



Planning and Regulatory Services Committee

Tuesday, 16 November 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Remote Locations via Video-Conference**, on **Tuesday, 16 November 2021** at **09:30**.

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 XX 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."

4. Minute of Meeting of 28 September 2021

7 - 10

5. Written Questions **

6. 21/01437/PAN

11 - 14

Report by Depute Chief Executive (Economy, Environment and Finance)

Proposed battery energy storage facility of approximately 49.9MW capacity and all associated site works at Milltown Airfield, Elgin, Moray, IV30 8NQ

7. 21/01527/PAN	15 - 22
Report by Depute Chief Executive (Economy, Environment and Finance)	
Proposed extension to quarry at Cairdshill Quarry, Keith	
8. Guidance Note	23 - 24
9. Planning Application 20/00278/APP	25 - 96
Report by Appointed Officer	
10. Planning Application 20/01615/APP	97 - 160
Report by Appointed Officer	
Proposed residential development of affordable housing (25 dwellings consisting of one and two-storey homes and two-storey cottage flats) and specialist supported housing (8 dwellings) with a communal/staff block associated access infrastructure and landscaping on Land to the Rear of No 10 Urquhart Place, Lhanbryde, Moray for Grampian Housing.	
11. Planning Application 21/00020/EIA Redacted	161 - 240
Report by Appointed Officer	
12. Planning Application 21/00348/APP	241 - 282
Report by Appointed Officer	
Substitution of Plots 31-39 at R2 Speyview Aberlour Moray for Springfield Properties PLC	
13. High Hedge Application - 21/00279/HHCOMP	283 - 300
Report by the Appointed Officer	
Application for High Hedge Notice at 12 Charlotte Street, Fochabers, Moray, IV32 7EE for Ms Sarah Johnson.	
14. Elgin City Centre Final Masterplan	301 - 508
Report by Depute Chief Executive (Economy, Environment and Finance)	

- 15. Building Standards Annual Performance Report 202122** 509 - 562
Report by Depute Chief Executive (Economy, Environment and Finance)
- 16. Moray Local Development Plan 2020 Annual Monitoring Report** 563 - 642
Report by Depute Chief Executive (Economy, Environment and Finance)
- 17. Nature Restoration Fund** 643 - 648
Report by Depute Chief Executive (Economy, Environment and Finance)
- 18. Question Time *****
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

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

- 19. Breach of Planning Control at Mulben [Para 12]**
- Information relating to any consultations or negotiations in connection with any labour relations;
- 20. Breach of Planning Control Encompassing Land at Garmouth [Para 13]**
- 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;
- 21. Tree Preservation Order - Dufftown [Para 13]**
- 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
to watch the meeting live.

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

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

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

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

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

THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

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

**MINUTE OF MEETING OF THE PLANNING AND REGULATORY SERVICES
COMMITTEE****28 SEPTEMBER 2021****VARIOUS LOCATIONS VIA VIDEO-CONFERENCE****PRESENT**

Councillors D Bremner (Chair), A McLean (Depute Chair), Cowe, Cowie, Divers, Feaver, Macrae, R McLean, Nicol, Powell, Taylor and Warren.

APOLOGIES

Apologies for absence were intimated on behalf of Councillor Brown and Ross.

IN ATTENDANCE

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

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Cowe declared an interest in Item 11 "Breach of Planning Control Encompassing Land at Duffus".

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

2. EXEMPT INFORMATION

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

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
9	13
10	13
11	13

3. MINUTE OF THE MEETING DATED 3 AUGUST 2021

The minute of the meeting of the Planning and Regulatory Services Committee dated 3 August 2021 was submitted and approved.

4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

5. PLANNING APPLICATION 21/00384/APP

Ward 5 – Heldon and Laich

Relocation of existing hot food takeaway and formation of a parking area/paths to be accessed via a track and access onto the B9040 Land 500m South West of West Beach Caravan Park, Hopeman for Mr Barry Scott and Mrs Ruth Scott

The Committee noted that Planning Application 21/00384/APP had been withdrawn by the Applicant.

6. 21/01193/PAN

Installation of Synchronous Compensator with Electrical Connection to adjacent Substation with associated development at Blackhillock Substation, Keith, Moray AB55 5NY

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 2 August 2021 on behalf of TINZ Programme 1 ProjectCo 3 Limited.

Following consideration, the Committee agreed:

- (i) to note the terms of the report in respect of a Proposal of Application Notice (PAN) for the installation of synchronous compensator with electrical connection to adjacent substation with associated development at Blackhillock Substation, Keith, Moray, AB55 5NY; and
- (ii) that there were no provisional views/relevant issues on the PAN from any Member of the Council.

7. 21/01269/PAN

Construct 5 Wind Turbines (with tip height up to 149.9m) plus Infrastructure at Lurg Hill, Deskford

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 18 August on behalf of Alan Mathewson.

During discussion, it was confirmed that the location of the turbines was unchanged and that changes related to the height of the turbines and the requirement for larger foundations however the Committee asked that the Applicant mitigate against the

impact the extra height of the turbines will have on the landscape by positioning them appropriately.

During further discussion surrounding the proposed virtual consultation with the community, it was asked that, given the remote location of the development, connectivity issues be borne in mind for members of the public with poor internet connection.

In response, Mr Smith, Principal Planning Officer advised that he would provide the Applicant with the comments from the Committee.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
 - that the Applicant mitigate against the impact the extra height of the turbines will have on the landscape by positioning them appropriately; and
 - that connectivity issues be borne in mind for members of the public with poor internet connection during the virtual public consultation; and
- (ii) that 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.

8. QUESTION TIME

There were no questions raised.

9. BREACH OF PLANNING CONTROL, KINLOSS [PARA 13]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the unauthorised siting and use of a caravan for residential purposes within the car park adjoining the Kinloss Chinese take-away and the Abbey Inn, Kinloss.

Following consideration, the Committee agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the caravan to remove the caravan within 16 weeks from the date that the Enforcement Notice taking effect; and
- (ii) that should the Notice not be complied with then authority is given authority to take direct action to remove the caravan.

10. BREACH OF A PLANNING CONDITION AT A PROPERTY IN GARMOUTH

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of a breach of a planning condition at a property in Garmouth.

Following consideration, the Committee agreed:

- (i) to Officers issuing Enforcement Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997 and Section 35 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 -

the Enforcement Notices will require the owner of the property to comply with Condition 1 of planning application 20/00102/APP and Condition 1 of listed building consent 20/00104/LBC within two months of the Enforcement Notice taking effect requiring the owner to submit details for written approval of alternative timber double glazed windows and door units and within 6 months of the Enforcement Notices taking effect complete the work to replace the approved windows and doors.

- (ii) that the notice requiring the submitting of alternative timber double glazed windows and door units and the fitting of the replacement windows work to replace the windows and doors remain as a charge on the property until all work in relation to this is satisfactorily completed.

11. BREACH OF PLANNING CONTROL ENCOMPASSING LAND AT DUFFUS

Councillor Cowe, having declared an interest in this item took no part during its consideration.

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Committee on unauthorised development consisting of the change of use of land, stationing of three caravans, erection of wooden building, formation of access and the erection of a close-boarded fence on land at Sweethillocks, Duffus.

Following consideration, the Committee agreed:

- (i) to authorise Officers to serve an enforcement notice and take direct action to remedy the following breaches of planning control and restore the land at Sweethillocks, Duffus to its former condition:
 - Siting and use of three caravans for residential/storage purposes;
 - Erection of wooden building;
 - Erection of close boarded fence;
 - Formation of access and hardstanding area; and
- ii) to authorise the Head of Economic Growth and Development to consult with the Head of Governance, Strategy and Performance and, if necessary and appropriate to do so, to seek an interdict in terms of S.146 of the Town and Country Planning Act 1997, in order to prevent further unauthorised development at Sweethillocks.



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
16 NOVEMBER 2021**

**SUBJECT: 21/01437/PAN: PROPOSED BATTERY ENERGY STORAGE
FACILITY OF APPROXIMATELY 49.9MW CAPACITY AND ALL
ASSOCIATED SITE WORKS AT MILLTOWN AIRFIELD, ELGIN,
MORAY, IV30 8NQ**

**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 15 September 2021 on behalf of Elgin Energy ESCO Ltd (Elgin Energy).
- 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 Committee:

- (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 current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 As described, this PAN relates to a proposal for a proposed Battery Energy Storage Facility capable of storing energy of up to 49.9MW. The storage facility will have an operational lifespan of 40 years. The storage facility will comprise 35 container units typically measuring 12.2m (l) x 2.4m (w) x 3m (h). They will be arranged neatly in rows of 7 x 5 units sitting approximately 3m apart. Such facilities effectively assist the electricity network provider to smooth out the voltage in the national grid when, factors such as the output from renewables is not constant or wholly predictable.
- 3.5 The site is located on a portion of land measuring approximately 0.84 ha to be located within the site envelope at the consented Milltown Airfield Solar Photovoltaic (PV) facility (as issued by the Scottish Government Energy Consents Division, Decision Notice ECU00000452 (Moray Council reference 17/01185/S36)). There are no specific designations affecting the site. Appendix 1 shows the location of the proposed site.
- 3.6 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations, the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community.
- 3.7 Due to Covid 19, in person public consultation events are not being held, and in line with current temporary Covid 19 legislative arrangements, the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020) an online consultation event is proposed which will be advertised in the local press in advance. A formal response has been issued to the applicant's agent to confirm that the proposed online event arrangements for engaging with the local community are acceptable. The applicant proposed to consult with Innes Community Council.

