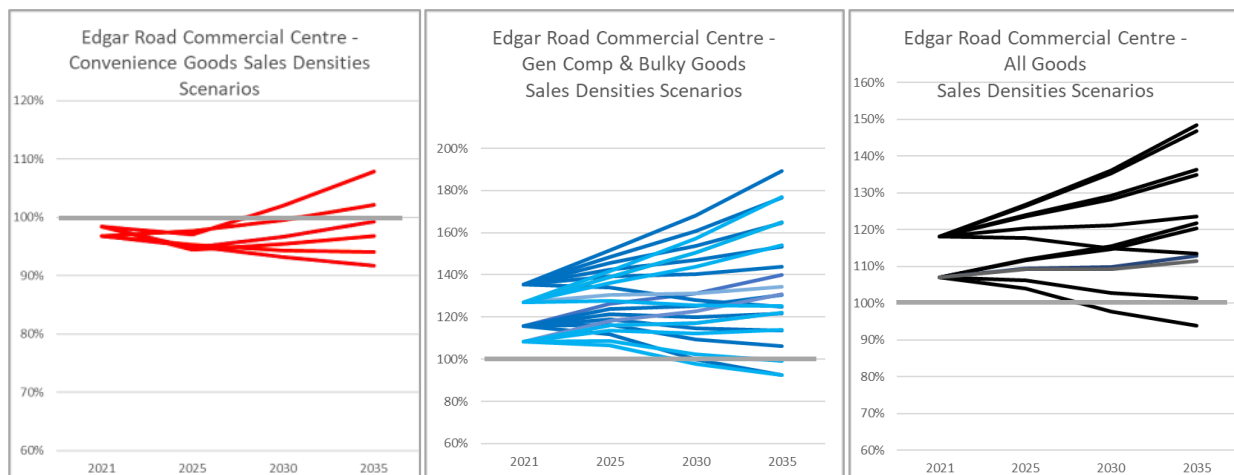
**Figure 5.45: Forecast Future Turnover Edgar Road Commercial Centre**



5.169 The figure shows that in the central case and in all scenarios turnover in the Commercial Centre is expected to increase in real terms for all goods. However, whereas general comparison goods turnover is expected to grow relatively strongly, that for convenience goods is expected to remain generally flat (no increase or decrease).

#### *Forecast Changes in Sales Densities: Edgar Road Commercial Centre*

5.170 Figure 5.46 (in three parts) considers these forecasts of turnover in terms of national average sales densities. This can be used as a proxy indicator for overall viability of businesses (subject to the earlier comment in para 5.31 above).

**Figure 5.46: Edgar Road Future Sales Densities as a Percentage of National Average Densities**

5.171 As with Elgin City Centre there is considerable variation in the assessments of sales densities – this reflects the fact that not only are there variations in the forecasts of future turnover but, in addition, there is significant variation in the rate at which increases in sales densities are considered appropriate. However, a general picture emerges which is:

- For convenience goods sales densities are more likely to increase than decline however densities will generally remain close to the UK national average (within the range of 90% to 110% of average).
- For comparison goods there is especially wide variation. Sales densities are more likely to increase rather than decline but there is possibility in some scenarios of a decline whereas there are also some scenarios with a rapid increase in sales densities. In almost all cases sales densities will remain above, and in some cases, well above national average levels.
- For all goods sales densities there is wide variation in forecasts.

5.172 The general conclusion from this is that the commercial viability of retail units at Edgar Road remains robust and this could reinforce the earlier conclusions that Edgar Road will remain an attractive location for retail operators for all sectors seeking large floorplate retail units.

## 6 Planning Recommendations for Retail and Leisure

### Introduction

6.1 This section sets out the recommendations for the retail and leisure strategy to be considered by Moray Council for inclusion within the emerging draft Local Development Plan. It considers each of the following:

- The network of centres
- Specific retail and leisure planning issues for individual centres including:
  - *The vitality and viability of centres and prospects for future growth*
  - *Quantitative and Qualitative retail deficiencies*
  - *Market potential*
  - *Potential amendments to the boundaries of defined centres*
  - *Development sites*
- Provision for retail and leisure in masterplan areas and new neighbourhoods identified in the adopted LDP
- Broad policy recommendations for inclusion within the LDP
- Other issues including town centre health checks, monitoring and review

6.2 The key issues to be addressed in the recommended Retail Strategy are identified in the following box. These have been identified taking into account the context of each of: the anticipated population and expenditure growth within the study area; changes in the structure of retailing and leisure and future changes; and the policy framework provided through Scottish Planning Policy and the draft National Planning Framework 4.

## Key Issues to be addressed through the Retail Strategy

1. **The protection and enhancement of city, town and local/village centres.** *This reflects the importance of these centres providing important services and facilities to the wider community consistent with a “town centres first” policy approach. In addition the importance of protecting, where possible, local shopping provision in the city, towns and in rural areas to support local access to shopping facilities. This will support social inclusion and the minimisation of travel demand and reducing overall carbon emissions.*
2. **Encouraging new investment in retail and leisure** *in both existing retail centres (including both new floorspace and the re-use of existing space, including vacant space) and in new centres which serve new masterplan areas.*
3. **To ensure that all new retail developments contribute towards reducing the need to travel** *and encourage people to walk, cycle or use public transport by making these attractive choices.*
4. **Addressing identified existing retail deficiencies (qualitative and quantitative).**
5. **Addressing the retail needs of new expansion areas** *in each of Elgin, Buckie, Forres and Mosstodloch.*
6. **Facilitating and supporting the growth of retail, leisure and related services within Elgin City Centre** *to maintain and strengthen the vitality and viability of the City Centre and to maintain the City Centre as the principal retail location serving Moray.*
7. **Identifying general policy principles** *to be applied for all new retail development consistent with Scottish Planning Policy and taking into account draft policy proposals set out in the emerging National Policy Framework 4.*

## Network of Centres

- 6.3 Section 4 set out an analysis of centres within Moray and proposed the network of centres identifying the function/role of each centre. This network is recommended for inclusion within the LDP as set out below in Figure 6.4 (copied from Figure 4.6).

**Figure 6.4: Proposed Network of Centres (from Figure 4.6)**

Category of Centre	Function/Role of Centre	Locations
<i>Regional Centre</i>	<p><i>Principal retail location for Moray.</i></p> <p><i>Provides wide range of retail, retail service and non-retail public and commercial services and facilities.</i></p> <p><i>Provides a focus for the Elgin- and Moray-wide community and as a focus for transport.</i></p>	<i>Elgin City Centre</i>
<i>Town Centres</i>	<p><i>Provide a wide range of retail, retail service and non-retail public and commercial services and facilities.</i></p> <p><i>Provide a focus for the local community (town and immediate rural hinterland) and for local transport networks.</i></p>	<i>Buckie; Forres, Keith &amp; Lossiemouth</i>
<i>Local and Village Centres</i>	<p><i>Provide a limited range of retail facilities and other services/facilities – primarily meeting some of the day-to-day needs of the local community.</i></p>	<p><i>Elgin Local Centres: Bishopmill; Southfield Drive</i></p> <p><i>Keith: Regent Street (see recommendations in Section 6)</i></p> <p><i>Village Centres: Aberlour; Cullen; Dufftown; Findhorn; Fochabers; Hopeman; Lhanbryde; Rothes</i></p>
<i>Commercial Centre</i>	<p><i>Retail developments (either purpose built or well-defined groups of separate units) that serve one or more specific retail market sectors with relative wide catchment areas.</i></p>	<i>Edgar Road (comprising the Elgin &amp; Springfield Retail Parks and adjoining areas)</i>

## Proposals for Town and Commercial Centres

### Elgin City Centre

#### *Vitality and Viability*

6.4 Section 5 provided a review of the vitality and viability of Elgin City Centre undertaken during 2021. It concluded that the vitality and viability indicators present a very mixed picture of the health of the centre:

- Vacancies are close to national averages but have increased significantly since 2010 (although not in recent years) and are concentrated in prime retail frontages on the High Street and St Giles Centre.
- There does appear to be a shift in changes in types of use, from retail goods shops to services, but not as strongly as seen in national trends.
- The centre does provide a balance between large scale modern foodstore units and traditional smaller units. The In-street survey confirms that there are important linkages between the two parts of the City Centre despite these being separated by the A96.
- Current market information suggests relatively weakness in prime rents – but it is not clear whether this is a longstanding issue or simply a reflection of the hiatus caused by Covid-19.
- The City Centre's historic and architectural character, together with attractive pedestrianised areas, are important contributors to the vitality of the centre and this is appreciated by users/visitors to the centre.
- Household interview responses are muted in the degree to which there are positive views of the City Centre. Whereas the centre is seen as easy to access/park the retail offer is identified as weak.

#### *Prospects for Growth*

- 6.5 *Convenience Goods.* Prospects for growth from the SRM identify the central case to be flat to 2025 and gradual decline thereafter. Only limited variation is identified according to the different growth scenarios. Sales densities remain mostly below national average sales densities. From this there is no clear potential for additional new retail floorspace. In addition, it has also been noted that M&S have identified a requirement for a new foodstore to serve Elgin. The implication of this is that there is the potential for this store to close and relocate away from the City Centre unless a site is available within/on the edge of the centre is identifiable.
- 6.6 *General Comparison Goods.* Central forecasts identify steady growth in turnover (+6% to 2025 and +20% to 2035) however there is wide variation according to different growth scenarios which introduces significant uncertainty particularly in the period 2030-35. Even with the highest growth forecasts sales densities only slightly exceed national averages. From this, as with convenience goods, there is no clear potential for additional floorspace within the City Centre for general comparison goods.
- 6.7 *Bulky Goods.* This is a relatively small sector within the City centre and the most significant units are located on the edge of the defined centre. Forecast growth is higher than for other retail sectors. Market requirements would indicate a need for sites/units that have easy access and parking for cars which limits potential opportunities within the town centre.
- 6.8 The overall implication from the above analysis is that there is a limited requirement for additional space which cannot be met through the occupation of existing units (including vacant units) within the City Centre. However,



where there is potential demand (e.g. for relocated foodstores and bulky goods) the commercial requirement for stores would be for sites with easy access and parking for customers.

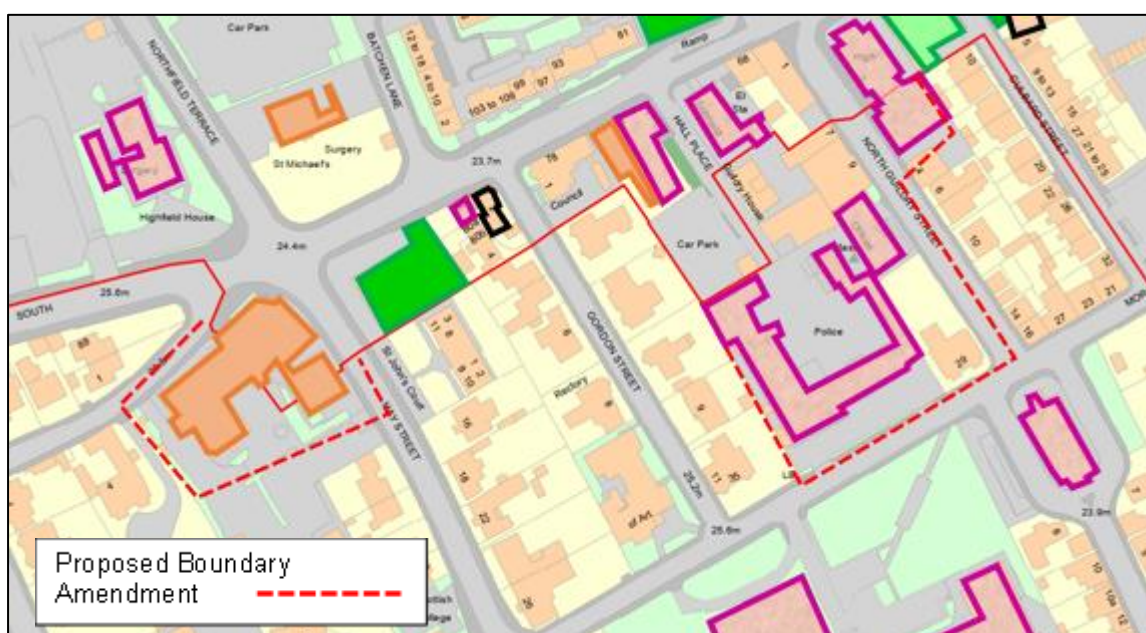
#### *Retail Deficiencies, Capacity and Demand*

- 6.9 The earlier assessment does not identify any clear deficiencies or capacity for convenience retail floorspace within Elgin City Centre. In considering Zone 1 in isolation there is a clear excess of floorspace compared to available expenditure for each of convenience, general comparison and bulky goods. For convenience goods this remains the case when one includes zones 2, 4, 5 and 8 in the analysis.
- 6.10 However, there is an identified quantitative deficiency for both general comparison and bulky goods when one undertakes this assessment for Moray as a whole. Notwithstanding this calculation it is evident that potential market demand for comparison goods is expected to be muted based on current market trends and is likely to reflect demands for large floorplate units with easy parking/access. It is not anticipated that, despite strong growth in available expenditure, this will translate into demand for traditional “High Street” type retail units.

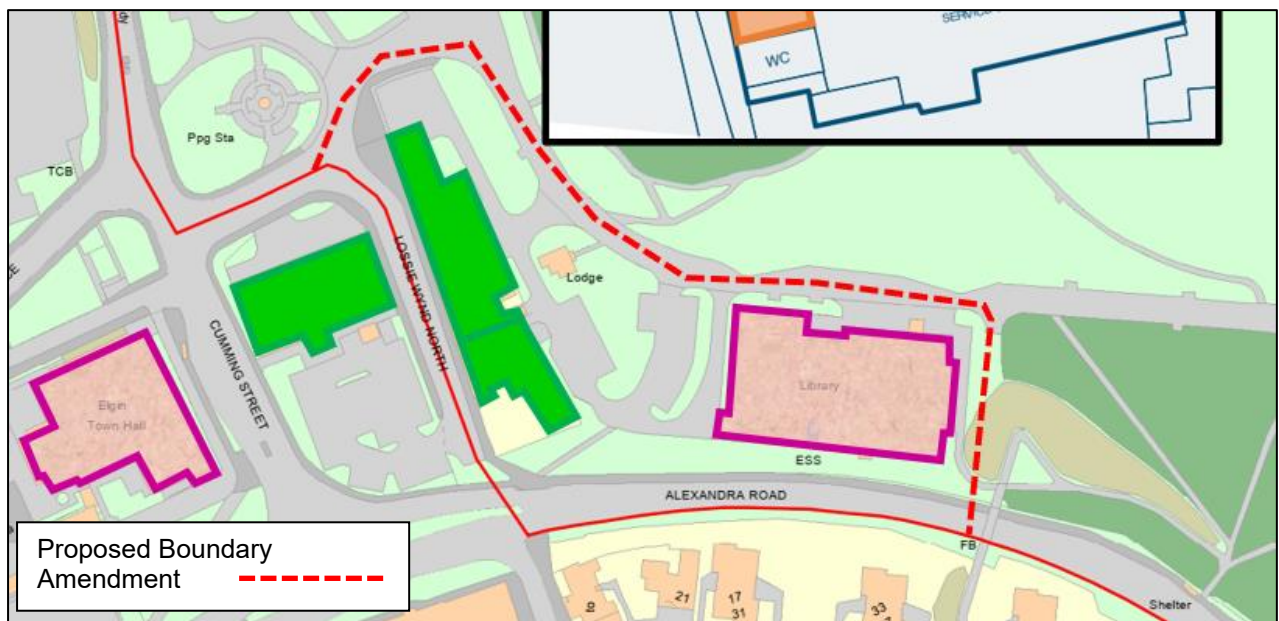
#### *Town Centre Boundaries*

- 6.11 Figure 5.3 identified the existing boundary to Elgin City Centre in the adopted LDP and also included proposed amendments to this boundary. Figure 6.5 (parts A and B) identify those parts where is it recommended that consideration is given to extending the boundary of the City Centre.

**Figure 6.5A: Elgin City Centre – Proposed Boundary Amendment South West**



- 6.12 Two amendments are proposed in the south west part of the town centre:
- Inclusion of the Mansefield Hotel at Mayne Road/Hay Street. Hotels provide important leisure and tourist facilities appropriate for inclusion within the City Centre.
  - Inclusion of the Police Scotland station at Moray Street. This is an important community facility and associated offices appropriate for inclusion as part of the City Centre.

**Figure 6.5B: Elgin City Centre – Proposed Boundary Amendment North East**

- 6.13 This proposal includes significant retail units located on Lossie Wynd North and also the library located north of the A96. Both uses are appropriate for inclusion within the City Centre. Consideration could also be given to include the pedestrian overbridge that links the library to the City Centre across the A96.