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) 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 battery energy storage facility of approximately 49.9MW capacity and all associated site works at Milltown Airfield. 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: Shona Strachan
Background Papers:
Ref: 21/01437/PAN



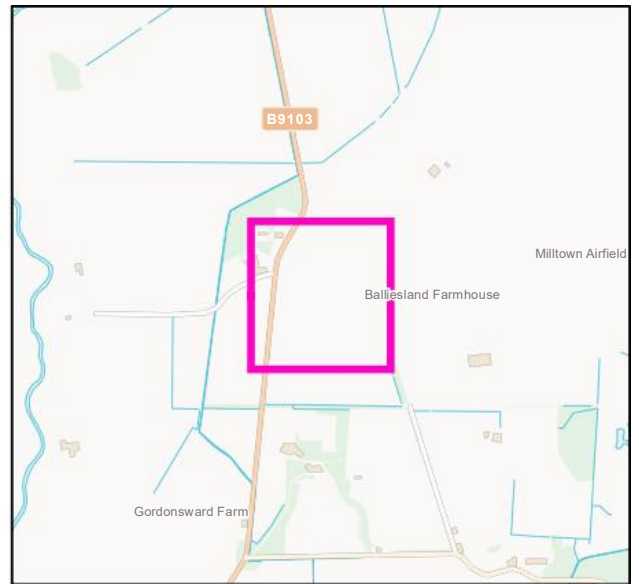
COMMITTEE SITE PLAN

ELGIN

Application Reference Number:

21/01437/PAN

Proposed battery energy storage facility of approximately 49.9MW capacity and all associated site works at Milltown Airfield Elgin



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REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 16 NOVEMBER 2021

SUBJECT: 21/01527/PAN – PROPOSED EXTENSION TO QUARRY AT CAIRDSHILL QUARRY, KEITH

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 29 September 2021 on behalf of Tarmac Caledonia Limited.

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 Committee:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.

3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that

these matters be reported back to the applicant (paragraph 4 of the Minute refers).

- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.5 As described, this PAN relates to a proposed extension to an existing quarry at Cairdshill Quarry, Keith. The site is located approximately 2.5km to the southeast of Keith (see location plan at **Appendix 1**).
- 3.6 The proposed extension would release quartzite both within the existing excavation area and from a southern extension. It is proposed to place soils and overburden in a screening mound to the south of the extraction area. The proposal would release some 2 million tonnes of quartzite over a 40-year period. Existing site infrastructure i.e. site access, site office, weighbridge and processing, stock piling and maintenance areas would be utilised.
- 3.8 Planning permission is required for this proposal as it would be a major development in terms of the current Hierarchy Regulations (Minerals extraction site, which exceeds 2 hectares) and the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community.
- 3.9 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 Strathisla Community Council. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.10 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 applicant has proposed 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 new regulations, the PAN advises that two live/interactive web-based consultation events will be carried out on Wednesday 24 November and Tuesday 7 December 2021 between 6pm and 8pm. The online event will be advertised locally in the Banffshire Advertiser and Herald Newspaper at least one week prior to the first consultation and all residences within 500m (by a letter drop) will be made aware of the consultation. 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) 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.

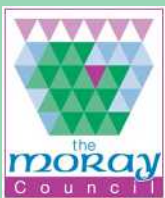
5. CONCLUSION

- 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 an extension to Cairdshill Quarry. 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: Richard Smith, Principal Planning Officer

Background Papers:

Ref:



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

21/01527/PAN

Site Address:

Cairdshill Quarry

Keith

Applicant Name:

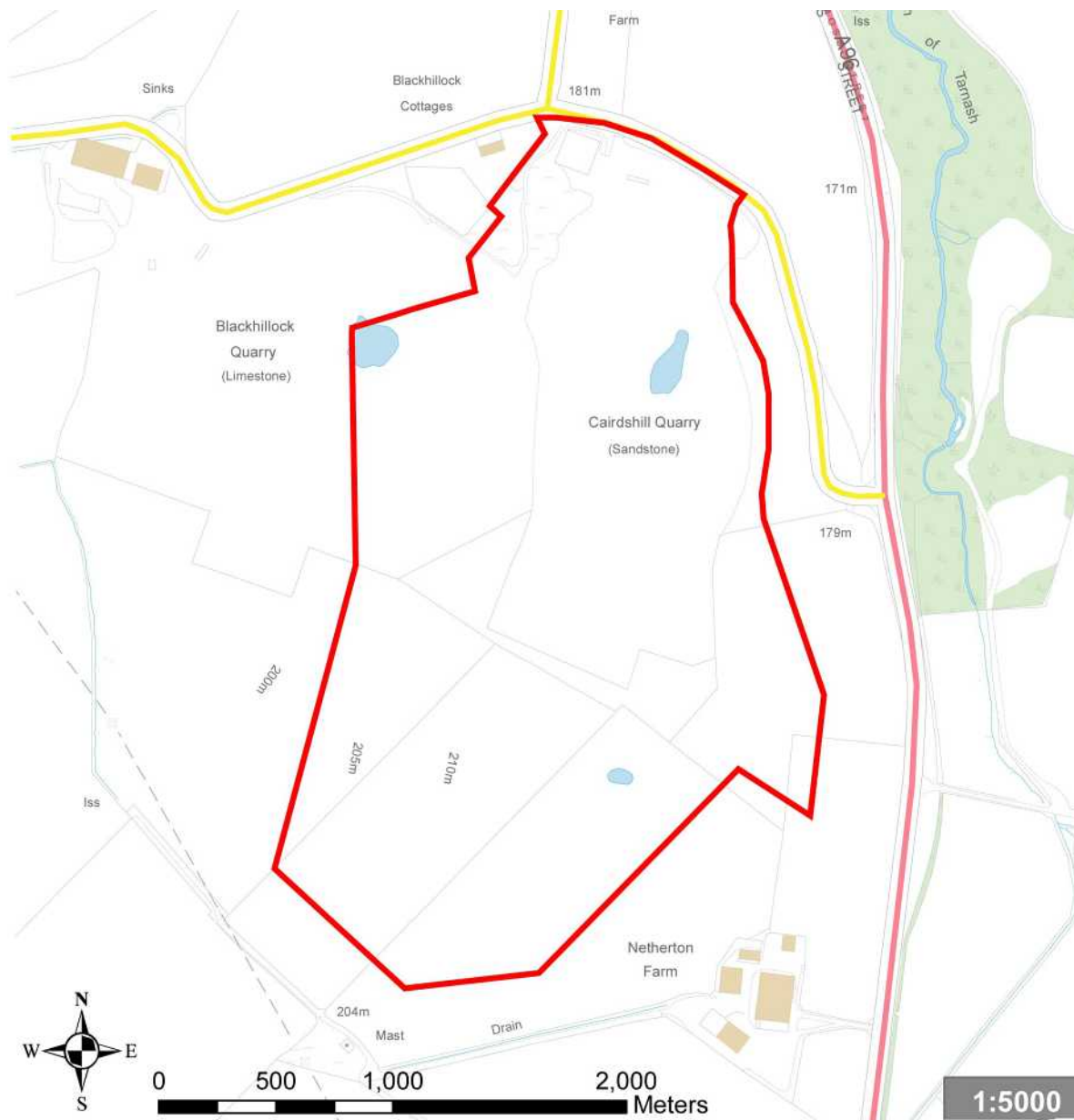
Tarmac Caledonia Limited

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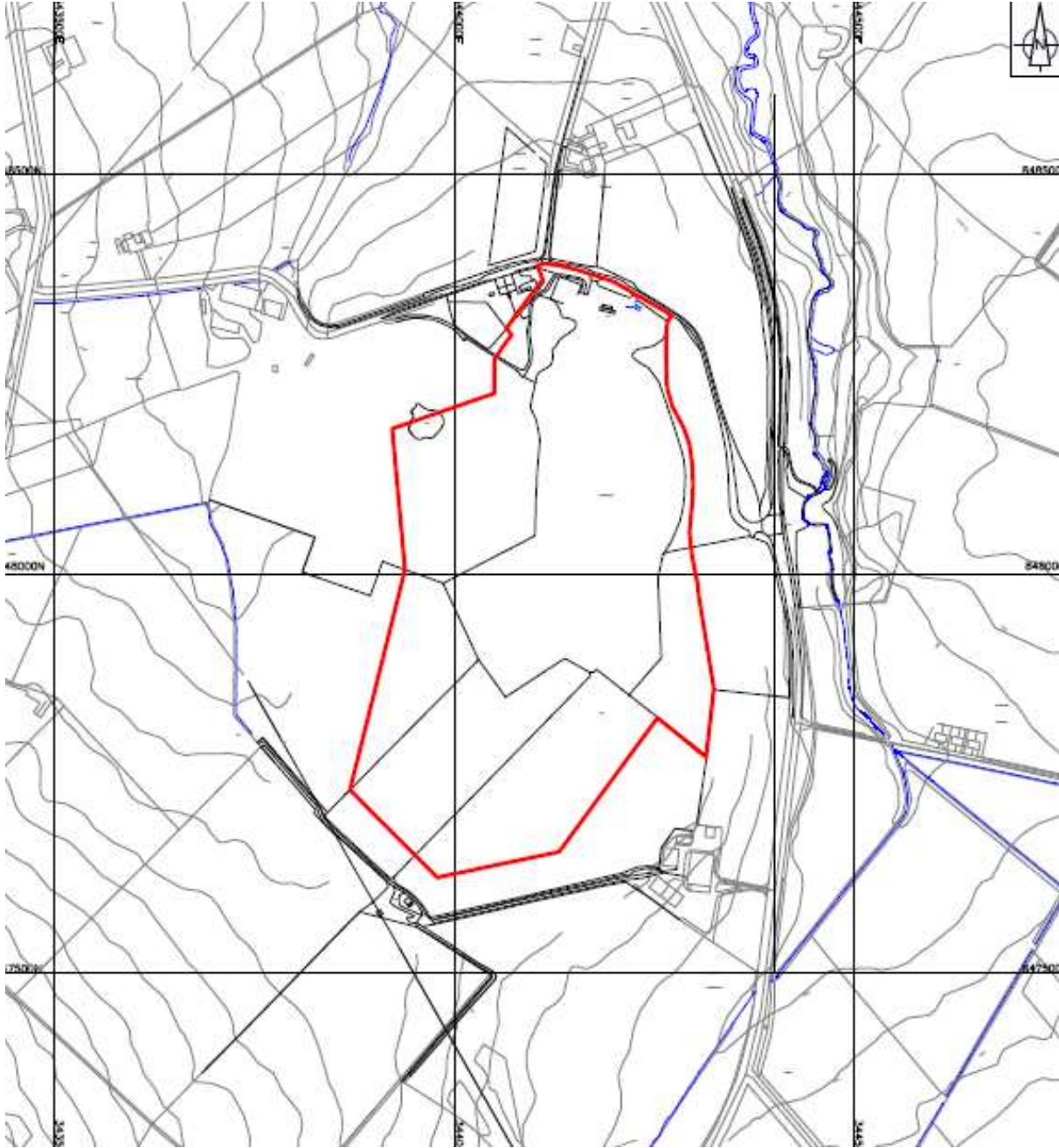
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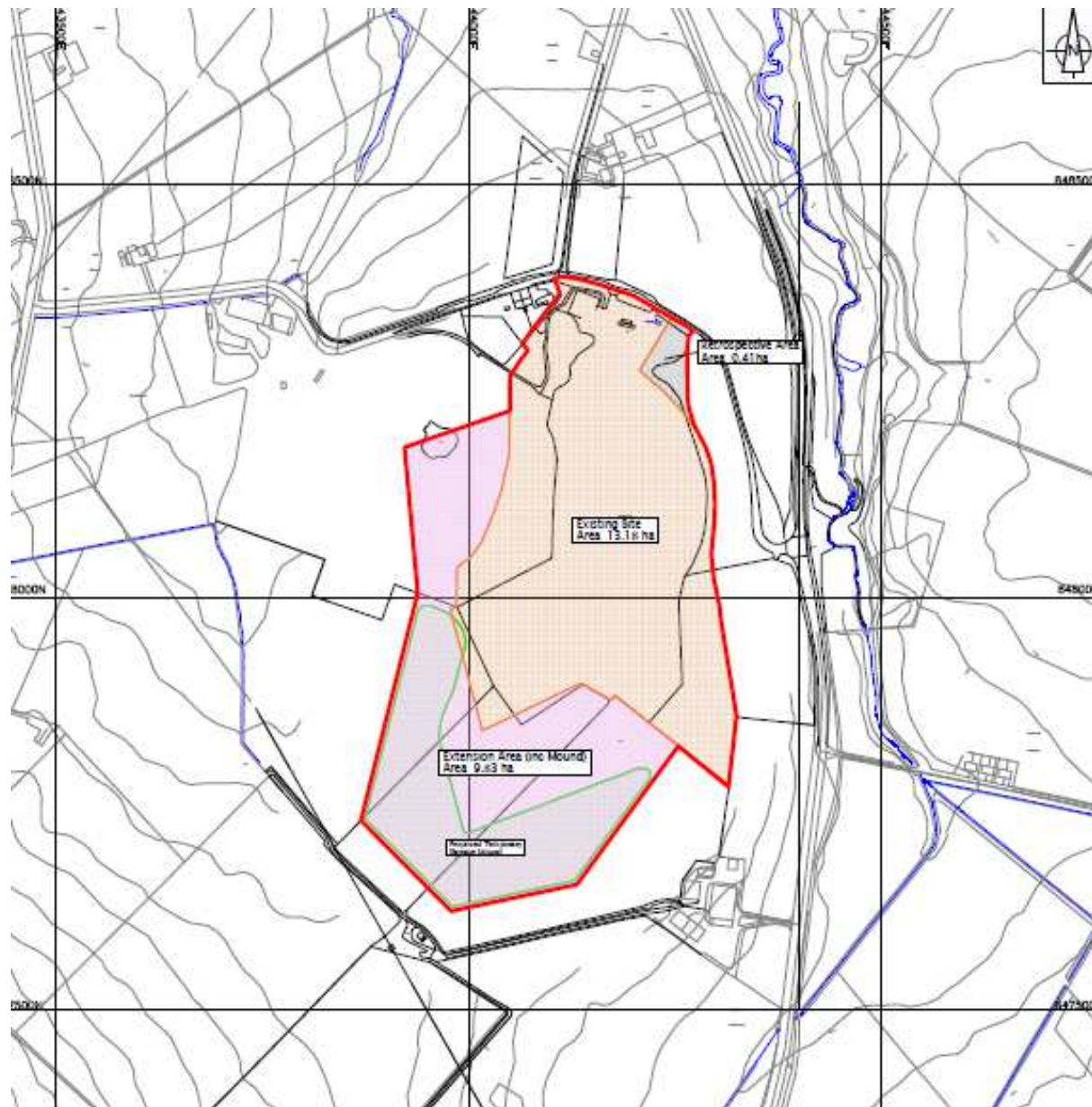
Location Plan



Site Location



Existing/proposed extension site plan





**GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE
MEETING OF 16 NOVEMBER 2021**

REPORT ON APPLICATION

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

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

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

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

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

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

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

Censure of a Councillor or an Officer

Suspension of a Councillor for up to one year

Disqualification of a Councillor for up to five years

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

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

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

WARD 05_17

20/00278/APP
25th March 2020

Application for planning permission for 48 residential units all with associated infrastructure and landscaping occupying the Hopeman R1 designation at Forsyth Street, Hopeman, Moray for Tulloch Of Cummingston Ltd

Comments:

- Application is for 5 to 49 dwellings which is not in accordance with the development plan, and is being recommended for approval.
- 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.
- 5 representations received from 4 parties.

Procedure:

- Completion of a Section 75 legal agreement regarding developer obligations relating to healthcare facilities prior to issue of consent.

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

Conditions/Reasons

1. No development shall commence until details of the affordable housing specification for the site have been submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service. This shall include detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, together with evidence confirming the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site. Thereafter the development shall be implemented in accordance with the approved details and maintained on this basis for the lifetime of the development, unless otherwise agreed with the Council, as Planning Authority in consultation with the Head of Housing and Property Services.

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

2. No development shall commence until a site plan identifying the plot numbers of the accessible residential units (minimum 3) has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation

as identified shall, at all times, remain as accessible housing and remain 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 within the site as defined in terms of current planning policy and associated accessible policy guidance.

3. 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 – 1300 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: In order to ensure that construction does not detrimentally impact upon neighbouring residential amenity.

4. The development hereby approved shall be implemented in accordance with the approved Landscape and Biodiversity Plan drawing number FR/PL/05 dated August 2021 and Landscape Specification and Maintenance Schedule Version 1.3, dated August 2021, which form part of this application. All trees, hedging/shrubs and SUDs/Swale basin planting (in both public spaces and private front gardens) shall be retained. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

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

5. 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 approved landscape and biodiversity plan and Placemaking Statement accompanying this application:
 - a) Details of the public artwork (sandstone features sourced from Clashach Quarry) including size of the arrangement, maintenance arrangements and timescales for delivery;
 - b) Elevation drawings of all boundary walls, stone dykes and retaining walls (scale 1:50);
 - c) Details of all seating, benches and litter bins;
 - d) Phasing plan including timescales for provision of all landscaping works across the site and the equipped play area and seating, with the play area to be installed upon completion of 50% of the development, i.e. the 24th

- residential unit.
- e) Specification of bird boxes and timescales for their provision;
 - f) Elevation drawing and plan showing 1.8m high timber screen fencing to be installed along the northern half of the eastern boundary of plot 1 (scale 1:50).

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

Reason: To ensure that the approved landscaping works, equipped play area and public art are timeously carried out as these details are currently lacking from the application.

6. All fencing and walls as shown on the approved Landscape and Biodiversity Plan drawing number FR/PL/05 dated August 2021 shall be erected prior to occupation of the respective residential unit to which it serves, and thereafter retained for the lifetime of the development. This shall include the fencing to divide the parking areas of plots 24 and 26 which have front and rear access.

Reason: To protect the privacy of adjoining occupiers and in respect of plots 24 and 26 to ensure provision of an acceptable parking layout in accordance with policy guidance in relation to parking and Placemaking.

7. 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, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections.

8. That all foul and surface water drainage and associated maintenance arrangements for the development shall be in accordance with the approved Drainage Assessment and Flood Statement prepared by GMSurveys, Revision C and associated revised drainage drawings submitted in support of this application. No residential unit shall be occupied until it is connected to the SUDS scheme as detailed within the approved Drainage Assessment and drawings, unless otherwise agreed with the Council, as Planning Authority.

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

9. No development shall commence on site until a Site Specific Waste Management Plan (SWMP) has been submitted and approved by the Council, as Planning Authority in consultation with SEPA. The SWMP shall set out how demolition and

construction waste associated with the application site shall be minimised, recovered, stored, reused and disposed of, the management of waste on site must be in accordance with the approved SWMP. This should include a drawing showing the waste storage locations on the construction site.

Reason: In order to improve materials resource efficiency and ensure the appropriate management and disposal of waste.