#### *Potential Development Sites*

- 6.14 The adopted LDP identifies 4 Opportunity Sites located on the north side of the A96 (OPP7, OPP8, OPP9 and OPP11) that have the potential to accommodate retail or leisure uses should demand be forthcoming. It is noted that each of these sites have significant development and/or ownership constraints but the basis of the recommendation in this report is whether the sites are suitable for potential retail or leisure use and, if so, how this would support the future development, vitality and viability of the City Centre:

- OPP7 Gordon Macphail. This is a large site located adjacent to Tesco and opposite the “traditional” part of the City Centre. It is considered that this site would support large format retail units, with appropriate surface level car parking for convenience, general comparison bulky goods and leisure uses. Demand for these uses may be limited and mixed use incorporating commercial and community use would also support the future development of the City Centre.
- OPP8 Lossie Green. It is noted that OPP8 identifies this large site for leisure, office and retail. Although these uses can be supported it is considered that OPP7 is preferred for these uses on the grounds that (i) OPP7 has more direct pedestrian links to Tesco and areas of the City Centre south of the A96 and (ii) OPP8 includes important existing community and related uses which could be lost from the City Centre if the site is redeveloped.
- OPP9 Town Hall. It is considered that the proposed use set out in the adopted LDP, i.e. for arts, cultural and community/visitor facilities, is the most appropriate use in that these uses fit with the current use of the building.
- OPP11 Lesser Borough Briggs. Although this site is included within the defined City Centre boundary it is, nonetheless, relatively remote from the retail core of the City Centre and it is unlikely to support linked trips other than to the football ground and existing Leisure Centre. On this basis it is considered that the site would

be appropriate for large scale leisure use but is less appropriate for retail use than either OPP7 or OPP8. This recommendation is consistent with the approval of planning application 20/00364/APP for the site.

- 6.15 In summary, it is considered that OPP7 provides an opportunity for large floorplate retail use or leisure use which would complement other retail uses on the north side of the A96. OPP8 also provides a similar opportunity although it is considered that OPP7 is preferred. It is agreed that OPP9 is appropriate for arts/cultural uses whereas OPP11 may be appropriate for large scale leisure use but, of the potential development sites, it is considered that this has the weakest links to the core parts of the City Centre.

**Buckie Town Centre***Vitality and Viability*

6.16 The conclusions of the assessment of the vitality and viability of Buckie town Centre undertaken in 2021 set out in Section 5 identify mixed indicators of vitality and viability:

- Vacancies are below national averages in terms of numbers of vacant units and vacant floorspace.
- There does appear to be a shift in changes in types of use, from retail goods shops to services, but not as strongly as seen in national trends.
- The centre provides a reasonable range of services and facilities additional to retail and retail services.
- The town centre provides a mixed quality of environment which is adversely affected by traffic and vacant sites and has limited heritage interest (compared to other Moray towns)..
- The centre has a generally limited retail and service offer which is, primarily, a reflection of its relatively small size.

*Prospects for Growth*

6.17 *Convenience Goods.* Prospects for growth from the SRM identify the central case to be a slight decline to 2035 with only limited variation is identified according to the different growth scenarios. Sales densities remain mostly slightly below national average sales densities. From this there is no clear potential for additional new retail floorspace.

6.18 *General Comparison Goods.* Central forecasts identify steady growth in turnover (+8% to 2025 and +35% to 2035) with limited variation according to different growth scenarios. Sales densities vary considerably according to the scenario considered although, on average, they do not significantly differ from national averages although there is considerable variation (densities ranging from 70% to 125% of UK averages by 2035). From this, as with convenience goods, there is no clear potential for additional floorspace within Buckie town centre for general comparison goods. This is reinforced by limited market demand based on recent trends.

6.19 *Bulky Goods.* This is a small sector within the town centre. Forecast growth is similar for general comparison goods and sales densities, although less variable than for general comparison goods, on average remain broadly close to national averages. This would indicate no clear potential for bulky goods. However, the lack of local provision could provide an opportunity for new bulky goods floorspace serving the local market.

6.20 The overall implication from the above analysis is that there is a limited requirement for additional space which, if there is market demand for this, is most likely to be for bulky goods and this is likely to be from 2030 onwards although there is considerable uncertainty regarding forecasts this far into the future.

*Retail Deficiencies, Capacity and Demand*

6.21 The earlier assessment implied that there are significant retail deficiencies for both general comparison and bulky goods. In market terms any demand for either general or bulky goods is most likely to come from an occupier identifying a specific market opportunity (i.e. it is unlikely to be speculative retail development).



*Town Centre Boundaries*

6.22 Figure 5.13 identified the existing boundary to Buckie town centre in the adopted LDP and also included proposed amendments to this boundary. Figure 6.6 (parts A, B & C) identify those parts where it is recommended that consideration is given to extending the boundary of the town centre.

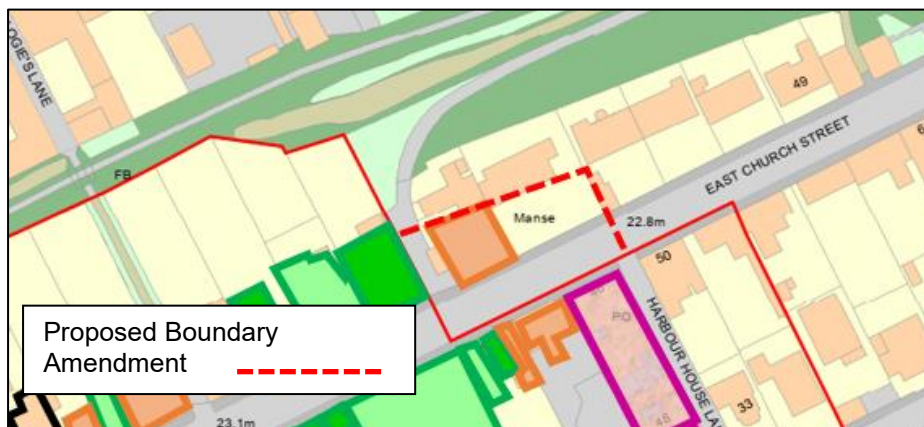
**Figure 6.6A: Buckie Town Centre – Proposed Boundary Amendment South**



6.23 Two amendments are proposed in the south west part of the town centre:

- Inclusion of the Old /Coach House hotel and restaurant. Hotels provide important leisure and tourist facilities appropriate for inclusion within the City Centre.
- Regularisation of boundary around Lidl and the Original Factory Shop.

**Figure 6.6B: Buckie Town Centre – Proposed Boundary Amendment North East**



6.24 This proposal includes leisure service unit along East Church Street and regularises boundary with that on the opposite side of the road.

**Figure 6.6C: Buckie Town Centre – Proposed Boundary Amendment West**

- 6.25 This proposal includes retail and leisure service units and community facility on West Church Street (north side).

#### *Potential Development Sites*

- 6.26 The adopted LDP identifies 3 Opportunity Sites (OPP1, OPP2, OPP7) within or adjacent to the existing town centre boundary that have the potential to accommodate retail or leisure uses or affect existing retail should demand be forthcoming:

- **OPP1 Highland Yards.** The LDP identifies this site as suitable for residential use. It is important to note that this site includes most of the Lidl foodstore and car park which is the largest retail unit (in terms of floorspace and turnover within Buckie town centre) and accounts for approximately one third of the turnover of the town centre. Although it is quite possible that Lidl could seek to relocate this store if an alternative site became available within Buckie (the current store is smaller than their current preferred size) this has not been suggested in the company's property requirements brochure. At this stage therefore it is recommended that site OPP1 is amended to exclude the Lidl site.
- **OPP2 Blairdaff Street.** This is a small site located adjacent to the town centre boundary. The site has a limited profile and would not be suitable for significant retail or leisure development although it is possible that it could be converted for either retail, service or leisure use. It is considered that the existing proposed use, i.e. to be compatible with adjacent residential uses, is appropriate.
- **OPP7 Former Millbank Garage Site.** This is located within the town centre and has a high profile fronting onto the High Street. The site currently has a negative impact on the character of the town centre being located on the principal approach into the centre. The current LDP allocation for Class 1, Class 2 or Class 3 with residential above is appropriate although this should also support other leisure and sui generis uses that would support the vitality or viability of the town centre.

- 6.27 In summary, it is considered that OPP7 provides the principal opportunity for retail or leisure uses and a slight amendment to the proposed use of the site in the LDP should be made to reflect this. However, demand for space within Buckie is limited and the site has a negative impact on the appearance of the town centre so development of the site without commercial use could be considered acceptable in that it would remove a significant vacant site on an important approach into the town centre. Site OPP1 should be amended to exclude Lidl.

**Forres Town Centre***Vitality and Viability*

6.28 The conclusions of the assessment of the vitality and viability of Forres town Centre undertaken in 2021 set out in Section 5 are that the centre remains relatively strong:

- Vacancies are below national averages in terms of numbers of vacant units and vacant floorspace.
- There does appear to be a shift in changes in types of use, from retail goods shops to services, but not as strongly as seen in national trends.
- The centre provides a good range of services and facilities additional to retail and retail services.
- Current market information suggests prime rents have been maintained at reasonable levels despite the effects of the hiatus caused by Covid-19.
- The town centre provides a very attractive environment with numerous historic buildings.
- The centre's principal weakness is lack in terms of range of retail units and services which is, primarily, a reflection of its relatively small size.

*Prospects for Growth*

6.29 *Convenience Goods.* Prospects for growth from the SRM identify the central case to be flat to 2025 and thereafter a marginal increase (+2% by 2035) with only limited variation is identified according to the different growth scenarios. Sales densities increase steadily throughout the study period but still remain below national average levels. From this there is no clear potential for additional new retail floorspace.

6.30 *General Comparison Goods.* Central forecasts identify steady growth in turnover (+10% to 2025 and +44% to 2035) with limited variation according to different growth scenarios. Sales densities vary considerably according to the scenario considered but remain below relevant national averages. From this, as with convenience goods, there is no clear potential for additional floorspace within Forres town centre for general comparison goods. This is reinforced by limited market demand based on recent trends.

6.31 *Bulky Goods.* This is a relatively small sector within the town centre. Forecast growth is similar for general comparison goods and sales densities are highly variable but tend to remain above average. This would indicate that there could be potential for additional bulky goods retailing serving the local market although, as noted earlier, operators will prefer sites with good parking and easy access for private cars.

6.32 The overall implication from the above analysis is that there is some potential for comparison goods although demand for general comparison would be constrained by current low sales densities. The most significant opportunity would be to identify an opportunity for bulky goods and there could be market demand for a location within easy access of the A96.

*Retail Deficiencies, Capacity and Demand*

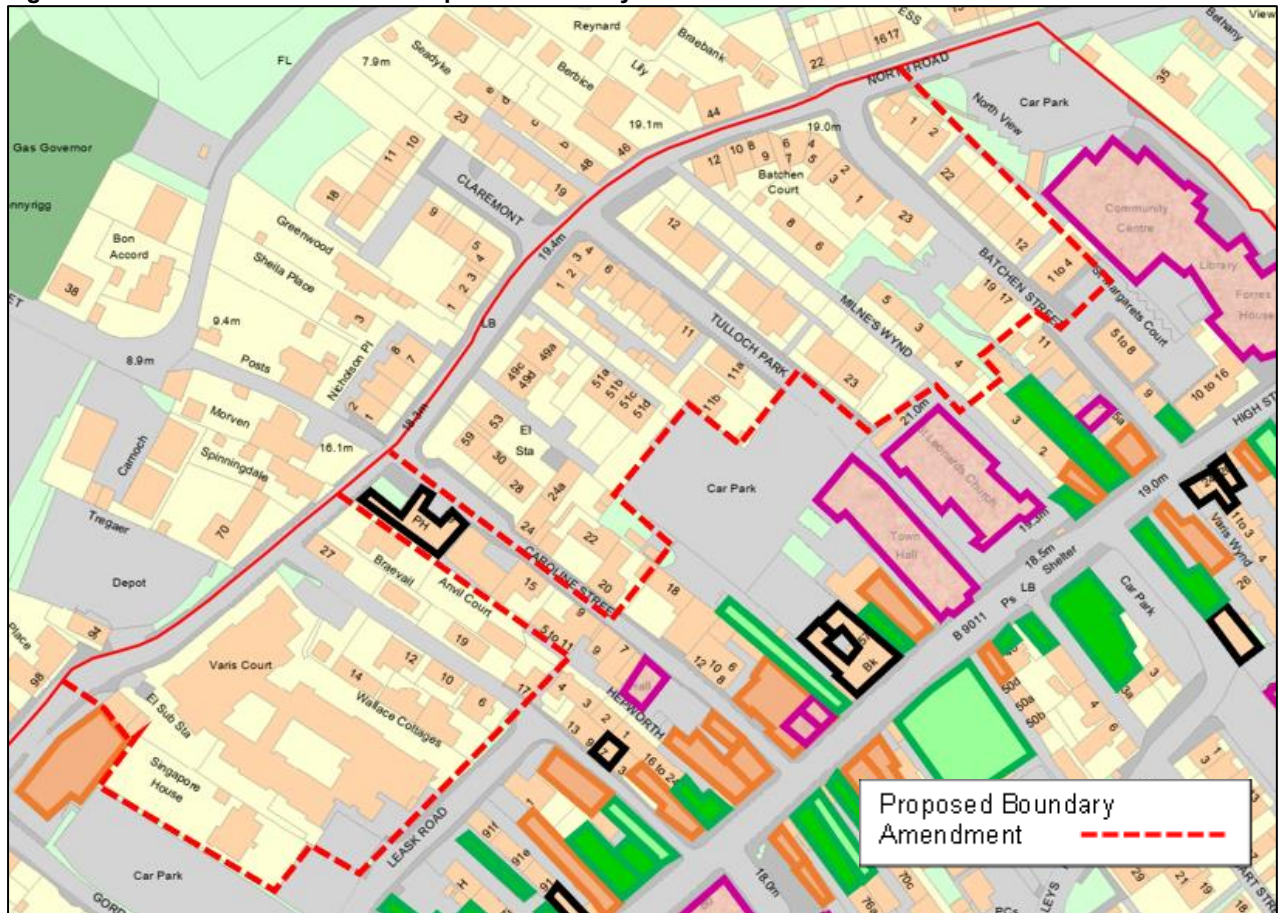
6.33 The earlier assessment implied that there are significant retail deficiencies for both general comparison and bulky goods. This is consistent with the analysis of future expenditure growth and sales densities.



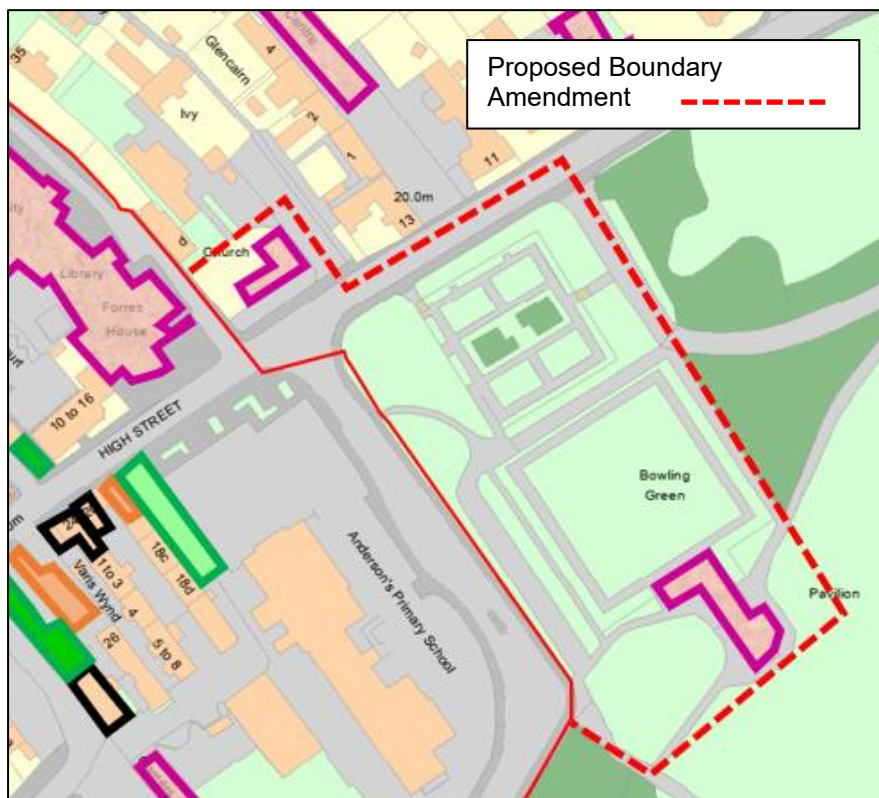
*Town Centre Boundaries*

- 6.34 Figure 5.21 identified the existing boundary to Forres town centre in the adopted LDP and also included proposed amendments to this boundary. Figure 6.7 (parts A, B & C) identifies those parts where it is recommended that consideration is given to amending the boundary of the town centre.