10. Prior to the commencement of any works, a Construction Environmental Management Plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority including a site specific pollution plan; this shall be based on the submitted Construction Environmental Management Document (CEMD) and include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction (the latter of which shall be in accordance condition 3 above) and ecological management; and thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

11. The ecological mitigation measures outlined within the submitted Extended Phase 1 Habitat Survey (Section 5 refers) prepared by Northern Ecological Services for this application shall be fully implemented by the developer, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat and to minimise disturbance to nature conservation interests.

12. No development shall commence until detailed specifications of materials of the external finishes of the houses, apartments and all street surfaces within each of the identified character areas of the development (as indicated in the Placemaking Statement, Character Area plan FR/PL/04 and associated plans accompanying this application) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter all works shall be carried in accordance with these approved details.

Reason: In order to ensure that the development has variation in street detailing through use of different materials and surfacing and reflects distinctiveness between each character area.

13. Notwithstanding the details submitted for the boundary walls (Drawing FR/PL/05), which are not accepted, no development shall commence until revised details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which show any boundary walls, fences or other features set back behind the site access visibility splays onto the B9040 (Drawing FR/PL/08). Thereafter the development shall be completed in accordance with the approved details and the visibility splays shall be maintained clear of any obstructions over 0.26m in height measured from the nearest 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.

14. Notwithstanding the details submitted for the proposed cycle parking (Placemaking Statement) which are not accepted, no flats shall be completed until details of secure covered (i.e. enclosed with panelling, weather protected) horizontally mounted cycle parking at a rate of 1 space per flat, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The proposed cycle parking shall be provided prior to the completion of the associated flat and thereafter shall be maintained and available for use for that purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure for cycle parking to serve the flats is provided and maintained in the interests of sustainable transport.

15. Notwithstanding the details submitted for planting within the road verge, which are not accepted, no trees shall be planted within the road verge until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority for root containment of any tree within 5 metres of any prospective public road within the development. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure acceptable infrastructure is provided to protect the public road through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

16. Notwithstanding the Construction Traffic Management Plan (CTMP) submitted, which is not accepted, no part of the development shall commence construction until a CTMP has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The CTMP shall demonstrate:
- Confirmation that unless otherwise agreed in writing by the Roads Authority, no construction traffic travelling between the site and the A96 or A941 shall travel via the B9012 or the U51E (Roseisle-Cummingston).
 - Confirmation that no construction traffic shall travel via Cooper Street.
 - Condition surveys for Manse Road, Cooper Street and the B9040 Forsyth St (between Harbour St and the U51E (Roseisle-Cummingston)).

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

17. No house or flat within the development shall be completed until the following works have been completed and opened to the public:
- a) The site access onto the B9040 and any roads between the site access and the house or flat required to provide access.
 - b) The westbound bus stop has been relocated in accordance with the approved details including provision of the dropped kerb crossing of the B9040.

Reason: To ensure acceptable infrastructure is provided to serve the completed house or flat in the interests of road safety.

18. Parking provision for houses and flats 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 or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Council, as 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.

19. 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.

20. 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.

21. No residential unit shall be completed until the EV charging infrastructure associated with it has been provided in accordance with the approved drawing EV Charging Layout FR/LP/11 and associated details. This infrastructure shall be connected to the national grid via the proposed sub-station prior to completion of the 13th residential unit (or sooner if practicable), unless otherwise agreed by the Council, as 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.

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

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

Reason(s) for Decision

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

The application represents an acceptable departure from policy EP6 Settlement Boundaries on the basis that a 6m strip of land is required to ensure compliance with PP1 Placemaking, R1 Manse Road Key Designation Principles and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman. In all other respects the proposal accords with the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

List of Informatives:

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

This development is subject to a S.75 legal agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare facilities to be payable in instalments.

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

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE 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

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.

The requirement for any Road Safety Audit may be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

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>

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.

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

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

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.

SCOTTISH WATER has commented that:

See attached Scottish Water consultations dated 2 April 2020 and 6 September 2021.

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:

See attached consultation responses dated 9 April 2020 and 8 September 2021.

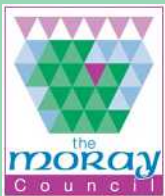
LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
	Milltown 3 - elevations and floor plans
	Milltown 3 - elevations and floor plans
	Millfield 3 - elevations and floor plans
	Millfield 3 - elevations and floor plans
	Keam - elevations and floor plans
	Dunbar - elevations and floor plans
	Covesea - elevations and floor plans
	Covesea - elevations and floor plans
	Birnie 2 - elevations and floor plans
	Location plan
	Balormie - elevations and floor plans
	Balormie - elevations and floor plans
	Birnie C - elevations and floor plans
	Birnie C - elevations and floor plans
	Blervie C - elevations and floor plans
	Blervie C - elevations and floor plans
	Clashach - elevations and floor plans
	Duffus - elevations and floor plans
	Duffus - elevations and floor plans
	Cameron & Cooper - elevations and floor plans
	Cameron & Cooper - elevations and floor plans
	Placemaking Statement
	Drainage Assessment & Flood Statement
	Landscape Specifications & Maintenance
FR_PL_11	EV charging layout
FR_PL_12	Traffic calming measures
FR_PL_13	Road and footpath adoption plan
FR_PL_16	Roads long sections

FR_PL_01	Master plan
FR_PL_05	Landscape and biodiversity plan
FR_PL_09	Public transport links
FR_PL_15	Site sections
FR_PL_03	Site drainage
	Firth View Apartments - elevations and floor plans
A	Moy E Type - Accessible
A	Moy E Type - RHS Accessible
A	Moy Type - Accessible
A	Moy Type - RHS Accessible
	Birnie - elevations and floor plans
FR_PL_10	Cycle/pedestrian paths & links
FR_PL_06	Parking plan
	Sections
FR_PL_02	Site drainage and levels
FR_PL_04	Character areas
FR_PL_07	Utilities plan
FR_PL_08	Junction visibility splay

Additional Information to be issued with decision:

Scottish Water Consultations dated 2 April 2020 and 6 September 2021.
SEPA consultations dated 9 April 2020 and 8 September 2021.

Placemaking Statement, August 2021
Drainage Assessment and Flood Statement prepared by GMSurveys, Revision C
Landscape Specification and Maintenance Schedule, August 2021



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/00278/APP

Site Address:

Hopeman R1 and Long

Forsyth Street

Hopeman

Applicant Name:

Tulloch of Cummingston

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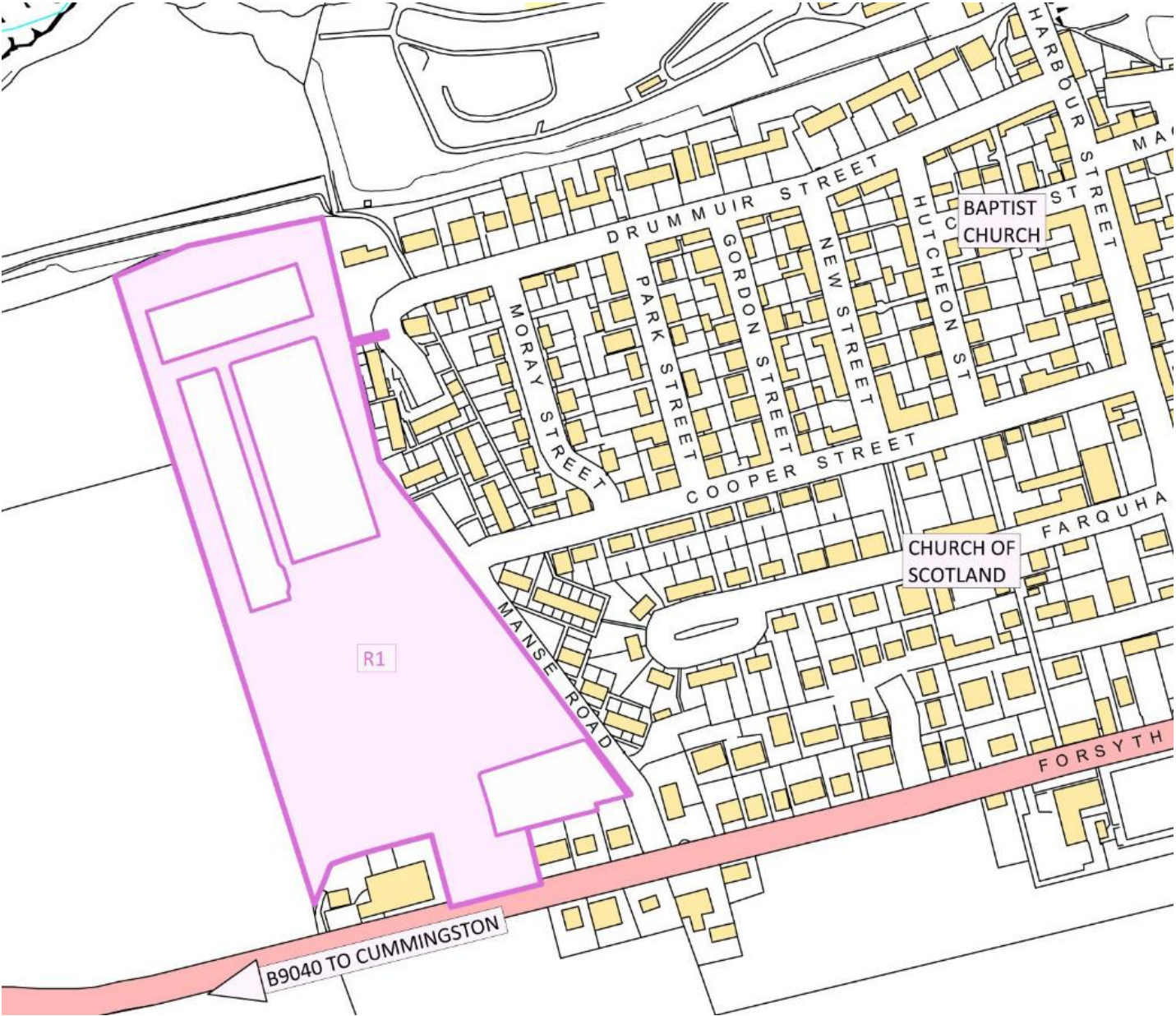
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Location Plan