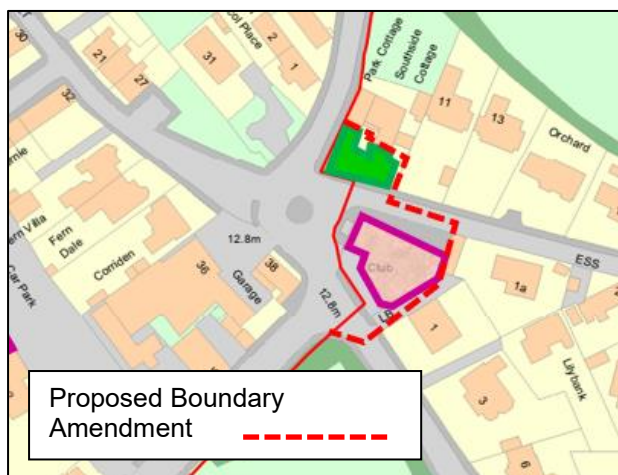
**Figure 6.7A: Forres Town Centre – Proposed Boundary Amendment North West**



- 6.35 The existing town centre boundary includes extensive residential areas which do not link to other significant commercial uses nor are there any significant potential development sites capable of accommodating significant commercial use. Figure 6.7A includes the former Castle Inn although it would be reasonable to exclude this area between Caroline Street and North Street from the town centre boundary as well.

**Figure 6.7B: Forres Town Centre – Proposed Boundary Amendment East**

- 6.36 This proposal includes St Margaret's Church, the gardens and bowling green within the town centre on the basis that they all make significant contributions to the character and facilities available at the centre of Forres.

**Figure 6.7C: Forres Town Centre – Proposed Boundary Amendment South**

- 6.37 This proposes a small extension to include the retail unit (opticians) and Royal British Legion Club within the town centre. Although apparently distant from other commercial/community uses these buildings are located close to significant public car parks already included within the town centre.

*Potential Development Sites*

6.38 The adopted LDP identifies 3 Opportunity Sites (OPP1, OPP2 and OPP3) within or close to the existing town centre boundary that have the potential to accommodate retail or leisure uses should demand be forthcoming:

- OPP1 Caroline Street. This is a large site (1.5ha) which the LDP identifies as suitable for residential, commercial or retail. Although located relatively close to the town centre it is separated by significant existing residential development and would not be considered as an edge of centre site, in addition comments above recommend amendments to the boundary of the town centre moving it further away from this site. This site was the location of a Tesco supermarket up until 2001/02 when the store was relocated to Nairn Road. In terms of modern commercial retail requirements the site has a limited profile and does not have straightforward vehicular access and is, therefore, unlikely to be attractive to commercial retail use although there is a possibility that part of the site could be used for leisure use such as a gym or for services as part of a mixed development. In general it is considered that the existing proposed use could remain but it is considered very unlikely that a retail developer would consider the site to be suitable for development. It is noted that planning application 20/01455/APP for residential development has been refused on this site on the grounds of detailed design matters (open space/play areas etc).
- OPP2 Bus Depot. This is a smaller site (0.13ha) adjacent to site OPP1. Although located closer to existing town centre uses the site has similar problems to those identified for OPP1 and its smaller size further limits its potential for retail development, although it could be developed as part of a combined OPP1/OPP2 site. Overall it is considered that this site is most appropriate for residential development. It is noted that planning permission has been granted for change of use to a car park (20/01226/APP).
- OPP3 Castlehill Hall. This is a B listed building and the LDP proposes its use as residential with retention of the existing listed façade. The building has a frontage onto the High Street and therefore potential conversion to retail or leisure use should also be considered acceptable which would support the vitality and viability of the town centre.

6.39 In summary, it is considered that OPP1 and OPP2 have limited potential as either retail or leisure development sites although it is possible for leisure or services to be included as part of a residential-led development. Site OPP3 is well-located within the town centre and, as such, re-use or conversion for either retail or leisure use should be encouraged along with residential.

**Keith Town Centre***Vitality and Viability*

6.40 The conclusions of the assessment of the vitality and viability of Keith town centre undertaken in 2021 set out in Section 5 are that the centre has mixed indicators of vitality and viability:

- Range of retail and service facilities within the town centre is relatively limited.
- Vacancies are close to UK averages by both numbers of units and floor area.
- Numbers of units and area of floorspace is close to that identified in 2010 but has declined from 2014/16.
- Rents are relatively low.
- There is a low level of multiple representation in the town centre.
- Environmental quality is good to mixed.
- Household survey attitudes towards the town centre are average to good with bulky goods identified as particularly strong.

*Prospects for Growth*

6.41 *Convenience Goods.* Prospects for growth from the SRM identify the central case to be a decline in convenience turnover (excluding Tesco) throughout the study period. Sales densities remain generally slightly below national averages. From this there is no clear potential for additional new retail floorspace.

6.42 *General Comparison Goods.* Central forecasts identify steady growth in turnover (+8% to 2025 and +28% to 2035) with limited variation according to different growth scenarios. Sales densities vary significantly according to the scenario considered but tend to remain relatively close to national averages. From this, as with convenience goods, there is no clear potential for additional floorspace within Keith town centre for general comparison goods. This is reinforced by limited market demand based on recent trends.

6.43 *Bulky Goods.* Compared to other town centres this is a relatively important sector within the town centre currently accounting for 24% of the turnover of the town centre increasing to 27% by 2035. Forecast growth is similar for general comparison goods and sales densities are variable but remain significantly above average. This would indicate that there could be potential for additional bulky goods retailing serving the local market although, as noted earlier, operators will prefer sites with good parking and easy access for private cars.

6.44 The overall implication from the above analysis is that there is some potential for comparison goods although demand for general comparison would be constrained by current low sales densities. The most significant opportunity would be to identify an opportunity for bulky goods and there could be market demand for a location with easy vehicular access.

*Retail Deficiencies, Capacity and Demand*

6.45 The retail deficiencies assessment identified a deficit of expenditure for both convenience and general comparison goods but a surplus for bulky goods expenditure again implying that there is some potential for additional bulky goods floorspace. This is broadly consistent with the analysis of future expenditure growth and sales densities.



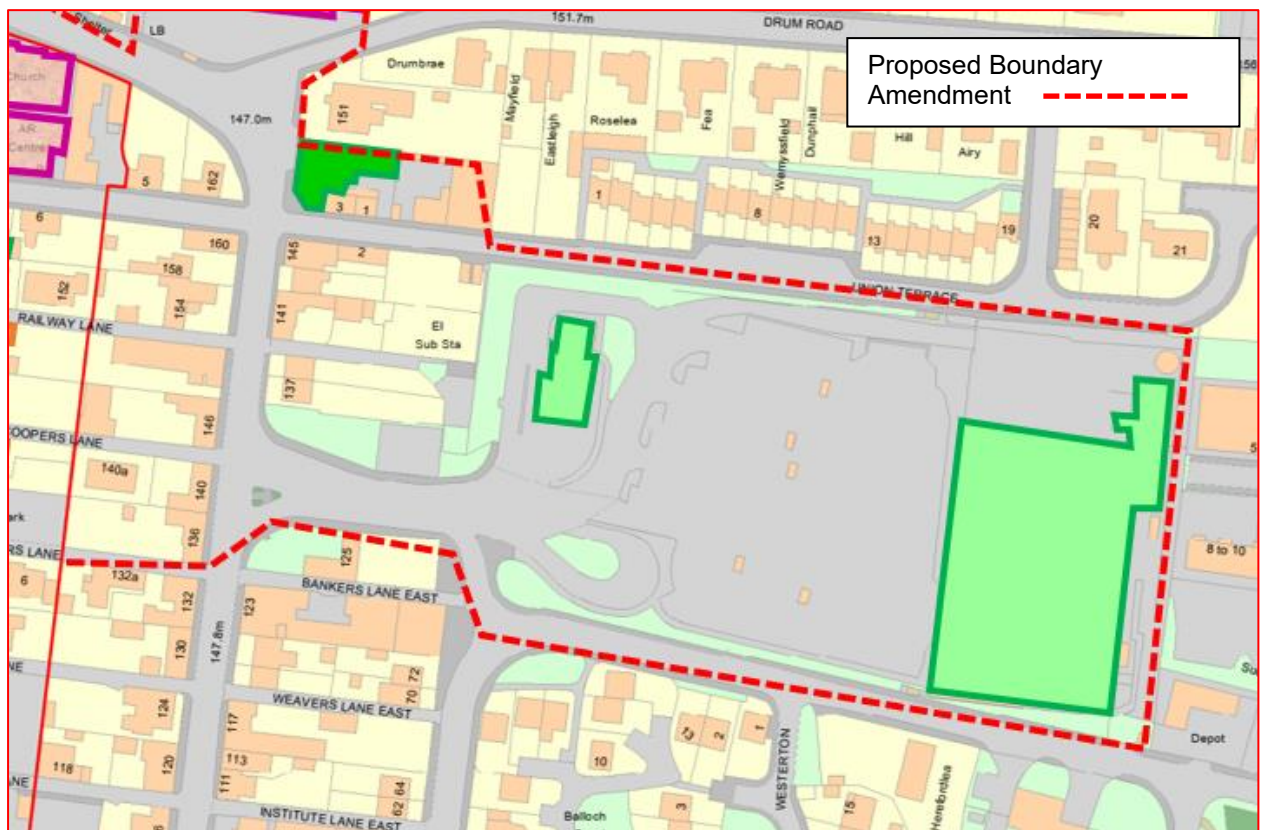
*Town Centre Boundaries*

- 6.46 Figure 5.29 identified the existing boundary to Keith town centre in the adopted LDP and also included proposed amendments to this boundary. Figure 6.8 (parts A & B) identify those parts where it is recommended that consideration is given to amending the boundary of the town centre.

**Figure 6.8A: Keith Town Centre – Proposed Boundary Amendment North**



- 6.47 It is recommended that consideration is given to the inclusion of parts of St Rufus Park comprising the tennis courts, play area and bowling club and war memorial gardens. These areas are important recreational areas within the town and add to the character of the town centre. In addition it is considered that the town centre should include the Longmore Community Hall and, to the east, the school of performing arts. These are facilities that serve the wider community and are typical of uses that would be expected to be located within town centres.

**Figure 6.8B: Keith Town Centre – Proposed Boundary Amendment East**

- 6.48 This proposal includes the Tesco supermarket and showroom (former garage) located on the east side of the A96. Observations at the time of survey identified significant numbers of pedestrians walking between Tesco and Mid Street indicating that there is a clear functional linkage between Tesco and the existing town centre.

#### *Regent Street*

- 6.49 In addition to the two proposed additions further consideration should be given to that part of the existing town centre located at Regent Street. There are a significant number of commercial units, in particular service units, but there is no indication that the use of these is linked to the Mid Street area. On this basis it is not considered that this area should be identified as part of the town centre. However, if it is agreed that this area is not to be part of the town centre the role of this area should be recognised and the area designated as a Local Centre in the network of centres.

#### *Potential Development Sites*

- 6.50 The adopted LDP identifies 2 Opportunity Sites (OPP1 and OPP2) within or close to the existing town centre boundary that have the potential to accommodate retail or leisure uses or affect existing retail should demand be forthcoming:
- OPP1 The Tannery. The LDP identifies the site as suitable for residential/business. Although located in an out of centre location the site is located close to the Original Factory Shop and would be suitable, in principle,

for a large floorplate bulky goods or leisure unit. It is therefore appropriate for these uses to be included as potential use for the site.

- OPP2 Former Primary School Church Road. This site is identified as suitable for business or residential use. As noted above the site is in active leisure/community use appropriate for inclusion within the town centre. On this basis, although the site could be redeveloped retail, leisure and community uses should also be encouraged on the site.

6.51 In summary, it is considered that OPP1 has the potential to accommodate a large floorplate bulky goods or leisure unit and the current use of OPP2 is consistent with its location within the proposed town centre.



## **Lossiemouth Town Centre**

### *Vitality and Viability*

- 6.52 In terms of vitality and viability Section 5 identified the key feature to be the centre's small size. There are only approximately two thirds the number of retail/service and related units within the centre compared to Keith (which is the smallest of the LDP defined town centres) and it has only about half the floorspace. The second important characteristic of the centre is that it is highly dispersed. Queen Street no longer provides a clear concentration of commercial or community uses, even with the relocation of the Co-op, and the Clifton Road/Pitgavenney Street area is, primarily, serving visitor and tourist trade with activity concentrated in the summer months.
- 6.53 Nonetheless, the facilities and services provided within the area identified in the central part of Lossiemouth are important to the local community. Furthermore, taking into account the small size of the centre it is reasonable to conclude that the centre is healthy and the relocation/expansion of the Co-op will have strengthened the centre following the earlier relocation of Grampian Furnishers to Elgin.

### *Prospects for Growth*

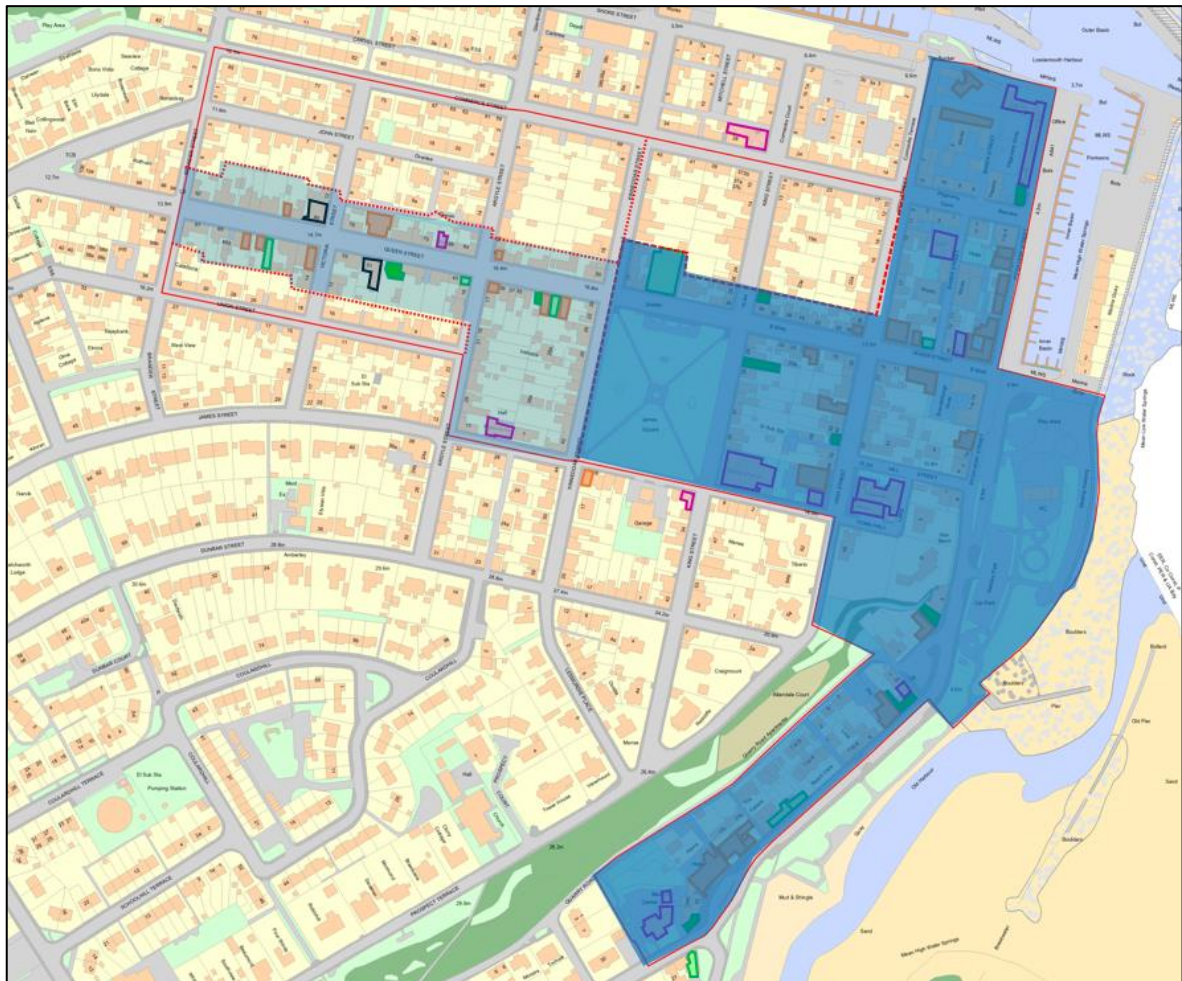
- 6.54 Due to the small size of the centre forecasts of future turnover and sales densities were not undertaken for Lossiemouth.