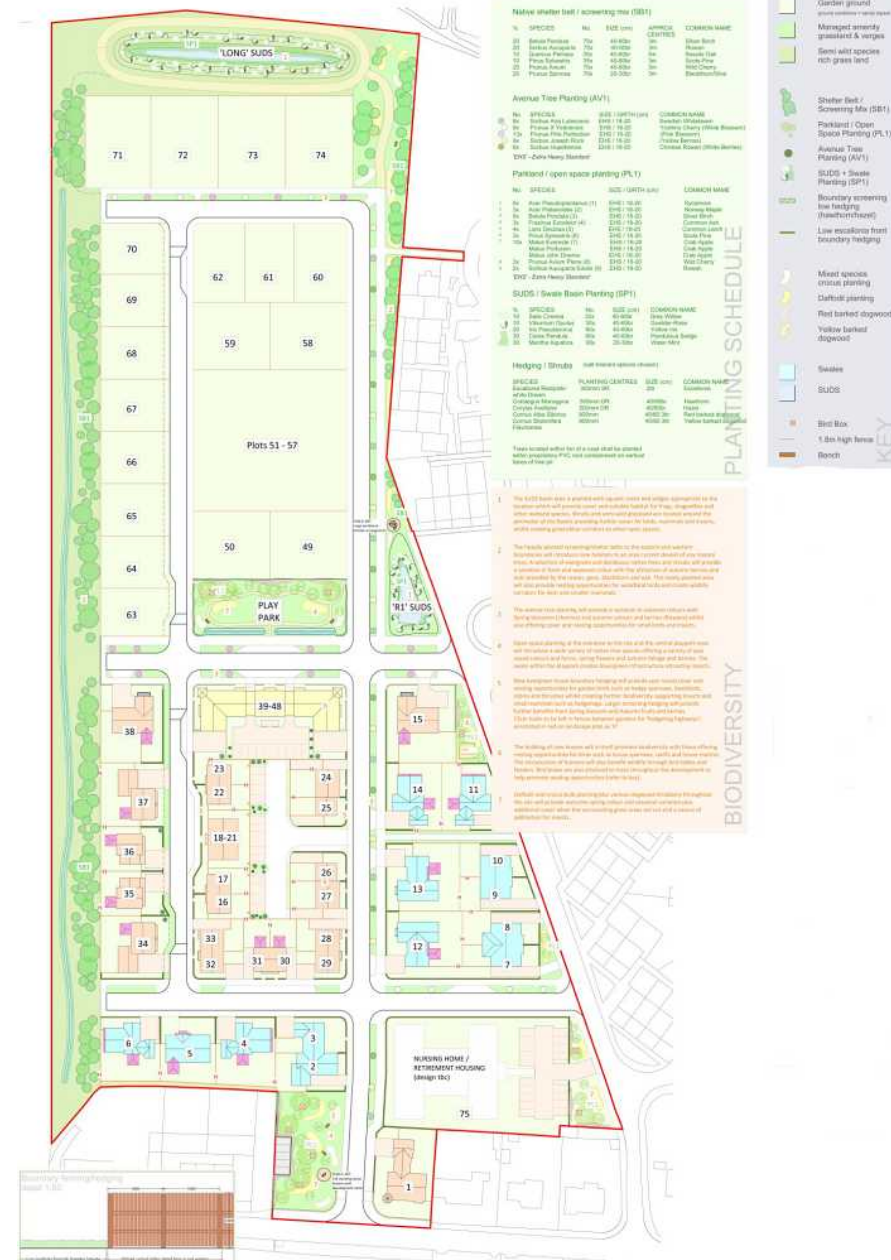


Site Location

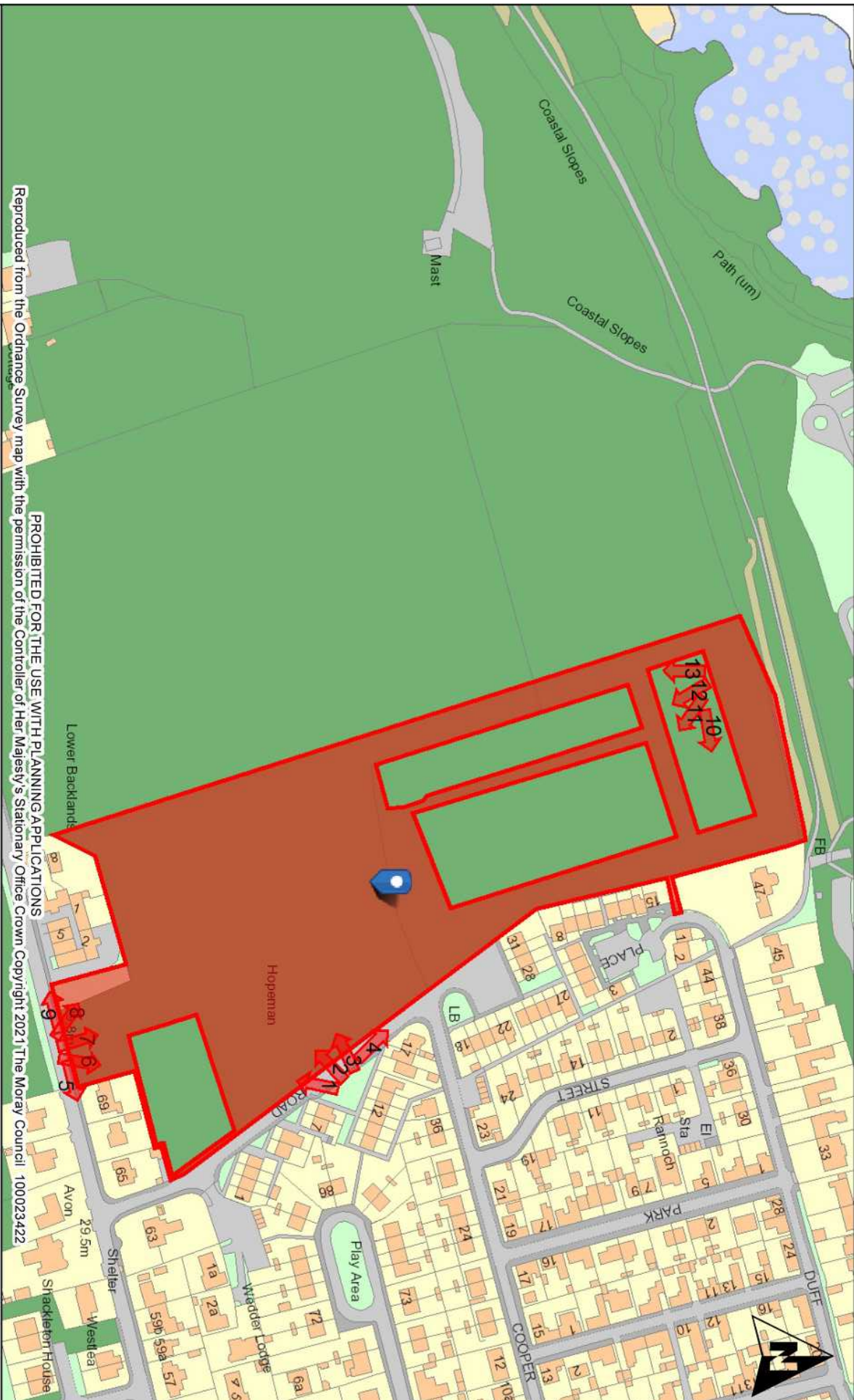




Landscape & Bio-diversity plan



Photograph Positions



Map Description: Arrows point in direction photograph was taken.

Scale: 1:2,500 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



PLANNING APPLICATION: 20/00278/APP

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

THE PROPOSAL

- This application seeks planning permission for a residential development of 48 residential units with associated roads and landscaping on land at site R1 Manse Road, Hopeman.
- The proposed masterplan/layout for the site follows a grid plan pattern and consists of two areas of development; the first area is located within the southern part of the site and contains the proposed 48 residential units, roads/footpath/cycleway infrastructure, SuDS drainage, landscaping, open spaces and an equipped play area; the second area, located within the northern part contains a loop road/footpath and drainage infrastructure. This would serve a further 26 potential future plots based on an indicative layout which do not form part of this application. An area of land within the south-eastern corner of the site is identified as a potential site for a future nursing home/retirement housing, which does not form part of this application.
- The site would be served by three vehicular accesses, with two onto Manse Road to the east and a third onto the B9040 to the south. Footpath and cycle path connections are proposed to the east and south.
- 36 residential units would be private (including 6 accessible bungalows) and 12 affordable.
- The residential units would be a mix of detached and semi-detached single, 1 ½ and 2 storey houses (providing 2, 3, 4 or 5 bedrooms) and apartments (1, 2 or 3 bedrooms), with material finishes of buff and white/off-white roughcast render, timber cladding and slate and grey roof tiles. The units would each have parking, gardens, hedge boundary planting, fencing or low walls; a number of the units are also identified with the option of having a possible sun lounge.
- The site has 3 identified character areas, which are distinguished by use of different materials, colour palette and detailing to the buildings, road surfacing and landscaping.
- The units would connect to the public water supply and foul drainage network. Surface water drainage would comprise a combination of infiltration trenches and swales located adjacent to the development roads, road drainage, two SuDS infiltration basins, and private on-plot soakaways. This would include a swale and infiltration beneath the full extent of the western boundary as potential flood mitigation.
- Detailed landscape plans and associated landscape specification/maintenance schedule for the site set out species, size, spacing and maintenance details for new planting within the open spaces, streets (including avenue trees), native planting shelter belt along the western boundary and gardens.
- The application is supported by an updated Placemaking Statement, Design Statement (incorporating Design and Access Statement, Planning Statement, Road Safety Audit Response Report, Pre-Application Consultation Report, Sustainability Statement, Planning Policies and Design Checklist), Updated Drainage Assessment

and Flood Statement, Transport Assessment, Road Safety Audit, Street Engineering Review, Construction Traffic Management Plan, Programme of Archaeological Works, Extended Phase 1 Habitat Survey, Landfill Gas Assessment and Site Investigation Report.