### *Retail Deficiencies, Capacity and Demand*

- 6.55 The analysis of retail deficiencies identifies that, when considered in isolation (i.e. without reference to Elgin and other areas/zones) Lossiemouth is identified to have potential retail deficiencies for all retail categories (i.e. convenience, general comparison and bulky goods). However, if one takes into account that Lossiemouth is within the secondary catchment area of Elgin for these goods categories with relatively high levels of market penetration of Elgin shops for each of these goods categories within Lossiemouth (see Figure 5.8) then it can be concluded that deficiencies are more limited and reflect the relatively small size of the centre and town within the network of centres. Furthermore, in relation to convenience goods, unlike other smaller settlements in Moray, Lossiemouth does benefit from a small-mid size supermarket and a large convenience-format store, both operated by the Co-op.
- 6.56 The key factor that will limit potential for comparison goods retail is the limited size of the market area. This has been seen with the recent relocation of Grampian Furnishers which, as a successful local business, identified the need to relocate from Lossiemouth to a high profile location in Elgin with easy access for cars.

### *Town Centre Boundaries*

- 6.57 Lossiemouth is not identified to have a defined town centre in the adopted LDP. However, for the purposes of town centre health checks Moray Council uses the boundary identified in Figure 5.37. Based on the characteristics of the centre this report recommend that the central part of Lossiemouth is included within the Network of Centres as a defined town centre. However it is recommended that the boundary of the town centre is less extensive than identified for the health checks and should be based on Pitgavenney Street and Queen Street. Two options are identified in Figure 6.9 – a limited central area (darker blue shading) and a slightly wider area which includes additional parts of Queen Street (light blue shading) although other variations on this can also be considered.

**Figure 6.9: Lossiemouth – Proposed Town Centre Boundary Options**

#### *Potential Development Sites*

- 6.58 The adopted LDP only identifies one development site within the town centre area of Lossiemouth – site T3 Old Station which is proposed for community and tourism uses. No additional potential sites have been identified.

## Edgar Road Commercial Centre

### *Vitality and Viability*

- 6.59 Section 5 notes that the Edgar Road Commercial Centre does not provide the range of retail, service and other facilities that would be expected within a town or district centre, instead it is dominated by a relatively small number of large floorplate retail units. On this basis it concludes that it is not, therefore, appropriate to undertake a full health check of the centre.

### *Prospects for Growth, Addressing Deficiencies and Potential Market Demand*

- 6.60 *Convenience Goods.* Prospects for growth from the SRM identify the central case to be flat to 2025 and gradual decline thereafter. Only limited variation is identified according to the different growth scenarios. Sales densities remain close to but mostly slightly below national average sales densities. From this there is no clear potential for additional new retail floorspace.
- 6.61 *General Comparison Goods.* Central forecasts identify steady growth in turnover (+5% to 2025 and +19% to 2035) however there is wide variation according to different growth scenarios which introduces significant uncertainty particularly in the period 2030-35. In almost all scenarios sales densities significantly slightly exceed national averages. This would indicate that there is potential for additional general comparison goods growth in the Edgar Road area. However, there are significant vacant units within the Elgin Retail Park (greater than 2500 sq m GFA) which could accommodate a significant portion of the identified growth potential. However, consideration needs to be given to the desirability of directing any additional floorspace to locations within Elgin City Centre rather than accommodate them in the Commercial Centre or other out-of-centre locations.
- 6.62 *Bulky Goods.* This is an important sector accounting for approximately 24% of turnover within the Edgar Road area. Forecast growth is higher than for other retail sectors and sales densities are significantly above average levels.
- 6.63 Market requirements would support development in the Edgar Road area in the long term in that existing units have large floorplates and direct access to surface level car parking. The area is well established and, as such, has a high market profile within Moray.
- 6.64 The overall implication from the above analysis is that in the long term, given the opportunity, it is expected that there will be significant demand for retail units for all types. In addition, there could be similar demand for leisure units requiring larger floorplates. However there are two key issues. The first concerns the identification of sites that could accommodate growth and the second is the acceptability of growth in planning terms, in particular in terms of impact on the City Centre and in encouraging car-based retail.
- 6.65 In relation to potential development sites, existing vacant units in the Elgin Retail Park (ERP) will be able to accommodate some of the long term demand. Occupation of units within the ERP have been slow reflecting the relatively poor profile compared to the Springfield Retail Park and generally muted demand that has occurred over the past 5-10 years. Nonetheless, it is considered that, based on current forecasts, all units within the ERP should be occupied within the medium term (i.e. by 2030). There are also other locations on the edge of the Commercial Centre that are, should there be strong demand, capable of being redeveloped for retail and leisure use – this includes properties south of Edgar Road opposite the ERP and, as has been proposed in the past, for development at Linkwood Road.

- 6.66 However, there are also potential sites within Elgin City Centre that have also been identified as having the potential for accommodating large floorplate retail and leisure units, in particular the Gordon Macphail site should this become available. In planning terms a site within the defined City Centre would be preferable to development adjacent to Edgar Road in that this would assist in supporting the vitality and viability of the City Centre and would be in a location that has the potential greater accessibility by sustainable modes of transport. However, this is dependent on the sites identified within the City Centre having a reasonable expectation that they will become available. In the absence of City Centre sites the Edgar Road area does benefit from being an established retail location which is relatively well served by public transport.
- 6.67 Finally, it should be recognised that the forecasts of long term growth and market demand are subject to considerable uncertainty at the current time and, as a result, this should support the adoption of a cautious approach to identifying potential development sites.

#### *Commercial Centre Boundaries*

- 6.68 Figure 5.43 identified the existing boundary to the Edgar Road Commercial Centre in the adopted LDP. Reflecting the above comments no amendments to the boundary of the Commercial Centre are proposed.

#### *Potential Development Sites*

- 6.69 The adopted LDP identifies a site adjacent to the Commercial Centre as an existing business area (Site I10) suitable for Use Classes 4 and 6. Reflecting the above recommendation it is considered that this should be retained without any new allocation for either retail or leisure use subject to potential review if City Centre sites are confirmed not to be available and forecasts of sustained expenditure growth are confirmed.

## **Masterplans and New Neighbourhoods**

### **Introduction**

- 6.70 A specific requirement of the brief for this study is to undertake a review of five masterplan areas which are identified in the adopted LDP for major residential development in order to assess retail and commercial floorspace requirements, taking into account the principle of 20-minute neighbourhood concepts. The five masterplan areas are:
- Findrassie, Elgin (including adopted LDP sites R11, I8, R12 and MU2)
  - Elgin South (including sites R19, R20, LONG2 and CF2and CF4)
  - Barhill Road south west Buckie (including R8 and LONG1)
  - Lochyhill (including sites R3 and LONG1) Forres; and
  - South of A96 Mosstodloch (MU LONG1)
- 6.71 The following factors have been considered in this review:
- Experience with other major residential developments in progress or recently completed in Scotland to provide evidence of market demand for retail and commercial space within these types of developments and the timing for the delivery of commercial/retail space.

- Information from the SRM as to the level of retail provision (in particular convenience space) and potential requirements/deficiencies in the areas in which the masterplan areas are located (summarised in Section 4 above).
- Turnover potential based on market share of expenditure generated by new dwellings and, where appropriate, existing residential areas.
- Broader evidence of market demand for retail/commercial space (summarised in Section 2 above).

### **Key Issues for the provision of Retail/Commercial Space**

#### *Evidence from Comparators*

6.72 A range of comparator residential developments in Scotland have been examined that are at different stages of development. These included examples of the following types of development:

- Urban Extensions
- New Settlements
- New Centres serving Recently Completed Urban Extensions

6.73 The comparators examined are set out in Figure 6.10 together with information on the variation in scale of proposed retail and commercial floorspace provision. The principal conclusions from this review are:

- Only very limited retail and retail service floorspace has been developed at the early stages of major residential developments. Indeed, they have shown that even where new settlements are proposed which are located some distance from existing urban areas and existing shops/facilities (e.g. Tornagrain and Chapelton) take-up of commercial space is reliant on significant levels of housing completions within the developments to provide a market for the new commercial space.
- There is considerable variation in commercial responses dependent on the views of individual proprietors and the terms on which space is offered and it is inevitable that, in a few instances, foodstores may well open even when there is a very limited market that would be served (e.g. Bertha Park, Perth). Certain comparator developments have assumed the development of major retail floorspace (e.g. food superstores) to support the overall commercial return of the development (e.g. Corton, Ayr).
- For retail and leisure service uses, small units can be successful after the completion of relatively low numbers of dwellings – typically in the region of 100-300 dwelling completions.

**Figure 6.10: Comparison of Approved Major Developments**

Site	Location	Type of Development	Total Development		Phasing		
			Housing	Retail/Retail Services Floorspace	Initial Phases		Later Phases (incl earlier)
Bertha Park	Perth	Urban extension	2961	3197 Sq M	317	1882 Sq M	1061 3197 Sq M
Broomhall	Dunfermline	Urban extension	2150-2450	n/a	High Street identified as Phase 4 - i.e. 266-494 units completed		
Corton	Ayr	Urban extension	750	10403 Sq M	No phasing info available		
Craibstone	Aberdeen	Urban extension	700	772 Sq M	450	772 Sq M	None
Knockroon	Cumnock	Urban extension	753		32	130 Sq M	n/a
Wallyford	Musselburgh	Urban extension	2250	4231 Sq M			
St Andrew's West	St Andrews	Urban extension	900	800 Sq M	early	400 Sq M	
Blindwells	Tranent/ Prestonpans	Partially detached new settlement	1506	1035 Sq M +LC	55	1035*	433 Fs + local centre
Chapelton	S of Aberdeen	New settlement	4042	26520 Sq M	1845 545	6067 Sq M 2 units	26520 Sq M
Tornagrain	Inverness/Nairn	New settlement	4960	20000 Sq M	344	1500 Sq M	1631 10500 Sq M
Greenlaw Centre	Newton Mearns	New Local centre	Greenlaw expansion area: 364 W NM (mkt)	8369 Sq M			
Hairmyres Cent	East Kilbride	New Local centre	SW EK	3075 Sq M			
Hilton	Rosyth	Mixed/resi development Serves part of west Rosyth	390 W Rosyth	709 Sq M	235	709 Sq M	n/a

*Market Demand, Addressing Deficiencies and Expenditure Potential*

6.74 In summary the key market factors relevant to the provision of retail and commercial service space are as follows:

- Market demand for convenience floorspace to serve local demand could be significant, provided that a market is present. In general this will address convenience top-up shopping generated in the local area, pass by trade and, in circumstances where there are significant market gaps (i.e. potential demand associated with the wider area rather than the residential development) potential for larger foodstores. Convenience floorspace would primarily comprise local foodstores, newsagents, off-licenses and similar.
- Demand for comparison goods floorspace would be very limited, in effect to "local" comparison goods floorspace (such as pharmacies) or, for major developments, potential units retailing goods directly relevant to new housing (e.g. furniture floor coverings, kitchens/bathrooms etc).
- Significant demand for retail and leisure services that serve local markets in particular health and beauty, carry-out/cafes/restaurants and others such as public houses/bars. Again these uses will dependent on a significant local market being present.

6.75 Section 4 set out a review of retail deficiencies within Moray. This identified that both at the Moray-wide level and within individual zones there are no clear retail deficiencies for convenience goods. The primary concern for



these goods in masterplan areas is, therefore, to meet local requirements for convenience provision (i.e. top-up and similar floorspace) and not for larger foodstores that would serve wider market areas. For comparison goods, although an excess of expenditure compared to average turnover was identified, provision of additional floorspace to address these deficiencies, insofar as there would be market demand, would be directed to the principal retail centres. New floorspace would, therefore, be serving local trade which is consistent with the general principle of 20-minute neighbourhoods although walking distances are likely to be potentially greater than the 0.5 mile implied with 20-minute neighbourhoods<sup>3</sup>.

6.76 The SRM identifies the amount of available expenditure that would be generated with residential developments:

- *Convenience goods.* Trade is associated with top-up spend from local residents and pass-by trade. Top-up spend typically accounts for 20-30% of total expenditure for convenience goods i.e. approximately £400-£700 per capita. The proportion of this expenditure that would be available to new shops will depend on the range of goods sold by the proposed retail units and the proximity of existing convenience shops within easy reach of the residential development. Pass-by trade will depend on the profile of the proposed retail units and ease by which passers-by (principally those travelling by car) can access the unit. Assuming that new convenience goods units can achieve 75% market share of top-up spend this implies that approximately 750 new residents are required to support 100 sq m GFA convenience floorspace (i.e. based on average household size of 2.5 implies 300 dwellings). This figure would reduce if the shop is able to draw trade from existing residential areas and pass-by trade. A new modern convenience-format store (400 sq m GFA) would be expected to require a population catchment of approx. 2250 persons (i.e. 900 dwellings) to be viable.
- *Comparison goods and Retail/Leisure Services.* Due to the variability of these types of units it is not possible to undertake a comparable analysis of turnover and available expenditure.

#### Summary

6.77 For the provision of retail and commercial space linked to major residential developments the principal findings of the review are as follows:

- For retail and service units trade can be generated from: the proposed new housing; existing residential areas within 10-minute walking distance (i.e. in accordance with 20-minute neighbourhood principle, and potentially wider than this); and pass-by trade.
- For modern convenience-format stores approximately 900 dwellings are required for the store to have sufficient trade to be viable. Smaller stores can be supported with lower numbers of new housing depending on the range of goods retailed.
- For other commercial uses (retail and community services – Classes 2, 3 and others), the diversity of potential occupiers makes it more difficult to generalise. However, for uses such as health and beauty, café and hot-food takeaway most trade will be generated from within the new development as walk-in trade.
- For these other commercial unit(s) flexibility is required to maximise the attractiveness of the units to potential occupiers. This should include any of Class 1, Class 2, Class 3, hot-food takeaway and other community based businesses (e.g. dentists, clinics, vet etc). These units could be occupied at an earlier stage but will, in all likelihood, be dependent on custom generated by the new residential development. On this basis it is

<sup>3</sup> It should be noted that PAN75 sets maximum travel distances when assessing a development site for walking and cycling including up to 1600m for access to local facilities/amenities and Transport Assessment Guidance (Transport Scotland, 2012) identifies appropriate journey times of 20-30 minutes are appropriate for walking



considered appropriate that these units should only be available after approximately 150 residential units are built and occupied.

- There is very wide variation in the total quantity of space that can be provided for retail and commercial services in developments.
- Provision of commercial units too early will result in units remaining vacant for a number of years which will reduce the attractiveness of the development and could, potentially, result in the deterioration of units thereby undermining the potential to find occupiers.

## Recommendations for Masterplan Areas

### 1. Findrassie

6.78 The Findrassie masterplan area is identified as comprising sites R11, R12, I8 (Newfield Industrial Estate) and MU2 (proposed for business/live-work units). Total proposed housing is 1650 units. Phase 1 of the development is currently in progress for 113 dwellings. During 2020 the developers (Barratt North) were in discussion with Moray Council regarding the timing and scale of commercial space provision retailing to the early phases of development.

6.79 In terms of market potential, assuming development of the full 1650 units, which would be equivalent to approximately 3500-4000 persons, this would be capable of supporting a significant level of retail and commercial space consistent with the development of a local centre and/or two or more smaller neighbourhood centres/parades:

- Assuming market penetration of 50-75% of top-up spend for convenience goods this would equate to total convenience floorspace of ca. 350-500 sq m GFA which could comprise a modern convenience-format store plus a small number of additional, smaller units.
- Additional space can be provided to accommodate retail, leisure and business services and comparison goods retail.
- Total floorspace should be comparable in scale to that provided at Southfield Drive i.e. in the region of 1200-1500 sq m GFA (8 units, two of which are convenience goods).
- Apart from the provision of a convenience-format store the remaining space should be flexible permitting either Class 1, Class 2, Class 3 and sui generis uses that can respond to market demand.
- In addition consideration should be given to other uses including public house/bar and community uses to support the creation of a clear community focus.
- For phasing of retail space:
  - *Initial commercial space (ca 300-400 sq m GFA) could be provided by the completion of the 450<sup>th</sup> dwelling.*
  - *The convenience-format store should be provided by the completion of the 900<sup>th</sup> dwelling.*

### 2. Elgin South

6.80 The Elgin South masterplan area is identified as comprising sites R19, R20, LONG2, CF2 (Primary School and Sports Centre) and CF4 (Primary School). Sites R19 and R20 are allocated for 870 units and LONG2 comprises approximately 100ha of land with a capacity for 1250-1500 dwellings (depending on net development density).

Total development capacity is, therefore, in the region of 2150-2400 dwellings (i.e. 4500-6000 population). The masterplan for the development identifies:

- Total development period to be 2020-2045.
- Three areas which include retail/commercial space: the western village core in Phase 1D; the eastern village core in Phase 2/4A and a linear section identified in Phase 5.

6.81 The overall scale of development is anticipated to be approximately 40% larger than that at Findrassie which would be sufficient to support the two village cores identified in the masterplan as new local centres. Recommendations are:

- Assuming market penetration of 50-75% of top-up spend for convenience goods this would equate to total convenience floorspace of ca. 500-700 sq m GFA which could comprise a modern convenience-format store plus a small number of additional, smaller units. This could include convenience-format stores in each village centre.
- Additional space can be provided to accommodate retail, leisure and business services and comparison goods retail.
- Total floorspace in each of the two village centres should be comparable to that provided at Southfield Drive i.e. in the region of 1000-1250 sq m GFA.
- Apart from the provision of a convenience-format store the remaining space should be flexible permitting either Class 1, Class 2, Class 3 and sui generis uses that can respond to market demand.
- In addition consideration should be given to other uses including public house/bar and community uses to support the creation of a clear community focus.
- For phasing of retail/commercial space:
  - *Initial commercial space (ca 300-400 sq m GFA) could be provided by the completion of the 450<sup>th</sup> dwelling for each development area (i.e. east and west villages).*
  - *The convenience-format store should be provided by the completion of the 900<sup>th</sup> dwelling for each development area.*

### 3. Barhill Road, Buckie

6.82 The Barhill Road masterplan area comprises sites R8 and LONG1. An application for a screening opinion has been submitted for the whole of this area (ref 20/01638/SCN) which identifies the development potential for 500-600 dwellings. In addition planning application 21/01224/APP has been submitted for the north east part of the site (4.73 ha area) for 101 residential units and one commercial unit (86 sq m GFA).

6.83 This information implies the first phase of development would support approx. 225-250 residents and the whole development area support 1100-1350 residents.

6.84 The Barhill Road masterplan area is located adjacent to existing residential areas on the southern edge of Buckpool which have minimal retail and commercial provision (three small units, a Spar and carry-out units are located at St Paul Street, 600m to the north). It is reasonable, therefore, to assume that retail and commercial space provided in this development would also be able to serve existing residential areas. This would increase the potential market served to approximately 2000 population. Although the Tesco supermarket is also located

on the south side of Buckie this is not within a 10-minute walking distance of the Barhill Road masterplan area although parts of the development area would be within 1600m of Tesco.

6.85 The overall scale of development is anticipated to be one third of that identified for Findrassie and would not, on its own be sufficient to support a modern convenience-format store, although it could support additional retail/commercial units. However, the development does provide an opportunity to improve access in this part of Buckpool to local retail and other commercial services. On this basis the recommendations are:

- Assuming market penetration of 50-75% of top-up spend for convenience goods for the whole market area served this would equate to total convenience floorspace of ca. 150-250 sq m GFA which could comprise a small convenience-format store or one or two smaller units.
- Additional space can be provided to accommodate retail, leisure and business services and comparison goods retail.
- Total floorspace that could be provided would in the region of 500-750 sq m GFA.
- Apart from the provision of a convenience-format store the remaining space should be flexible permitting either Class 1, Class 2, Class 3 and sui generis uses that can respond to market demand.
- For phasing of retail/commercial space:
  - *Initial commercial space (ca 150-300 sq m GFA) could be provided by the completion of the initial phase of development. This should be in a location that is close to Barhill Road and as close to existing residential areas to facilitate both walking access from existing residential areas and pass-by trade. It is considered that the extent of existing residential areas that are within walking distance of this location should be sufficient to support the viability of this space. It is noted that this scale of provision is larger than proposed in the current planning application for the first phase of development.*

#### 4. Lochyhill, Forres

6.86 The Lochyhill masterplan area comprises sites R3 and LONG1. R3 is identified to have a capacity for 850 units and LONG1 has an area of 19ha which implies a capacity for approximately 250 housing units. The total housing capacity of this area is, therefore, approximately 1100 units, with a total population equivalent of ca. 2500-2750 depending on average household size.

6.87 The masterplan area is located adjacent to residential areas on the eastern edge of Forres which have minimal retail and commercial provision and both the existing and proposed housing areas are over 10-minutes walking distance from town centre shops. It is reasonable, therefore, to assume that retail and commercial space provided in this development would also be able to serve the adjacent existing residential areas. This would increase the potential market served to approximately 3500-3750 population.

6.88 The overall scale of development is therefore similar to that identified for Findrassie and it would be capable of supporting a significant level of retail and commercial space consistent with the development of a local centre and/or two or more smaller neighbourhood centres/parades:

- Assuming market penetration of 50-75% of top-up spend for convenience goods this would equate to total convenience floorspace of ca. 350-500 sq m GFA which could comprise a modern convenience-format store plus a small number of additional, smaller units.

- Additional space can be provided to accommodate retail, leisure and business services and comparison goods retail.
- Total floorspace should be comparable in scale to that provided at Southfield Drive i.e. in the region of 1200-1500 sq m GFA (8 units, two of which are convenience goods).
- Apart from the provision of a convenience-format store the remaining space should be flexible permitting either Class 1, Class 2, Class 3 and sui generis uses that can respond to market demand.
- In addition consideration should be given to other uses including public house/bar and community uses to support the creation of a clear community focus.
- For phasing of retail space:
  - *Initial commercial space (ca 300-400 sq m GFA) could be provided by the completion of the 450<sup>th</sup> dwelling.*
  - *The convenience-format store should be provided by the completion of site R3.*

### 5. Mosstodloch

- 6.89 The Mosstodloch (south of the A96) masterplan area comprises site MU LONG1. The total site area is identified to be 22 ha but this includes both residential and industrial development and it is not clear what proportion of this would be expected to be developed for housing. Assuming that 15ha is available for residential development this could accommodate up to, approximately 225 units, with a population equivalent of 500-550. This is considerably smaller than the other masterplan areas reviewed in this section and, in isolation, would not be expected to support more than a single retail/commercial unit.
- 6.90 However, Mosstodloch is a significant village and has additional housing allocations and only limited existing retail provision. Therefore, it is appropriate to consider whether the additional housing identified for site MU LONG1 provides the opportunity to improve the retail/commercial offer within the village.
- 6.91 The current population of Mosstodloch is 1022 and two additional sites for housing are identified for an additional 120 houses (sites R1 and R2). In total, therefore, the existing population and housing allocations (based on 225 units at MU LONG1) would result in an total population in Mosstodloch of approximately 1850 people. Information from the Regional Assessor identifies that there are 6 retail and service units within the village totalling 685 sq m GFA, two of which are convenience units with 444 sq m GFA/289 sq m NFA and turnover of just under £1m. This turnover would equate to almost all of the top-up convenience expenditure generated by residents of the village (including the development of the allocated housing sites). On this basis there is no significant deficiency in terms of convenience floorspace within Mosstodloch, even with the development of all allocated housing sites and MU LONG1.
- 6.92 In terms of additional retail and commercial space the village currently has 4 units (three services and one vacant). Whereas it would be desirable for a small comparison goods unit to be provided it would be unreasonable to require this as part of the MU LONG1 development. Furthermore the MUL LONG1 site is not well connected to the remainder of the village (it would require existing residents to cross the A96 to access any commercial unit located within MU LONG1) and provision of this would not support the strengthening of any focus within the village.
- 6.93 As a result it is concluded that, although the provision of small-scale commercial/retail space should be encouraged within the development, it would not be reasonable for this to be a requirement for the development..

## Policy Review and Recommendations

### Existing Policy Framework

6.94 The existing policy framework for retail, leisure and town centre uses is provided though:

- The Moray Local Development Plan 2020 Policy DP7
- Scottish Planning Policy (December 2020) paras 58 to 73

6.95 In addition the draft National Planning Framework 4 was laid before Parliament in November 2021. Comments on this can be submitted up until the end of March 2022. The NPF4 is particularly significant in that it will, for the first time, be part of the development plan. Given that the draft Plan is subject to both extensive consultation and Parliamentary scrutiny prior to its final publication it has, at the current time, only limited weight.

6.96 The adopted LDP and SPP adopt slightly different structures for the organisation of policies relevant to town centres but both adopt largely the same policy requirements. Figure 6.11 sets out a comparison between these policy documents together with the relevant provisions in the draft NPF4.

**Figure 6.11 Existing Town Centres & Retail Policy Framework**

<i>Policy Issue</i>	<i>Moray LDP 2020</i>	<i>SPP Dec 2020</i>	<i>Draft NPF4</i>
<i>Development Plan Requirements</i>	<i>N/A</i>	<i>Paras 61-69</i>	
<i>Network of Centres</i>	<i>DP7 a) para 3 and DP7 b) sub b) and Table 6</i>	<i>Identify Town &amp; Commercial Centres (in DPs, paras 62-63); 72</i>	<i>Policy 24 a) &amp; b) Policy 26 b)</i>
<i>Town Centre Health Checks and Strategies</i>	<i>TCHCs undertaken regularly; TC strategy set out in settlement statements</i>	<i>Paras 64-66</i>	
<i>Clustering of “non-retail” uses</i>	<i>DP7 a) paras 2-3</i>	<i>Para 67</i>	<i>Policy 25 c)</i>
<i>Core Retail Areas</i>	<i>DP7 a) para 2</i>		
<i>Sequential approach/Town Centres First</i>	<i>DP7 a) para 1; DP7 b) sub a)</i>	<i>Paras 68-69, 71</i>	<i>Policy 25 a); Policy 26 a) &amp; c)</i>
<i>Scale of town centre development</i>	<i>DP7 a) para 3</i>	<i>Para 70</i>	<i>Policy 25 b)</i>
<i>Assessment of impact (retail and other)</i>	<i>See DP7 b) sub b) for out-of-centre only</i>	<i>Para 71 (outwith TCs only, retail, leisure, office &amp; public buildings)</i>	<i>Policy 25 b)</i>
<i>Out of centre proposals</i>	<i>DP7 b). Acceptable if:</i> <i>- Satisfies sequential approach</i> <i>- No unacceptable impact on V&amp;V</i>	<i>Para 73. Acceptable only if:</i> <i>- Satisfies sequential approach</i> <i>- Scale is appropriate</i> <i>- Helps to meet deficiencies</i> <i>- No significant adverse impact on V&amp;V</i>	<i>Policy 25 a): Retail is <u>not</u> supported OOC</i> <i>Policy 26b): Non-retail proposals acceptable if:</i> <i>- Satisfies sequential approach</i> <i>- Scale is appropriate</i> <i>- No significant adverse impact on V&amp;V of TCs</i> <i>- Not generate additional private car reliance etc</i>
<i>Small-scale/neighbourhood provision</i>	<i>New provision - DP7 c) para 1</i> <i>Retention of provision – DP7 c) para 2</i>		<i>Policy 25 d)</i>
<i>Ancillary Retail</i>	<i>DP7 d)</i>		
<i>Retail proposals outwith settlements</i>	<i>DP7 e)</i>		<i>Policy 25 e)</i>

**Comment on NPF4**

6.97 Although, as shown in Figure 6.11, policies on the draft NPF4 cover the same issues as LDP Policy DP7, it proposes a radical shift in emphasis. The key issue is that there is a policy split between retail and non-retail uses such that:

- Draft Policy 25 Retail does not consider that any retail development which generates a significant footfall (which is not defined) should only be considered in edge-of-town centre or commercial centres where supported in the development plan and would not be acceptable under any circumstances in out-of-centre locations.
- Draft Policy 26 applies to all *other* uses that generate significant footfall. For these the approach is comparable to that set out in SPP summarised above.

6.98 It is not appropriate to set out a detailed review of these draft policies in this Report. However, it is considered that this proposed approach, in effect, placing a prohibition on any significant retail floorspace in out-of-centre locations presents a number of difficulties. The following summarises a few of these:

- The shift in emphasis compared to SPP appears to reflect a view that town centres are primarily retail locations. This is clearly not the case and, as demonstrated in Section 3, there have been long-term trends (of at least the last 25 years) that have reduced the importance of retail within town centres and supported led to greater diversity of use within centres. Policy should be aimed at supporting diversity of use for centres to support their long term sustainability as a focus in communities.
- It fails to recognise the importance of local, neighbourhood and rural centres as a key location for retail and other services serving local communities. The draft NPF4 would not support significant retail provision in these centres.
- As has been shown in Section 3 there are very strong societal and commercial trends that are reducing the dependence of the wider community of retail in town centres. These include substantial growth of internet-based retail and increased emphasis on shopping local (the latter mainly for convenience goods and for access to commercial services). The growth of the internet is reducing growth for comparison goods spend and also is having a significant impact on multiples who are pursuing multi-channel retailing reducing physical store portfolios. These trends have been exacerbated by the pandemic and, as explained earlier, it is not clear what the long term effects of this will be. Rather than direct retail back into town centres draft Policy 25 is more likely to further strengthen these trends and drive major retailers towards even greater reliance on the internet and the very largest centres.
- It fails to recognise that, in those out-of-centre locations which do have excellent public transport access out of-centre retail can make an important contribution for access to goods and services and can, if easily accessible from areas of deprivation, assist in reducing social and community inequities.
- It implicitly assumes that town centres would be capable of accommodating new retail floorspace. For many town centres there are not any sites within, or on the edge of centres, that are capable of accommodating significant new development. For most towns in Scotland limited rental and yields will render redevelopment of town centres sites for retail would be unviable and impractical. In these situations draft Policy 25 will prevent any significant new retail investment resulting in the communities being reliant on increasing older retail stock which will, over time, reduce its attractiveness to the public living in the community which will, in turn, encouraging consumers either to further increase the use of



the internet for retail or travel to larger/more modern retail locations (including both other large town/regional centres and out-of-centre locations).

- 6.99 In many cases out-of-centre retail may have contributed to the decline of centres but this is difficult to ascertain given the broader long term societal trends. To propose a ban on out-of-centre retail through draft Policy 25 is, in effect, an attempt by central government to impose a “one-size fits all” solution that is based on a lack of understanding of the complexities that have affected town centres and retailing over the past 25 years.
- 6.100 A preferred approach would be to have policies and proposals for retail, leisure and other own centre uses determined by planning authorities to fit the specific local geographies and community requirements of the authority’s area but within the context of a broad framework set by the NPF4. This is, in effect the approach that has been adopted to date through SPP. The recommendations set out below for the amendments to LDP Policy DP7 will provide policies that will permit out-of-centre retail only if rigorous criteria are fully met while, at the same time, ensuring that all communities within Moray have the opportunity to secure access to retail, leisure and other important services and facilities that will meet their needs.
- 6.101 With respect to the other aspects raised in draft NPF4 Policies 24, 25 and 26, it is considered that these are all fully addressed in Policy DP7 subject to the following recommendations. In conclusion, it is not recommended that any further amendments to retail and town centre policies are required in response to the policies contained in the draft NPF4

### **Recommended Amendments to Policy DP7**

#### *Network of Centres*

- 6.102 Policy DP7 and Table 6 identify the network of centres. **Recommendations have been set out above concerning amendments to this network** with the principal changes proposed being:

- Identification of Lossiemouth as a town centre
- Reclassification of Keith town centre (west) as a Local Centre
- Identification of extended list of Local and Village Centres

- 6.103 It is also recommended that, for the purposes of clarification, any references to “Town Centres” also include Elgin City Centre.

#### *Town Centre Health Checks and Strategies*

- 6.104 Health checks are undertaken regularly by Moray Council and it is recommended that these should continue, indeed, the hiatus caused by the combination of the Covid-19 pandemic combined with structure changes to the retail sector (in particular) necessitate particularly careful monitoring and review over the next 5 years.
- 6.105 Various recommendations for town centres have been identified in this Section and these should be considered for incorporation in the emerging LDP.

*Clustering of Non-Retail Uses and Core Retail Areas*

**6.106** These issues are closely related and addressed together in Policy DP7 a). It is considered that the proposals for Core Retail Areas as identified in the existing LDP proposal maps remain appropriate and no change is recommended. The policy adopts a reasonably flexible approach (i.e. through permitting Classes 1, 2 and 3 uses) **however it is recommended that further flexibility should be considered so that the following could also be considered:**

- Limited additional retail, leisure and business service uses in recognition of the diversifying role of centres<sup>4</sup>.
- Additional tourism and leisure use that generate significant footfall.