THE SITE

- The site extends to approximately 3.8 hectares and forms the Hopeman R1 Manse Road residential designation (indicative capacity 75 units) as identified in the adopted Moray Local Development Plan 2020. An additional area along its western boundary (approx. 6 metres wide) lies outwith settlement boundary.
- The site lies within the Burghead to Lossiemouth Coastal Special Landscape Area.
- It currently comprises cleared ground, grassland and gorse, and was formerly arable farmland. Site levels drop from south to north towards the sea.
- Housing lies to the east and south, the coastal path/gorse/Hopeman caravan site to the north and farmland to the west.
- The SEPA flood map indicates that localised parts of the southern and north areas of the site are at risk (medium) from surface water flooding.
- Archaeological interests are present on the site and the surrounding area.

HISTORY

19/00943/PEMAJ – Preliminary enquiry for proposed housing development of 76 units and nursing/retirement home, comprising 49 units on Hopeman R1 and 27 units in LONG site – response issued November 2019.

19/00783/PAN - Proposal of Application Notice (PAN) for proposed Housing development of 75 units and nursing/retirement home at R1 and LONG Site, Hopeman. Following consideration of the PAN, the Council's Planning & Regulatory Services Committee on 20 August 2019 Members agreed that the following matter should be drawn to the applicant/agent's attention and taken into account in the development of the application;

- Concern was raised in relation to the proposed number of houses to be built which is more than what was originally identified.

A public consultation event was subsequently held on 20 September 2019. The PAC report accompanying the current application outlines the extent of the applicants' engagement with the local community in accordance with the Proposal of Application Notice (PAN) (19/00783/PAN) and responses. Whilst useful as background, this is not a statutory requirement for this current application as the proposal is for less than 50 residential units and therefore not a major development.

The application has been screened under the EIA Regulations and is not considered to be an EIA development.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised as a departure from the MLDP 2020 and for neighbour notification purposes.

CONSULTATIONS

Strategic Planning and Development – Key design issues are addressed in detail within the Quality Audit carried out in relation to this application, this confirms that the proposal satisfies the criteria and principles set out on PP1 Placemaking and associated provisions of the plan, including PP3, DP1, DP2, EP2 and EP5 subject to conditions where appropriate (see observations section and QA summary table).

Notes that the proposal departs from Policy EP6 Settlement Boundaries as the western boundary of the site exceeds approximately 6 metres beyond the Hopeman settlement boundary. However this is considered an acceptable departure on the basis that additional land is needed to ensure compliance with PP1 Placemaking, R1 Manse Road Development Brief and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman. The proposal meets the remaining relevant policy requirements of the Moray Local Development Plan 2020 and should be recommended for approval subject to applying conditions.

Environmental Health Manager – No objection subject to conditions regarding construction working hours, a Construction Environmental Management Plan to include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction, and sub-station details.

Contaminated Land – No objection. The development site is located 200 metres east of a former landfill that has previously caused problems associated with gas migration into the surrounding area. Specialist reports commissioned by the Council have identified that gas migration occurs mainly to the west of the landfill and appears primarily associated with a geological fault. Investigations have shown no evidence of significant gas migration in an easterly direction. The applicants' desk study has shown that the development site is not located in proximity to the geological fault and, given the distance from the gas source, it is concluded that no gas protection measures are required in this development.

Transportation Manager – No objection subject to conditions regarding provision of a Construction Traffic Management Plan, provision of visibility splays, car parking, cycle storage, tree root containment, access provision and relocation of the westbound bus stop on the B9040 opposite the site frontage

Archaeological Service – A Programme of Archaeological works including a final data structure report has been submitted with the application. Notes, and is content with the report findings and on this basis has raised no objection to the application.

Planning and Development Obligations - A developer obligations assessment has been carried out to consider the impact of the development upon local infrastructure; this confirms that obligations are required towards healthcare facilities. The applicants have confirmed that they are agreeable to the contributions which will be secured through a S.75 legal agreement.

Environmental Protection Manager – No objection, informative comments regarding maintenance obligations of Developer for landscape areas, play area and SuDS, and BS specifications for play equipment, safety surfacing and free space.

Building Standards - A Building Warrant will be required.

Housing Strategy and Property Manager - No objection subject to conditions requiring submission/approval of delivery arrangements for affordable housing (12 units) to be agreed with Housing and Property Services, and provision of minimum 3 accessible housing units (including site plan defining their location and that they remain accessible in perpetuity).

Moray Flood Risk Management – No objection.

Moray Access Manager – No objection.

Hopeman Community Association - No response at time of writing report.

Scottish and Southern Energy – No response at time of writing report.

Scottish Gas - No response at time of writing report.

Scottish Environment Protection Agency – No objection subject to condition requiring approval of a Site Specific Waste Management Plan to address waste management, including potentially hazardous or special waste resulting from the proximity of the old landfill site, or an assessment to show that there will be no such waste. Notes that the proposal includes environmental enhancement measures, and also highlights the requirement for a Controlled Activities Regulations (CAR) Construction Site Licence for management of surface water run-off from the construction site, to be issued under SEPA's own regulatory regime.

NatureScot – Notes the findings of the submitted ecology survey which found minimal impacts (with no protected species observed) and that these are still likely to be representative given the lapse in time since the survey was done, as little has changed on site.

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

ParentAble Moray – Comments provided in relation to original plans seeking addition of all abilities/inclusive play equipment, no comment received regarding revised proposals.

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]



5 representations have been received from 4 parties.

Issue: Overdevelopment of site, house on plot 1 is larger than existing houses along Forsyth Street, it is a huge property with a tower and will dominate the area and is not in keeping with neighbouring properties, original plans showed green spaces either side of exit onto Forsyth Street. Site is too big and will impact the village. Some of the houses are out of keeping with surrounding properties including height.

Comments (PO): The house on plot 1 is a 1 ½ storey type and is not considered to be overly dominant for this location. The proposed development providing a variety of single and two storey house types and apartments represents an appropriate form of development on this designated site which satisfies the designation requirements, and is acceptable in terms of layout, spacing and design. Developer obligations have been identified and sought towards healthcare facilities and sports and recreation in order to mitigate the impact of the development.

Issue: Access and road safety concerns, development will access onto Forsyth Street opposite a bus stop and where traffic speeds are high, development should be reduced in size and exit road onto Forsyth closed off with all traffic sent onto Manse Road, increased traffic from development will lead to accidents unless traffic calming/management measures are put in place, road safety impacts are heightened by the lack of footpath on south side of Forsyth Street close to the site access. Addition of 48 dwellings and associated cars will put strain on traffic issues in the village.

Comments (PO): The proposed development on this designated housing site incorporating roads and cycleway/footpath infrastructure, accords with site designation requirements and is acceptable in principle. The scale of the development in this location is appropriate and in line with the designation. Proposed vehicular accesses onto the surrounding road network, including onto Forsyth Street with associated visibility splays are acceptable; the proposals also include relocation of the bus stop to a new location to the west of the proposed access agreed with the Transportation Section.

The application has been supported by a Transport Assessment and Street Engineering Review which demonstrate that with provision of the proposed roads/footway and cycleway infrastructure transport demands associated with the proposed development can readily be accommodated without any adverse impact on road safety. The Transportation Section has assessed this information and is content with its findings.

The Transportation Section considers that the proposed layout is compliant with transport policy/road safety standards and has raised no objection subject to conditions requiring the provision of satisfactory transport infrastructure to Moray Council adoptable standards.

Issue: Concerns regarding impacts on wildlife and nesting birds from development activities in the area.

Comments (PO): A Phase 1 Habitat Survey (Extended) incorporating protected species surveys has been submitted with the application; this includes recommendations for mitigation measures to minimise impacts on nesting and breeding birds, and reptiles which shall be addressed by planning condition.

Issue: The area is at risk of flooding and neighbouring properties were affected a couple of years ago.

Comments (PO): The applicants have submitted a drainage impact assessment and flood statement which addresses the issue of surface water from the site and flooding. This provides analysis of surface flows in the area and concludes that the proposed development will not impact current flow paths to adjacent houses. The development has a fully designed SuDS, which will control all surface water within the site by attenuating surface water and draining at a controlled rate from the site to ensure that post development flows are no greater than pre-development flows. The Flood Risk Management Section has reviewed and is content with this information and has raised no objection to the proposal.

Issue: Queries whether proposal includes affordable housing.

Comments (PO): The application includes an appropriate level of affordable housing required to meet policy and this provision will be addressed 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:

Principle of Residential Development (Hopeman R1, DP2, DP1, PP1, PP2 and PP3)

The application site forms part of the Hopeman R1 Manse Road designation which is identified for residential development in the Moray Local Development Plan 2020, with an indicative capacity of 76 residential units.