**6.107** Whereas the principle of avoiding concentrations of particular uses that would be detrimental to the town *centre's* vitality and viability is important, it is considered that the wording of the policy is vague and would create significant uncertainty as to the types of uses that could be considered to be unacceptable. **It is recommended that consideration is given to restricting such uses to the examples provided in SPP** (i.e. betting offices or high interest money-lending premises). However, it is not possible to set precise limits on the numbers of these that would be unacceptable since this would depend on the size of the units, treatment of frontages, location within a centre and character of the centre as a whole. **Furthermore this policy should be extended to apply to any centre identified within the Network of Centres.**

*Town Centres First/Sequential Approach*

**6.108** It is considered that the sequential approach set out in DP7 a) is appropriate subject to the comment below regarding small-scale/local provision.

*Appropriate Scale of Development*

**6.109** Policy DP7 only requires that development should be appropriate to the scale etc of centre in which it is located in the context of Town Centres. **This principle should apply to all development proposed in all centres i.e. City, Town and Local/Village centres identified in the Network. Indeed the title of the policy DP7 reinforces this and should be amended to "Retail and the Network of Centres" to emphasise that the policy requirements apply to all locations.**

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<sup>4</sup> Goad surveys classifications provide a useful base for considering uses that could be acceptable (many are already included in Classes 1, 2 and 3, others are sui generis or other use classes). Not all would be acceptable in centres. Goad definitions are::

Retail Service: Clothing & Fancy Dress Hire ; Dry Cleaners & Launderettes; Filling Stations; Health & Beauty; Opticians; Other Retail Services; Photo Processing; Photo Studio; Post Offices; Repairs, Alterations etc; Travel Agents; TV, Cable & Video Rental; Vehicle Rental; Vehicle Repairs & Services; Video Tape Rental;

Leisure Services: Bars & Wine Bars; Bingo & Amusements; Cafes; Casinos & Betting Offices; Cinemas, Theatres etc; Clubs; Disco, Dance & Nightclubs; Fast Food & Take Away; Hotels & Guest Houses; Public Houses; Restaurants; Sports & Leisure Facilities; Other Leisure Services

Financial & Business Services: Building Societies; Building Supplies & Services; Business Goods & Services; Employment & Careers; Financial Services; Legal Services; Other Business Services; Printing & Copying; Property Services; Retail Banks

*Assessment of Impact*

6.110 As worded Policy DP7 only requires an assessment of impact (including retail and other impacts) for proposals in out-of-centre locations. It is important to recognise that impacts should also be considered in all locations and this would be linked to the requirement that proposals are appropriate to the scale, character and role of the centre in which it is located. Examples for this could include: further S42 applications to derestrict retail floorspace within the Commercial Centre which could affect the City Centre or Local Centres; proposals in Edge of Centre locations which may, or may not, effectively increase the size of that centre which could affect other retail locations within the network; development within town/local/village centres that could affect other centres within the network.

6.111 Additional considerations are:

- Setting out an indicative threshold of development size that could require an impact assessment. SPP refers to 2500 sq m but this would be a very large development in the context of most settlements in Moray. Reference could be made to developments in excess of 1000 sq m but recognising that the requirement will depend on: size of proposal; settlement location (i.e. smaller developments would require assessments in smaller settlements); and type of use proposed. Furthermore, it could be noted that the level of detail in the assessment would depend on the scale, character and sensitive of centres potentially affected by the proposal.
- The requirement for an assessment of impact should not be confined to retail proposals. Whereas quantification of impact assessments is establishing for Retail Impact Assessments a combination of quantitative and qualitative assessments could be used for leisure and other significant retail/leisure/business service uses.

6.112 It is therefore recommended that consideration is given to:

- **requiring impact assessments for developments attracting significant footfall in all locations;**
- **requiring impact assessments for non-retail uses as well as retail proposals;**
- **providing an indication of the size of development for which an impact assessment would be expected to be provided.**

*Out of Centre Proposals*

6.113 For centre proposals outwith town centres to be acceptable Policy DP7 b) only requires that they satisfy the sequential approach and do not have an unacceptable impact on the vitality and viability of the network of centres. SPP identifies a wider set of requirements for proposals in out-of-centre locations that are generally included in policies of other LDPs in Scotland. These additional requirements would provide a more stringent test before proposals would be acceptable outwith town centres. **Therefore the following recommended for consideration:**

1. ***Additional criteria are included for assessment of all proposals for retail and other uses that generate significant footfall. That is proposals would only be acceptable if each of the following are satisfied:***
  - a. *The sequential approach is satisfied (i.e. DP7 b) sub para a));*
  - b. *The proposal will help to meet either qualitative or quantitative retail deficiencies;*

- c. *The proposal will not adversely affect the vitality or viability of any centre identified within the Network of Centres.*
    - d. *The proposal is in a location that is, or can be made, easily accessible by a choice of non-car modes of transport.*
  2. ***These additional criteria apply to all proposals located outwith town centres. This would mean that, to be acceptable, any significant retail, leisure or other proposal that generates significant footfall, proposed in locations outwith either the City Centre or Town Centres, including edge-of-centre locations would require to meet all of the above criteria.***

6.114 The first of these options is consistent with SPP whereas the second option provides greater control over development proposals but would require a slight restructuring of Policy DP7 since these would apply to each of sections b) to f).

#### *Small-scale/Neighbourhood Provision*

6.115 The principle addressed in Policy ED7 c) is important. However, it should be noted that local/neighbourhood provision extends beyond convenience floorspace but also includes other retail goods together with retail, leisure & business services and other uses. Furthermore, modern convenience-format units may require slightly in excess of 400 sq m GFA to be viable and flexibility would also be required for other types of floorspace. In this context it is recommended that consideration is given to:

- **Make reference to meeting the *day-to-day local shopping and service needs* of a local neighbourhood.**
- **Remove reference to floorspace areas but, instead, provide units that demonstrably meet the needs of a local catchment area, in particular in accordance with the general principle of 20-minute neighbourhoods.**

#### *Ancillary Retail*

6.116 It is considered that this policy remains relevant and should be retained.

#### *Proposals Outwith Settlement Boundaries*

6.117 It is considered that this policy remains relevant and the only recommendation that is proposed for consideration is that “*retail*” development should be amended to “*retail, leisure and other commercial service uses*”.

#### **Review, Monitoring and Health Checks**

6.118 Moray Council undertake regular health checks on, normally, a biennial basis. These health checks address all the principal issues that should be considered for the City and town centres. It is recommended that these are continued.

6.119 In addition, it has been noted that there is considerable uncertainty associated with forecasts and the impact that both long term structural changes to retail (in particular) and associated with the ongoing pandemic have had on consumer expenditure and both retail and leisure activities in centres. Given this uncertainty

it is considered that an update of forecasts should be considered to be undertaken approximately 1-2 years after the end of the pandemic. This would allow sufficient time for post-pandemic expenditure patterns to become stabilised but is early enough to provide an update to the forecasts set out in this report. Assuming that the pandemic is effectively over by the end of 2022 this would imply undertaking a review in mid-late 2024. This review should include:

- Updating expenditure forecasts including the growth of special forms of trading.
- A new household survey to establish to what extent changes in expenditure have reverted to pre-pandemic patterns or stabilised. The survey can be based on a smaller sample than used for the current study with a more restricted range of questions.

# Moray Retail Study 2021

## Final Report – Executive Summary

For Moray Council

February 2022



Hargest Planning Ltd

## **Moray Retail 2021**

### **Final Report: Executive Summary**

**February 2022**

**reference:**

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# 1 Introduction

1.1 This Moray Retail Study has been prepared to provide an up to date assessment of retail and leisure floorspace provision within the Moray Council area and to provide an assessment of potential future demand and supply for retail & leisure floorspace for the period to 2035. The primary purpose of this assessment is to:

- Identify retail and commercial trends and their implications for Moray's city, town and commercial centres to inform policy development and designations
- Assess the potential future demand and supply for retail floor space within Moray over the next 5-10 years
- Identify the requirements for retail and commercial floor space within new neighborhoods/ masterplan areas

1.2 This information will assist Moray Council in the preparation of its next Local Development Plan.

1.3 The study has undertaken the following:

- The preparation of a Strategic Retail Model for the period to 2035 using up to date retail data on floorspace and expenditure.
- Identified recommendations for a retail strategy with the principal focus on the city, principal towns and smaller settlements within Moray. This strategy includes:
  - Review of the Network of Centres;
  - addressing retail deficiencies in existing urban areas;
  - identifying retail floorspace to serve new and expanded urban areas;
  - development opportunities within the City and principal Town Centres;
  - recommendations for amendments to existing retail and town centre policies to be included within the emerging development plans.

## 2 Overall Study Approach

2.1 The Study has been undertaken using a range of techniques and data sources. The principal techniques used for the Study are:

- Data review: existing and future population; existing retail and retail service floorspace; existing and future available expenditure forecasts; tourism expenditure.
- Household survey (Moray-wide) and In-centre survey (Elgin City Centre only).
- Market trends and review, including both long-term trends and short-term impacts associated with the Covid-19 pandemic.
- Development of the Strategic Retail Model (SRM) – including the use of different growth and development scenarios.
- Review of existing retail centres – surveys and town centre health checks (vitality and viability).

### Data Sources

2.2 The principal sources of information used for the study include:

- Floorspace data from the Grampian Assessor.
- Scottish Census and 2020-based population estimates for small areas
- Experian Area Comparison Report (expenditure data) for Moray and constituent study zones.
- Household interview survey of Moray residents
- In person surveys of Elgin City Centre users/visitors
- Expenditure growth forecasts have used forecasts produced by both Experian and Precisely (trend forecasts and Oxford Economic Forecasts).
- Tourism data from 2021 Moray STEAM data, VisitScotland, UK and Scottish National Statistics and other related sources. This identified occupancy rates, visitor numbers and expenditure.

### Household and In-Centre Surveys

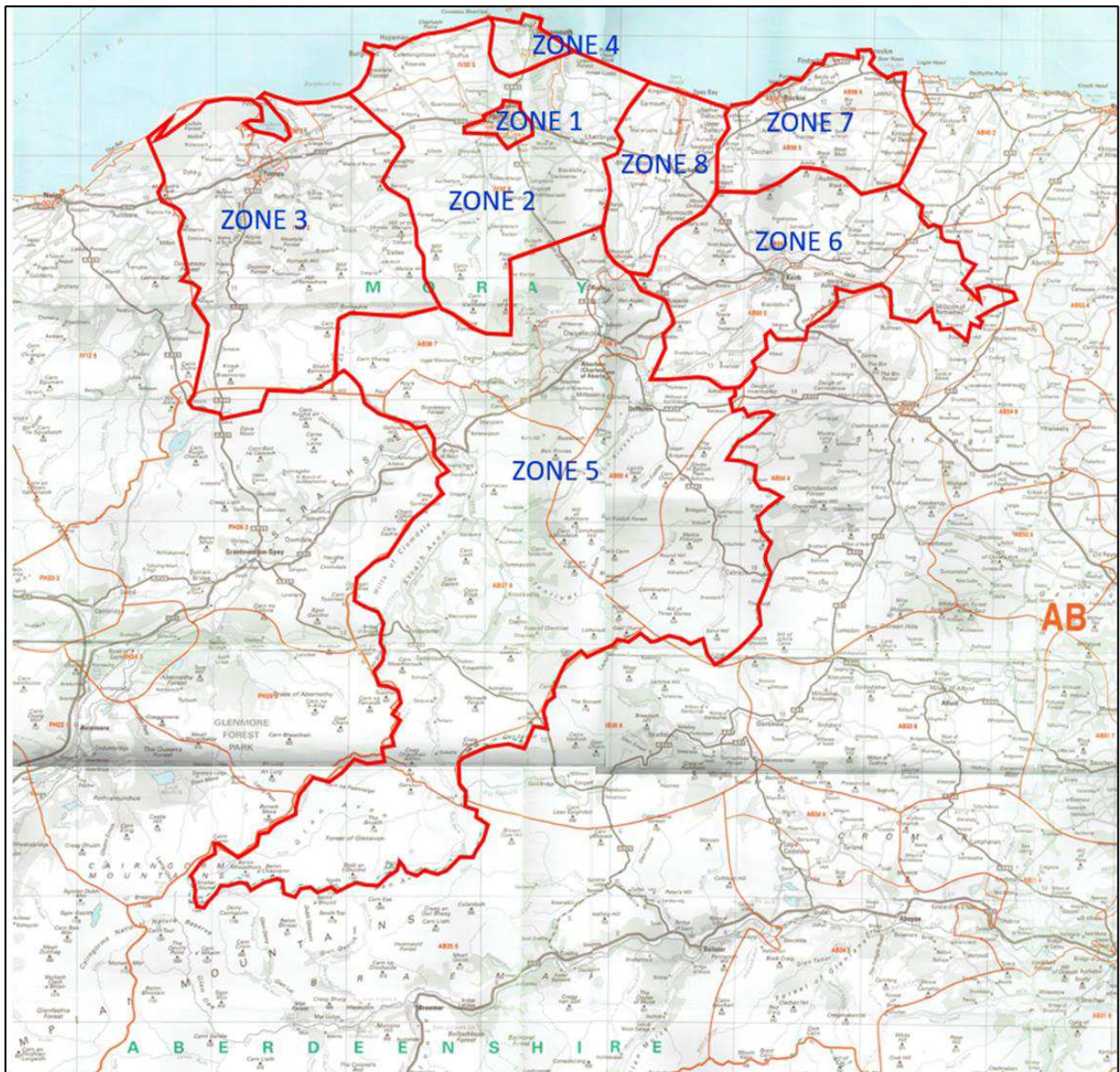
2.3 A key component for accurately understanding the operation of retail patterns and estimates of actual retail turnover is the use of extensive and detailed surveys. A household survey has been undertaken to establish both behavioural and attitudinal information about retail habits within the study area. The design of the survey was undertaken jointly by Hargest Planning Ltd and NEMS Market Surveys and was implemented as a telephone interview survey by NEMS in August-September 2021. In total 1000 interviews were completed reflecting the distribution of population and the zones used in the Strategic Retail Model.

2.4 The household survey was complemented with an in-centre survey interviewing 200 users and visitors to Elgin City Centre in August 2021. This addressed the purpose of the visit, food and non-food shopping patterns, expenditure and attitudes to the City Centre.

### Strategic Retail Model

2.5 The purpose of the Strategic Retail Model is to provide an analysis of the balance between demand and supply for retail expenditure/turnover within the study area for the period 2021-2035. The model identifies actual turnover levels achieved in existing/future floorspace.

**Figure 1: Moray Strategic Model Zones**



## 3 Retail and Leisure Trends

- 3.1 The primary consideration in review has been to identify long term changes in the commercial retail and leisure markets and assess the implications that these have for the planning for these sectors in Moray in the forthcoming LDP. However, it is evident that the social-distancing restrictions that were introduced in response to the Covid-19 pandemic have had profound short-term impacts on both the retail and leisure markets and it is unclear at this stage to what extent these impacts will have long-term over the period to be covered in the study.

### Long Term Retail Trends

- 3.2 A number of factors have been identified that have underpinned changes to retail in the long term. These include:

- Demographics – an aging population changing demand priorities for spending.
- Lifestyle changes e.g. consumers are happy to use a range of shopping channels with younger generations particularly comfortable with purchasing goods and services online.
- Technology – this has supported increased online retail, improved distribution networks and product development.
- Economic growth – this has increased uncertainty e.g. the long term effects of Brexit reducing access to low-cost labour (particularly important in the leisure sector)

- 3.3 The principal long trends for retail include:

- Over the past 20 years there has been steady and sustained growth in retail expenditure with growth up to 2018 averaging over 3% per annum. However, due to the pandemic restrictions expenditure since March 2020 has been volatile with substantial reductions in spend followed by rapid growth. Retail sales in Scotland have generally followed those for the UK as a whole.
- Long-term sustained rapid growth of expenditure using the internet (“special forms of trading”). Much of total expenditure growth for retail has been directed on-line reducing the requirement for new physical space for retail.
- In terms of spatial requirements the principal trends are:
  - Spatial concentration for multiple comparison retailers with a reduction in store portfolios focussed on the largest centres and reduction of units in mid-sized centres (such as Elgin).
  - Small retail centres have appeared to be largely resilient to change although there has been a continuing shift from retail goods shops to retail services continuing a long-term trend that has been present over the past 25 years or more. Their resilience reflects the importance of local/walk-in trade (especially for services) and reflects changing lifestyle and habits – especially in urban areas.
  - Greatest retail demand has continued in prime pitches with secondary and tertiary pitches declining both relative to the prime pitches and in absolute terms.
- Continued growth of both food and non-food discounters.
- “Right-sizing” of retail space – i.e. disposing of surplus retail space either in-store (for example in large food superstores) or reducing the retail portfolio by closing stores with the consequential need to “repurpose” former retail space.

- Significant increases in vacancies both prior to and during the pandemic. Worst affected have been managed shopping centres and least affected have been retail parks.

## Leisure Market Trends

- 3.4 The commercial leisure market is highly diverse and includes: eating and drinking out; health and fitness; sports and pastimes; cinemas, theatres; hotels and other visitor accommodation, and other forms of entertainment. In most town centres, including those in Moray, there are significantly greater numbers of commercial leisure businesses than there are retail businesses. This sector is, therefore critically important for the future vitality and viability of town centres. In general the market for commercial leisure has experienced strong and sustained growth over the past 20 years, frequently exceeding the growth seen for retail.

## Condid-19 Pandemic

- 3.5 Social restrictions have had profound short-term impacts on both retail and, especially, the leisure sectors. As a result sales and expenditure through stores has been highly volatile and supported even greater use of online based expenditure. What is not clear is whether this is a short-term impact or will result in a significant shift in consumer behaviour away from physical stores. Other impacts are on the viability of businesses – it is not apparent at this stage if there will be significant additional closures due to poor trading during the pandemic undermining business viability.

## Implications for Moray

- 3.6 Key implications for Moray include the following:

### Retail

- Continued reduction in multiple comparison retailers – this will affect Elgin City Centre significantly.
- Growth for food and non-food discounters, often taking vacated major units in centres as other multiples have closed stores.
- Reduction in requirement for new major foodstores, especially superstores and large supermarkets. More specialist foodstore operators will continue developing and seeking sites (e.g. Lidl, Aldi, M&S, freezer centres) but with a strong preference for locations with good surface level parking and easy car accessibility.
- Traditional High Streets in small and medium sized centres (i.e. in Moray's principal towns) will need to be increasing their reliance on independent retailers and retail, leisure and business services. This will affect shopping malls (such as St Giles) greater than other types of retail location and will require the repurposing of existing retail goods floorspace.
- Smaller town centres and local centres appear to have a more positive outlook and this may be reinforced through increased home-working during and following the pandemic.

### Leisure

- Leisure is a form of “discretionary” spend and, as such, depends on overall levels of income which, in turn, depend on the strength of the local and economies.
- Prospects vary reflecting the enormous diversity of the commercial leisure sector. Some sectors will continue to grow and support use of space in town centres, others may require larger floorplates and/or

cheaper space located outwith centres. Demand for some leisure sectors will decline as markets become saturated and mature.

- Leisure has been severely affected by the pandemic and also additional costs associated with Brexit and other employment law changes. However, it is expected that, post pandemic, the sector will recover supporting future demand for a range of units with all types of centres in Moray.



## 4 Retailing in Moray

### Overall Distribution of Retail Floorspace

4.1 Figure 2 provides a summary of retail floorspace and turnover, by principal retail goods category, for Moray. It also identifies the floorspace located in existing town and district centres used for retail services and vacant floorspace. The figure shows that the total retail provision within Moray, in 2021, is as follows:

- In total there is 201,500 sq m gross floor area of retail and retail/leisure/business uses within 943 units in Moray. Total retail space is 139,880 sq m (399 units) which is 69% of the total. Retail and other services account for 45,000 sq m GFA (in 435 units) and there are 109 vacant units totaling 16,600 sq m GFA. The estimated total retail turnover (retail goods shops only) is £502.7m.
- Retail and services are unevenly distributed within Moray with 59% of retail floorspace, 64% of retail turnover but only 34% of retail units located within Elgin.
- Elgin City Centre is the most important location for both retail and services within Moray. The City Centre has 38,600 sq m gross floor area for retail and a turnover of almost £155m accounting for 28% of floorspace and 31% of turnover within Moray. The City Centre is particularly important for general comparison retail accounting with 28,900 sq m GFA general comparison goods floorspace and turnover of £81.0m.
- However, although the total retail and services floorspace of the Edgar Road Commercial Centre area is only approximately half that of the City Centre the retail turnover of the Commercial centre is only slightly less than that of the City Centre (at £143m per annum for all goods).

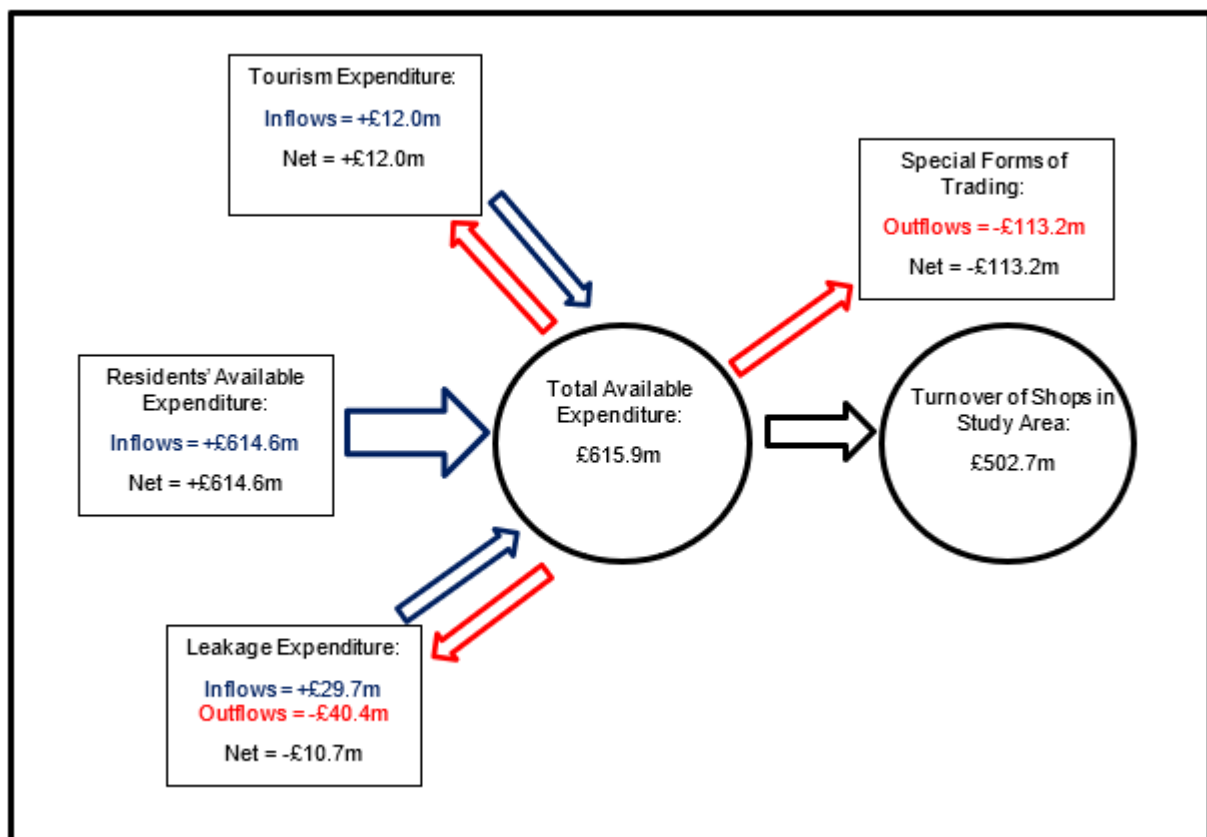
4.2 Figure 3 illustrates the general sources and destinations of retail expenditure within Moray. Total expenditure is generated from residents, tourists and expenditure from those living outwith Moray (i.e. Highland and Aberdeenshire). In total this amounts to £627m per annum. This is then spent:

- £498m spent in Moray shops
- £88m spent through special forms of trading (mostly online)
- £41m is spent in shops outwith Moray



Table 2: Summary of Retail and Services Provision in Moray - 2021

		No.	GFA Sq M	NFA Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m	GFA Sq M	NFA Sq M	Total Turnover £m	
1. Elgin															
Elgin City Centre	Retail	98	10293	6585	£62.38m	23895	14505	£80.48m	4443	3394	£12.01m	38632	24484	£154.87m	
	Services	142										17460			
	Vacant	32										6546			
	TOTAL	272	10293	6585	£62.38m	23895	14505	£80.48m	4443	3394	£12.01m	62637	24484	£154.87m	
Edgar Road Commercial Centre															
	Retail	18	7363	4524	£46.97m	13266	9085	£62.30m	9961	7255	£33.65m	30589	20864	£142.92m	
	Services	2										706			
	Vacant	4										2533			
	TOTAL	24	7363	4524	£46.97m	13266	9085	£62.30m	9961	7255	£33.65m	33828	20864	£142.92m	
Elgin Local Provision															
	Retail	21	2851	2029	£12.46m	1210	890	£2.22m	7970	6273	£7.92m	12030	7671	£22.61m	
	Services	34										3017			
	Vacant	7										553			
	TOTAL	62	2851	2029	£12.46m	1210	890	£2.22m	7970	6273	£7.92m	15601	7671	£22.61m	
TOTAL ELGIN		Retail	137	20507	13137	£121.8m	38370	24481	£145.0m	22373	16922	£53.6m	81251	53019	£320.4m
		Services	178									21183			
		Vacant	43									9632			
		TOTAL	358	20507	13137	£121.8m	38370	24481	£145.0m	22373	16922	£53.6m	112066	53019	£320.4m
2. Principal Towns															
Forres Town Centre															
	Retail	40	1840	1196	£6.62m	3204	2082	£5.53m	1251	938	£1.75m	6295	4217	£13.90m	
	Services	47										4591			
	Vacant	12										1084			
	TOTAL	99	1840	1196	£6.62m	3204	2082	£5.53m	1251	938	£1.75m	11970	4217	£13.90m	
Keith Town Centre															
	Retail	36	1497	973	£2.84m	2608	1695	£5.49m	1443	1082	£2.62m	5548	3751	£10.95m	
	Services	37										3851			
	Vacant	12										1925			
	TOTAL	85	1497	973	£2.84m	2608	1695	£5.49m	1443	1082	£2.62m	11324	3751	£10.95m	
Buckie Town Centre															
	Retail	39	3413	2406	£15.24m	4980	3344	£10.16m	1182	777	£1.43m	9575	6527	£26.84m	
	Services	41										4693			
	Vacant	6										724			
	TOTAL	86	3413	2406	£15.24m	4980	3344	£10.16m	1182	777	£1.43m	14992	6527	£26.84m	
Lossiemouth Town Centre															
	Retail	19	989	643	£3.97m	882	573	£1.61m	0	0	£0.00m	1871	1216	£5.58m	
	Services	35										3404			
	Vacant	1										81			
	TOTAL	55	989	643	£3.97m	882	573	£1.61m	0	0	£0.00m	5356	1216	£5.58m	
Principal Towns - Local															
	Retail	25	10604	7261	£66.65m	5625	3930	£18.60m	2649	1517	£1.83m	18618	12708	£87.08m	
	Services	18										1163			
	Vacant	4										403			
	TOTAL	47	10604	7261	£66.65m	5625	3930	£18.60m	2649	1517	£1.83m	20183	12708	£87.08m	
TOTAL PRINCIPAL TOWNS		Retail	159	18344	12480	£95.3m	17298	11625	£41.4m	6526	4314	£7.6m	41907	28419	£144.3m
		Services	178									17701			
		Vacant	35									4217			
		TOTAL	372	18344	12480	£95.3m	17298	11625	£41.4m	6526	4314	£7.6m	63825	28419	£144.3m
3. Other Towns															
Aberlour, Dufftown, Rothes, Fochabers,	Retail	41	2908	1890	£9.24m	1667	1084	£2.83m	260	169	£0.25m	4836	3143	£12.32m	
	Services	44									£0.00m	2981			
	Vacant	9									£0.00m	522			
	TOTAL	94	2908	1890	£9.24m	1667	1084	£2.83m	260	169	£0.25m	8339	3143	£12.32m	
4. Remaining Rural Provison															
	Retail	62	4815	3187	£12.86m	5513	3870	£11.82m	1692	704	£1.00m	11886	7673	£25.68m	
	Services	35										3160			
	Vacant	22										2223			
	TOTAL	119	4815	3187	£12.86m	5513	3870	£11.82m	1692	704	£1.00m	17269	7673	£25.68m	
TOTAL OTHER TOWNS AND RURAL		Retail	103	7723	5077	£22.10m	7181	4953	£14.65m	1952	873	£1.25m	16722	10817	£38.00m
		Services	79									6141			
		Vacant	31									2744			
		TOTAL	213	7723	5077	£22.10m	7181	4953	£14.65m	1952	873	£1.25m	25608	10817	£38.00m
TOTAL MORAY															
	Retail	399	46575	30694	£239.23m	62849	41059	£201.05m	30851	22109	£62.46m	139880	92254	£502.74m	
	Services	435										45025			
	Vacant	109										16593			
	TOTAL	943	46575	30694	£239.23m	62849	41059	£201.05m	30851	22109	£62.46m	201498	92254	£502.74m	

**Figure 3: Moray Council – Retail Expenditure Flows and Turnover 2021 (2019 prices)**

## Changes Since 2008

4.3 Figure 4 shows the changes in available expenditure, turnover and gross floorspace that have been observed between 2008 and 2021 for the whole study area. This shows that there are marked differences between different retail goods categories:

- Convenience goods: both expenditure growth and turnover has remained broadly flat (expenditure grew by 1% and turnover by 2%) but floorspace declined by 7%.
- For both general comparison and bulky goods expenditure and turnover have increased rapidly but floorspace has declined. This implies that sales densities for comparison floorspace have increased markedly over this period.

**Figure 4: Expenditure, Turnover and Floorspace Changes – Moray 2008-2021**

Total Available Expenditure £m (2019 prices)									
	2008			2021			Change 08-21		
	Net SFT	SFT	Total	Net SFT	SFT	Total	Net SFT	SFT	Total
Convenience	£224.5	£17.6	£242.1	£232.0	£15.6	£247.6	3%	-11%	2%
General Comparison	£166.6	£18.8	£184.4	£204.0	£73.9	£277.9	22%	293%	51%
Bulky Goods	£55.0	£9.1	£64.1	£65.4	£23.7	£89.1	19%	160%	39%
<b>Total</b>							12%	149%	25%
Turnover £m (2019 prices)									
Convenience	£230.8			£239.2			4%		
General Comparison	£106.0			£201.0			90%		
Bulky Goods	£36.3			£62.5			72%		
<b>Total</b>							<b>35%</b>		
Gross Floorspace (sq m)									
Convenience	50,346			46,575			-7%		
General Comparison	65,378			62,849			-4%		
Bulky Goods	25,808			30,851			+20%		
<i>Total Goods</i>	<i>141,531</i>			<i>139,880</i>			<i>-1%</i>		
Retail etc Services	n/a			45,025					
Vacant	n/a			16,593					

## Network of Centres

- 4.4 Scottish Planning Policy requires the identification of a network of centres within a planning authority area. The role of individual centres within the network should also be identified. Figure 5 sets out the recommended network of centres for Moray together with a summary of the function and role of each category.

**Table 6: Recommended Network of Centres**

<i>Category of Centre</i>	<i>Function/Role of Centre</i>	<i>Locations</i>
<i>Regional Centre</i>	<p><i>Principal retail location for Moray.</i></p> <p><i>Provides wide range of retail, retail service and non-retail public and commercial services and facilities.</i></p> <p><i>Provides a focus for the Elgin- and Moray-wide community and as a focus for transport.</i></p>	<i>Elgin City Centre</i>
<i>Town Centres</i>	<p><i>Provide a wide range of retail, retail service and non-retail public and commercial services and facilities.</i></p> <p><i>Provide a focus for the local community (town and immediate rural hinterland) and for local transport networks.</i></p>	<i>Buckie; Forres, Keith &amp; Lossiemouth</i>
<i>Local and Village Centres</i>	<i>Provide a limited range of retail facilities and other services/facilities – primarily meeting some of the day-to-day needs of the local community.</i>	<p><i>Elgin Local Centres: Bishopmill; Southfield Drive</i></p> <p><i>Keith: Regent Street</i></p> <p><i>Village Centres: Aberlour; Cullen; Dufftown; Findhorn; Fochabers; Hopeman; Lhanbryde; Rothes</i></p>
<i>Commercial Centre</i>	<i>Retail developments (either purpose built or well-defined groups of separate units) that serve one or more specific retail market sectors with relative wide catchment areas.</i>	<i>Edgar Road (comprising the Elgin &amp; Springfield Retail Parks and adjoining areas)</i>

- 4.5 The principal changes compared to the Network of Centres identified in Table 6 of the Moray LDP 2020 are:

- Inclusion of Lossiemouth as a Town Centre
- Removal of the western part of Keith town centre (Regent Street) and reallocation as a Local Centre.
- Inclusion of additional Local/Village Centres: Bishopmill and Southfield Drive (Elgin); Cullen; Findhorn; Hopeman and Lhanbryde.