MLDP 2020 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 2020 policies. The required 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.

Policy DP1: Development Principles sets out the need for the scale, density and character of development to be appropriate to the surrounding area.

Site development requirements for R1 include compliance with key design principles shown in Figure 1.1 of the designation within the settlement plan for Hopeman. These seek provision of a layout which reflects the traditional grid pattern of the village, the creation of a gateway onto the development from the B9040 Forsyth Street, key frontage development along Manse Road and Forsyth Street and a new mature woodland

boundary along the western edge. Further identified requirements include the provision of a central amenity open space/play area, houses fronting onto the B9040 to replicate traditional architectural detail/materials of Hopeman, vehicular connections onto the B9040 and Manse Road, two further connections into land to the west mirroring the traditional grid pattern of adjacent streets, a pedestrian footpath running from the B9040 to the Moray Coastal Path and submission of supporting information including Transport, Flood Risk, Drainage Impact and Landfill gas Assessments and a Phase 1 Habitat Survey.

The submitted masterplan setting out the comprehensive layout for the whole site (including both the detailed and indicative elements, along with roads infrastructure, drainage, access, landscaping etc.) and supporting submissions provide sufficient information to enable assessment against policy DP2 and the designation requirements. In terms of the indicative capacity figure of 75 units for the site, as the current application is for 48 units only, and remaining developable area set aside for the potential 26 plots and nursing home/retirement housing is indicative only and does not form part of this application, it is acknowledged that the capacity figure could be exceeded if the nursing home does not come forward and is replaced by housing. Notwithstanding this, policy DP2 states that such figures are indicative only and proposed capacities will be considered through the Quality Audit process against the characteristics of the site, character of the surrounding area and conformity with all policies and the requirements of good Placemaking as set out in policies PP1 and DP1.

The findings of the Quality Audit process carried out for this application summarised below confirm that the proposal would represent an acceptable form of development for this location which satisfies the principles of good placemaking, and would provide acceptable housing with private gardens and satisfactory levels of public open space/landscaping. It would also meet servicing requirements, include appropriate sustainable urban drainage, avoid adverse effects on environmental interests and include provision of appropriate levels of affordable and accessible housing provision.

The proposal would bring investment to the Hopeman 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 supported by a Utilities Plan and complies with the requirements of PP3 Infrastructure and Services.

Settlement Boundaries (EP6)

The proposal is contrary to Policy EP6 Settlement Boundaries as the western boundary of the site extends approximately 6m beyond the Hopeman settlement boundary. Whilst a departure, all of the proposed houses will be sited within the settlement boundary, with only the proposed new woodland planting and swale being located outwith the settlement boundary. This additional land is required to ensure all the requirements of PP1 Placemaking, EP5 Open Space, the R1 Manse Road Key Design Principles and the requirements of the R1 Manse Road designation text can be met, notably, the delivery of 20% open space, a traditional grid layout, parking to the side and rear behind the building line and provision of a 15m wide landscape buffer to create a new landscaped edge to Hopeman. This wider landscape strip will also serve to create a definitive boundary to Hopeman.

Based on the above justification, the 6m minor expansion into the open countryside adjacent to Hopeman is considered an acceptable departure from EP6. It will not erode the distinction between the village edge and open countryside or create coalescence between Cummingston and Hopeman.

Special Landscape Areas and Landscape Character (EP3)

The site is within the Burghead to Lossiemouth Special Landscape Area (SLA) where the Council seeks to encourage the highest standards of design. The proposal has been subject to a quality audit in which it scored all greens evidencing the high quality design. Despite the site extending slightly into open countryside around Hopeman, as set out above, this is not considered to have an adverse impact on the Burghead to Lossiemouth SLA.

Placemaking, Siting and Design (PP1, DP1, DP2, R1, EP2 and EP5)

Policy PP1 Placemaking sets out that sufficient information must be provided to allow the Council to carry out a Quality Audit (QA) of the proposal. As noted in the Strategic Planning and Development Team's response this Audit process has been undertaken and the application has been subject of a number of meetings and correspondence. Initial issues were identified and during consideration of the proposals revisions made to address the changes sought. The QA assessed the proposal against the 7 fundamental placemaking principles of Policy PP1. In order to comply with PP1 and deliver a distinctive place with all the associated health and environmental benefits proposals require to achieve "green" ratings and this has been achieved in all cases as set out in the table below.

This shows the series of issues identified with the first QA which led to "red" ratings. These were addressed through the submission of revised plans leading to "green" ratings subject to the mitigation set out in the table. This mitigation relates to points of detail which can be addressed by planning conditions, with the revised submission satisfactorily demonstrating that the development delivers on all the placemaking principles.

QA Category	Score	Mitigation	Score	Conditions/Mitigation
Character and Identity		Provide greater differentiation between character areas. Provide key buildings at the flats including turrets and plot 29. Replace grey pavements in character area with buff colour. Provide tree planting along Backlands Brae Provide clarification on public art features and how they reflect the local area.		Differentiation has been achieved through different materials, landscaping and road surfacing materials and use of stone walls. Turrets have been added to the principal elevation of the flats and a glazed corner feature on Plot 29. Buff coloured pavements have been incorporated. Where there is sufficient space trees are being provided in the front gardens of plots along Backlands Brae. A condition will be applied seeking details of the scale, number, arrangement and timescales for installation of the proposed sandstone

				features.
Healthier, Safer Environments		Switch plots to provide a frontage onto Sutherland Street.		The size of the different plots and topography has meant it is not possible.
Housing Mix		<p>Confirm driveways will be suitable for users of all mobility.</p> <p>Remove tapered heads on the staircases of accessible plots.</p>		<p>Additional details on gradients of driveways have been provided.</p> <p>Homes do not include any tapered stairs.</p>
Open Spaces and Landscaping		<p>Additional shrubs and planting must be provided.</p> <p>The girth of proposed trees must be 18-20 cm</p> <p>The swale in the central area of open space must be planted.</p> <p>The proposed play equipment and area must cater for people of all mobilities.</p> <p>Hedging must be provided in front and between all plots to define public and private space.</p> <p>Clarification as to why green verges cannot be planted.</p>		<p>Additional planting has been provided and will deliver seasonal variation.</p> <p>All trees 18-20cm girth.</p> <p>Landscaping details for swales have been provided.</p> <p>Details of accessible play equipment and seating have been provided.</p> <p>Hedging has been added along the frontage of plots. Trees and shrub planting is proposed within two plots where this is not feasible.</p> <p>Trees have been set within gardens to avoid the service strip as there are utilities underground in this location. A condition must be applied to ensure retention of all trees, hedging and landscape planting on the site, in both in public spaces and private gardens.</p>
Biodiversity		<p>Biodiversity plan to show the location of the hedgehog highways.</p> <p>Provide swift boxes.</p> <p>Introduce a roadside swale along Firth Rise.</p>		<p>An acceptable biodiversity plan has been provided including swift boxes. A condition must be applied so details of the type of bird box, proposals for attaching boxes to trees and timescales.</p> <p>A swale has been provided</p>

				within the woodland edge of the site running the length of the site as opposed to Firth Rise.
Parking		<p>Avoid a 3 car stacked arrangement.</p> <p>The communal parking arrangements must be revised to ensure that spaces are broken up.</p> <p>0.5m must be left between any landscaping and parking space.</p> <p>Provide secure cycle storage facilities.</p> <p>EV details need to show 5m isochrones from charger location.</p> <p>Provision also does not meet the requirement for 1 cycle storage space per flat.</p>		<p>Parking arrangements have been amended. A condition must be applied to ensure a wall is provided to address this issue.</p> <p>Where feasible all communal parking has been broken up at an interval of every 4 spaces and incorporated 0.5m gaps.</p> <p>Details of secure cycle storage have been provided and EV details are acceptable.</p> <p>A condition must be applied requiring panelling on the doors and sides of the cycle storage.</p>
Street Structure		Provide different coloured pavements for Backlands Brae.		Buff pavements are now specified on the character areas plan and a condition must be applied to ensure delivery.
Street Layout		Visibility splays currently do not meet the requirements.		A condition must be applied to ensure that the stone walls adjacent to the main access are set back and removed from the visibility splay.
Street Detail		<p>Additional drainage information is required.</p> <p>A different colour of pavement is sought for Backlands Brae</p>		<p>Additional drainage information provided.</p> <p>Buff pavements are now specified on the character areas plan and a condition must be applied to ensure delivery.</p>

1) Character and Identity

The site has 3 identified character areas, and these have been differentiated through the use of different materials, colour palette and detailing such as style of doors and use of stone walls in individual character areas. In addition the layout comprises different road surfacing materials and different coloured hedging in each character area. Key buildings have been provided, within the first plot at the entrance of the site incorporating a turret feature and slate roof reflecting a feature of the village. This feature has also been replicated on the principal elevation of the flats. Public art is incorporated into the development in the form of sandstone features from the local quarry positioned within two areas of open space on the site to provide landmarks. A condition shall be imposed covering submission/approval of details on the scale, number and arrangement of the proposed sandstone features.

In line with PP1 the applicants have submitted suggested street naming to reflect and enhance local associations within the area.

2) Healthier, Safer Environments

The layout has been designed in a grid like pattern which allows for buildings to have public fronts and private backs which in turn provides good natural surveillance on streets. The location of the open space containing the play area is well overlooked which will in turn create safe space for residents to use. The streets have been designed to reduce vehicle speeds creating a safe neighbourhood.