- 4.6 Amendments are also proposed to the boundaries of the City and Town Centres.

## Retail Deficiencies

- 4.7 Analysis of quantitative and qualitative retail deficiencies has been undertaken both by comparing expenditure and notional average turnover for Moray as a whole, individual study zones and taking into account existing expenditure flows as well as market potential. The conclusions of these assessments are:

### *Convenience Goods*

- At the Moray level of analysis no quantitative nor qualitative retail deficiency is identifiable.
- For individual towns/zones the principal quantitative deficiencies identified concerned the Speyside towns/villages, Lossiemouth and Fochabers. However, each of these areas is within the catchment area of the superstores located in Elgin.
- Qualitative retail deficiencies in terms of lack of small supermarket/large convenience-format store are identified for Aberlour, Dufftown, Fochabers and Rothes.
- It is noted that there could be possible requirements for operators not present within Moray to seek locations in Elgin although this is considered unlikely. More significant could be from existing operators with what are considered to be suboptimal units seeking to relocate to more commercially attractive units.

### *Comparison Goods*

- At the Moray level and for individual towns significant quantitative retail deficiencies are identified although the scale identified varies considerably according to which growth scenario is considered. As a result caution is required when considering the scale of deficiencies identified for 2030-35.
- Notwithstanding this, market demand is unlikely to support the scale of deficiency identified. Current trends indicate that, rather than increase demand for space within Elgin town centre, multiple retailers are more likely to reduce space occupied.
- In the other principal town centres there is low likelihood of any significant change in comparison space provision.

### *Leisure Space*

- In the long term demand for commercial leisure space is expected to grow significantly in both Elgin City Centre, other locations in Elgin (out-of-centre) and in the other principal towns. Increased demand for leisure and other service uses has the potential to offset the decline in comparison goods retailing, which could be particularly significant in Elgin City Centre.
- There is also the significant potential for additional leisure space to serve the long term growth of tourism throughout Moray including the principal towns and Speyside area.

## 5 Review of Principal Town Centres

5.1 Reviews have been undertaken of each of the following principal retail and town centre locations within Moray:

- Elgin City Centre
- Buckie town centre
- Forres town centre
- Keith town centre
- Lossiemouth town centre
- Edgar Road Commercial Centre.

5.2 For each of these centres the following have been included within the review:

- Numbers of units and space for principal types of retail, commercial leisure and services. This includes identifying the principal changes that have occurred between 2010 and 2021.
- An update to the town centre health check for the centre (the most recent health check undertaken by Moray Council officers was in 2018).
- Summary of the perceptions of each centre from the household and in-centre surveys
- Assessment of the retail characteristics of each centre including identification of primary and secondary catchment areas, market penetration/share within Moray study zones and variation in forecasts of future turnover according to the Strategic Retail Model based on different future growth scenarios.

5.3 Details of these for individual centres set out in the full report. In general key trends that can be identified from these review are:

- Health checks undertaken in 2021 have, unsurprisingly, been heavily affected by the social restrictions from the Covid-19 pandemic. This is considered to have particularly affected the identified types of use in units, vacancy rates and surveyed footfall. This renders direct comparison with previous surveys difficult.
- Notwithstanding the above, it is also evident that, in most centres there has been a long term shift from retail goods units to retail and other services.
- Catchment areas for centres are well defined. For Elgin City Centre and Edgar Road Commercial Centre these cover most of Moray whereas for each of the other town centres catchments are local.

## 6 Planning Recommendations for Retail and Leisure

### Issues to be addressed in the Retail Strategy

6.1 The key issues to be addressed in the recommended Retail Strategy are identified in the following box.

#### Key Issues to be addressed through the Retail Strategy

1. **The protection and enhancement of city, town and local/village centres.** *This reflects the importance of these centres providing important services and facilities to the wider community consistent with a “town centres first” policy approach. In addition, the importance of protecting, where possible, local shopping provision in the city, towns and in rural areas to support local access to shopping facilities. This will support social inclusion and the minimisation of travel demand and reducing overall carbon emissions.*
2. **Encouraging new investment in retail and leisure in both existing retail centres (including both new floorspace and the re-use of existing space, including vacant space) and in new centres which serve new masterplan areas.**
3. **To ensure that all new retail developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these choices attractive.**
4. *Addressing identified existing retail deficiencies (qualitative and quantitative).*
5. **Addressing the retail needs of new expansion areas in each of Elgin, Buckie, Forres and Mosstodloch.**
6. **Facilitating and supporting the growth of retail, leisure and related services within Elgin City Centre to maintain and strengthen the vitality and viability of the City Centre and to maintain the City Centre as the principal retail location serving Moray.**
7. **Identifying general policy principles to be applied for all new retail development consistent with Scottish Planning Policy and taking into account draft policy proposals set out in the emerging National Policy Framework 4.**

### Network of Centres

6.2 The proposed network of centres and the role of centres within the Network was set out in Table 6.

### Proposals for Town and Commercial Centres

6.3 The following sets out a concise summary of the principal findings and recommendations for strategies for the City, Town and Commercial Centres identified in the proposed network.

#### Elgin City Centre

##### Context and Prospects

- The town centre health check identified a very mixed picture of the vitality and viability of the city centre: vacancies were close to national averages but had increased since 2010; the centre has a good retail



offer and wide range of additional services and facilities but public perception of these in the centre is relatively low, and the centre has a strong and attractive historic and architectural character.

- Prospects for retail growth are uncertain. Convenience turnover is expected to be flat/marginal decline whereas general and bulky comparison goods are forecast to grow but there is very wide variation according to different scenarios with some scenarios indicating potential decline.
- Market and commercial pressures indicate potential for further retail closures and/or desire by operators to relocate from city centre units.
- There are no clear quantitative or capacity for additional convenience retail floorspace within the catchment area served by the City Centre. However, there is an identified quantitative deficiency for both general comparison and bulky goods when one undertakes this assessment for Moray as a whole. Notwithstanding this deficiency, it is evident that potential market demand for comparison goods is expected to be muted based on current market trends and is likely to reflect demands for large floorplate units with easy parking/access. It is not anticipated that, despite strong growth in available expenditure, this will translate into significant demand for traditional “High Street” type retail units.

#### *Town Centre Boundaries*

- Recommendations for consideration are made for limited extensions to the defined boundary of the City Centre for the emerging LDP.

#### *City Centre Development Sites*

- Recommendations are made for consideration for minor amendments to acceptable uses to be included for existing identified development sites within the City Centre for the emerging LDP. In particular it is considered that, provided that existing occupiers relocate, site OPP7 provides an opportunity for large floorplate retail or leisure use that would complement other uses on the north side of the A96. This could assist in offsetting potential demand for large floorplate uses that would otherwise seek locations outwith the City Centre.

### **Buckie Town Centre**

#### *Context and Prospects*

- The town centre health check identified a mixed picture of the vitality and viability of the town centre: vacancies were below national averages; the centre has a reasonable range of retail goods and other services, taking into account the limited size of the town centre.
- Prospects for retail growth are uncertain. Convenience turnover is expected to be flat/marginal decline whereas general and bulky comparison goods are forecast to grow within only limited variation according to different scenarios.
- The retail deficiency/capacity analysis suggests that there are significant deficiencies for general or bulky comparison goods. However, in contrast to this, market demand is limited with the principal opportunity linked to an occupier identifying a specific local market opportunity (i.e. it is unlikely to be a speculative retail development).

*Town Centre Boundaries*

- Recommendations for consideration are made for limited extensions/amendments to the defined boundary of the Town Centre for the emerging LDP.

*Potential Development Sites*

- Recommendations for consideration are made in relation to existing LDP site OPP1 Highland Yards (to exclude the existing Lidl site) and site OPP7 former Millbank Garage site with the latter providing the best opportunity for retail/leisure development in the town centre.

**Forres Town Centre***Context and Prospects*

- The town centre health check identified that the vitality and viability of Forres town centre is relatively strong: vacancies are below national averages; the centre has not seen a shift from retail goods to services seen elsewhere in Moray or Scotland; the centre has a good range of retail goods and other services, taking into account the limited size of the town centre; and the town centre has an attractive historic core.
- Prospects for retail growth are uncertain. Convenience turnover is expected to be flat/marginal increase and general and bulky comparison goods are forecast to grow within only limited variation according to different scenarios.
- The retail deficiency/capacity analysis suggests that there are significant deficiencies for bulky comparison goods. However, as with Buckie, market demand is expected to be limited with the principal opportunity linked to an occupier identifying a specific local market opportunity (i.e. it is unlikely to be a speculative retail development).

*Town Centre Boundaries*

- Recommendations for consideration are made for limited amendments to the defined boundary of the Town Centre for the emerging LDP.

*Potential Development Sites*

- Recommendations for consideration are made in relation to existing LDP sites OPP1 and OPP2 which are not considered to be well suited to significant modern retail or commercial leisure development (despite OPP1 previously being the location of the former Tesco supermarket prior to its relocation and expansion at Nairn Road). Site OPP3 Castlehill Hall is well located in relation to the High Street and has the potential for conversion to leisure or retail use which should be encouraged in addition to residential use.

## **Keith Town Centre**

### *Context and Prospects*

- The town centre health check identified a mixed picture of the vitality and viability of the town centre: vacancies are close to national averages; the centre has a more limited range of retail goods and other services compared to other Moray centres; environmental quality is good to mixed; but despite these apparent limitations household perceptions of the centre are relatively positive.
- Prospects for retail growth are uncertain. Convenience turnover is expected to be flat/marginal decline whereas general and bulky comparison goods are forecast to grow within only limited variation according to different scenarios.
- The retail deficiency/capacity analysis suggests that there are significant deficiencies for general or bulky comparison goods. However, in contrast to this market demand is limited with the principal opportunity linked to an occupier identifying a specific local market opportunity (i.e. it is unlikely to be a speculative retail development).

### *Town Centre Boundaries*

- Recommendations for consideration are made for limited extensions/amendments to the defined boundary of the Town Centre for the emerging LDP. Particular recommendations for consideration are: removal of Regent Street area (current town centre west) from the defined town centre and recategorisation as a Local Centre in the network of centres; but inclusion of both Tesco (and adjacent areas) and parts of St Rufus Park within the defined town centre.

### *Potential Development Sites*

- Recommendations for consideration are made in relation to existing LDP site OPP1 The Tannery which could be identified as suitable for large floorplate bulky goods and also Site OPP2 Former Primary School which is in active leisure/community use and therefore potential redevelopment could also include retail/leisure uses (in addition to residential and business use in current LDP allocation).

## **Lossiemouth Town Centre**

### *Context and Prospects*

- Lossiemouth is both significantly smaller than other town centres but, notably larger than the local/village centres in Moray. This limited size affects the assessment of vitality and viability.
- The retail deficiency/capacity analysis suggests that, when considered in isolation, Lossiemouth has significant deficiencies, however, the town lies within the catchment areas of Elgin City Centre. The key issue is that the town provides only a limited market area which significantly constrains the potential for additional retail or leisure space.

### *Town Centre Boundaries*

- Recommendations for consideration are made for amendments to the defined boundary of the Town Centre which has been used by Moray Council officers for regular town centre health checks for inclusion within the emerging LDP.

#### *Potential Development Sites*

- No recommendations for consideration are made in relation to the existing LDP allocated sites within/adjacent to Lossiemouth town centre.

### **Edgar Road Commercial Centre**

#### *Context and Prospects*

- Prospects for retail growth are uncertain. Convenience turnover is expected to be flat/marginal decline whereas general comparison and bulky goods are forecast to grow steadily within only limited variation according to different scenarios.
- Unlike other locations market interest in new retail floorspace at Edgar Road is expected to be strong in the long term. This could include a desire from City Centre retail operators to relocate to Edgar Road should suitable space become available.
- In terms of retail deficiencies the Edgar Road CC serves the same catchment areas as the City Centre. Therefore no clear deficiencies have been identified for convenience goods whereas, in the catchment area as a whole deficiencies are identified for both general and bulky comparison goods. Unlike the City Centre, however, units at Edgar Road have easy access to parking and this is likely to prove attractive to some retail occupiers in the long term.

#### *Commercial Centre Boundaries*

- No recommendations for consideration are made for extensions/amendments to the defined boundary of the Commercial Centre for the emerging LDP.

#### *Potential Development Sites*

- No recommendations for consideration are made for potential development sites within or adjacent to the Commercial Centre for the emerging LDP.

### **Masterplans and New Neighbourhoods**

- 6.4 As required in the study brief, consideration has been given to the future retail and commercial leisure requirements for each of five masterplan areas: Findrassie, Elgin; Elgin South; Barhill Road South, Buckie; Lochyhill, Forres; and south of the A96 Mosstodloch.
- 6.5 The assessment has been based on each of: experience with other comparable major residential developments in Scotland, in particular in terms of the ability to develop commercial floorspace as residential completions progress; assessment of deficiencies and forecast expenditure growth from the strategic retail model; and market potential associated with the proposed new residential areas.

- 6.6 Details of recommendations for both the quantity and type of space to be provided, and the phasing of this space are set out in the main study report.

## Policy Framework

- 6.7 Recommendations in relation to policies relevant to retail, commercial leisure and town centres have reflected each of:

- The existing policy framework set out in the adopted Moray LDP
- Current Scottish Planning Policy
- The draft National Planning Framework 4 (NPF4)

- 6.8 The draft NPF4 sets a significant change in its approach to the location for new retail floorspace compared to the current Scottish Planning Policy and the adopted LDP. This change effectively proposes a prohibition of the development of retail floorspace which generates significant footfall in locations outwith town centres and only permits retail development in edge-of-centre and commercial centres if expressly permitted in the Local Development Plan. In contrast proposals for leisure, services and all other non-retail uses are expected to follow the conventional sequential/town centres first approach. It is the view of the authors of this report that the proposed change set out in draft NPF4 is based on significant failures to understand the nature of retailing and town centres, current trends and market forces that will determine future retail requirements and, equally important, fails to appreciate the wider benefits that retail development provides to the communities that these units serve. In effect it appears to impose a single policy approach which does not recognise the variation in retail needs for different communities across Scotland. The authors consider that LDPs provide a more appropriate basis for tailoring retail, leisure and town centre policies and proposals to meet local needs within a broad framework – comparable to the current position with the SPP. At this stage the NPF4 is a draft document and is subject to extensive consultation and Parliamentary scrutiny and therefore it is not known to what extent the draft policies will be retained in the final NPF4 when this is published.

- 6.9 Nonetheless, it is important to recognise and accept that town centres, and smaller village and local centres within Moray are changing and subject to pressure associated with the relative decline in the importance of retail as a town centre use and that this has been occurring for at least the past 25 years and which are anticipated to continue, particularly as a result of the ongoing growth of internet-based retail which will further exacerbate these trends in the future. Reflecting this it is considered that a strengthening of existing LDP policies to control and resist inappropriate out-of-centre retail, *and* commercial leisure/other services is the recommended approach to be adopted in the emerging LDP.

- 6.10 As a consequence the following recommendations for consideration are put forward for the overall policy approach to be adopted for retail, leisure and town centre development:

- In general, retention of the existing policy framework provided in the adopted LDP subject to a number of modifications.
- Amendments to the proposed Network of Centres:
  - Identification of Lossiemouth as a town centre
  - Reclassification of Keith town centre (west) as a Local Centre
  - Identification of extended list of Local and Village Centres

- For the purposes of clarification, any references to “Town Centres” would also include Elgin City Centre.
- Extension of permitted uses within Core Retail Areas to include limited additional retail, leisure and business service uses (currently outwith Uses Classes 1, 2 and 3) and tourism.
- Potential limiting of uses that are considered detrimental to town centre vitality and viability (e.g. betting, high interest money-lending).
- Retention of current LDP sequential approach
- Inclusion of assessment of impact (retail and other uses) for locations in *all* locations (not just Out-of-Centre locations).
- Requirement that all proposals for retail, leisure and other uses that generate significant footfall, wherever located outwith defined town centres must satisfy a range of criteria for the proposal to be considered acceptable. These criteria include:
  - Sequential approach (“town centres first”)
  - The proposal will help to meet either qualitative or quantitative retail deficiencies;
  - The proposal will not adversely affect the vitality or viability of any centre identified within the Network of Centres.
  - The proposal is in a location that is, or can be made, easily accessible by a choice of non-car modes of transport.
- Recommendations regarding ongoing town centre health checks, monitoring and review.