Seating areas are provided on the open spaces of the development to encourage people of all ages and mobilities to interact, participate in activity and rest and reflect. This also provides opportunities for social interaction between residents.

3) Housing Mix

The housing mix is acceptable and satisfies the requirement of policy DP2.

The affordable requirements for the site have been met, with the affordable units centrally located within the development ensuring good access to all travel routes and the central area of open space/play area.

DP2 section d) requires proposals to demonstrate tenure integration. This requirement is met as there is no architectural distinction in the external specifications and standard of finishes, between the tenures.

In terms of accessible housing, 6 private bungalows are to be provided across the site.

4) Open Space/Landscaping

The proposals are supported by detailed landscaping plans including landscape specifications and maintenance schedules. The girths specified within the landscaping proposals were originally 8-10cm and 12-14cm, and have now been amended to 18-20cm to deliver the semi mature tree planting required. A centrally located playspace has been provided within the development with associated planting and hedging. In line with the designation, a new wooded edge to Hopeman will also be created comprising a mixture of silver birch, rowan, sessile oak, wild cherry and hawthorn. Planting proposals have sought to deliver seasonal variation with the introduction of bulb planting including crocuses and daffodils, spring blossom and autumn berries.

The applicants have confirmed that the play area will be installed and able to be used upon completion 50% of completion of this first phase of development, i.e. following completion of 24 of the 48 homes. This provision and timescale shall be addressed by a planning condition.

EP5 requires open space within new developments to meet standards for quantity, quality and accessibility to ensure the delivery of multifunctional open space. The development exceeds the minimum 20% open space requirement for developments of this scale.

In terms of the quality element of open space provision, as part of the QA process the open space is assessed and must achieve a very good quality score of no less than 75%. The proposals were assessed against the criteria and exceeded the 75% very good score based on the centrally located play space, incorporation of landscaped swales, detailed landscaping plans that create attractive open spaces, biodiversity enhancement, provision of two seating areas and proposals for public art. The central open space also has good natural surveillance and is well connected with a network of paths.

5) Biodiversity

Detailed landscaping plans have been submitted and have been annotated with proposals for biodiversity enhancement across the site that include native species landscaping in the form of new woodland planting, street trees and shrubs, wildflower planting, landscaped SuDS, provision of a swale within the play area, hedgehog highways and bird boxes. These measures are considered appropriate to the site and meet the terms and intention of policy EP2 Biodiversity which is to enhance biodiversity.

6) Car Parking

The layout and arrangement of parking meets the requirement for a minimum of 50% to be to the side and rear behind the building line, and a plan demonstrating this has been provided. To address the impact of those parking spaces in front of the building line, different varieties of hedging, street trees and low boundary walls has been used.

Within the communal parking courts hedging has been used to break up every 4th space. Limited space in the interior courtyard (units 39-48) accessed via the pend means hedging to mitigate parked cars cannot be provided here. Landscaping is provided at either end of the row of 9 spaces, and this is considered acceptable as there are limited views into this area and accordingly limited impact on the streetscene.

7) Street Structure, Layout and Detail

The layout has a permeable layout that will encourage walking and cycling. A street hierarchy has been introduced through the use of contrasting surface materials on the different level of roads which will add to the character of the site and aid navigation. The inclusion of raised tables, speed humps and roads narrowing at points along the home zone streets should assist in reducing vehicles speeds.

PP1 states that design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent. An

acceptable Street Engineering Review which sets out the design principles of the layout has been provided.

Overall, the proposed revised layout represents a high standard of design on this designated housing site in Hopeman which incorporates the principles of good placemaking set out in PP1 of the MLDP 2020, achieving scores of green under each of the design principles outlined in the Quality Audit. Subject to conditions addressing the above requirements (where required), the proposals would accord with the provisions of PP1, DP1, DP2, R1, EP2 and EP5.

Amenity (privacy and light) (DP1)

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

The proposals include a range of dwelling types across the site which include detached and semi-detached single, 1 ½ and 2 storey houses, and apartments. Along the southern boundary this comprises 4 bungalows and a 1 ½ storey house, and on the eastern boundary 3 bungalows and a 2 storey (split level) house.

The proposed layout would provide sufficient separation between the proposed houses along the southern and eastern boundaries (which are mainly bungalows as noted above) and existing adjacent houses to the south and east on the opposite side of Manse Road, to maintain acceptable amenity levels (i.e. privacy and light) in accordance with policy DP1. This coupled with the orientation of the site relative to adjacent properties, ground level differences and provision of intervening 1.8m fencing would further serve to safeguard amenity. A condition shall be attached requiring provision of this fencing.

Overall the proposed layout and design would relate satisfactorily to the surrounding area and neighbouring properties, and would reflect the character and pattern of other existing nearby housing developments, complying with policy DP1.

Transportation, Access and Parking (Hopeman R1, PP1, PP3, DP1 and DP2)

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 Hopeman R1 designation contains a number of requirements; these include provision of vehicular connections onto the B9040 and Manse Road, two further connections into land to the west mirroring the traditional grid pattern of adjacent streets, a pedestrian footpath running from the B9040 to the Moray Coastal Path and submission of supporting information including Transport Assessment.

The application is supported by the required Placemaking and Design Statements, a Transport Assessment, Road Safety Audit, Utilities Plan and engineering drawings. The proposed layout incorporating three vehicular accesses (with future connections to the west), and internal roads and cycleway/footpath infrastructure would provide safe and suitable access, a defined street hierarchy and good connectivity to existing footpath/cycleway networks in accordance with the site designation and policy

requirements. Appropriate levels of parking along with preparatory works (ducting and cabling) to enable charging points to be installed by the future occupants (curtilage) are also proposed.

The layout and supporting information has been assessed by the Transportation Section and is considered acceptable. Conditions addressing (amongst other matters) the provision of a Construction Traffic Management Plan, provision of visibility splays, car parking, cycle storage, tree root containment, access provision and relocation of the westbound bus stop on the B9040 opposite the site frontage. With compliance with these conditions the proposals meet the transport related requirements of the designation, and policies PP1, PP3, DP1 and DP2.

Information Communication Technology (ICT) (PP3)

Policy PP3 Infrastructure & Services requires installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible here). The submitted Utilities plan confirms that fibre optic cabling will be installed to all units, the provision of which will be covered by planning condition.

Drainage, Water Supply and Flood risk (Forres R1, PP3, DP1 and EP12)

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 R1 designation requires submission of Flood Risk and Drainage Assessments to support any application.

A Drainage Impact Assessment (DIA) and Flood Statement have been submitted with the application which details the proposals for foul and surface water (SuDS) drainage on the site, including drainage measures during construction and flood mitigation.

Foul water from the development will drain via a new gravity foul sewer constructed within the access roads that would then connect to the public foul drainage network.

Surface water drainage arrangements would consist of a combination of infiltration trenches and swales located adjacent to the development roads, road drainage, two SuDS infiltration basins, and private on-plot soakaways. These would also include a swale and infiltration beneath along the full extent of the western boundary as potential flood mitigation. These together would form part of the fully designed SuDS scheme for the site, which will control all surface water within the site by attenuating surface water and draining at a controlled rate from the site. Due to this, the surface water draining from the site will be equal to or less than before the development is constructed.

These arrangements and accompanying Drainage Assessment have been assessed by the Moray Flood Risk Management Section and confirmed as acceptable. A condition requiring adherence to the submitted drainage details and assessment shall be imposed.

The houses would connect to the public water supply. Scottish Water has raised no objection in relation to the connection to the public water or foul drainage and has provided advisory comments regarding detailed connection arrangements.

On the basis of the above, the proposals accord with policies PP1, DP1 and EP12 in relation to drainage and water.

Affordable Housing (DP2)

In line with policy DP2 Housing, the submitted plans include provision of 12 affordable housing units which represent a 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, and are surrounded by private housing which delivers tenure integration. A condition requiring arrangements for delivery to be agreed shall be attached, as recommended by the Housing Strategy and Development Manager.

Accessible Housing (DP2)

In terms of accessible housing, 6 private bungalows are to be provided across the site. A condition requiring submission/approval of a detailed plan defining the location of the accessible plots on the layout which are to remain accessible in perpetuity shall be attached as recommended by the Housing Strategy and Development Manager.

Impact on Cultural Heritage (EP8)

Policy EP8 seeks to safeguard archaeological sites and the recording/researching of features as part of the planning process. The application is accompanied by a report which summarises the findings of a programme of archaeological works carried out on the site; this comprised an evaluation, metal detecting survey and watching brief, and a programme of post-excavation work undertaken on the resulting samples and artefacts. The Aberdeenshire Archaeology Service has reviewed and is content with this information, and on this basis policy EP8 is met.

Natural Environment (Hopeman R1, EP1, PP1 and DP1)

The site is not subject to any international, national or local environmental designations. The R1 designation identifies the requirement for Phase 1 Habitat Survey.

The submitted Phase 1 Habitat Survey (Extended) contains analysis and survey findings of habitat and species on the site. This concludes that the habitats on the site derived from past arable use and currently partly gorse have low botanical diversity, and surveys found no evidence of protected species on the site. In order to minimise adverse impacts on nesting birds or reptiles which may be present within the gorse land within the north part of the site the report recommends mitigation measures (site clearance works in this area to take place outside the bird nesting season and consultation with an ecologist); these shall be covered by condition.

Subject to the condition as recommended, impacts on nature conservation interests will be mitigated in accordance with the designation and R1, EP1, PP1 and DP1.

Pollution Control (DP1, EP14 and R1)

Policies DP1 Development Principles and Policy EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity. The R1 designation identifies the

requirement for a Landfill Gas Assessment.

In terms of impacts on air, water, soil and light, to ensure the above policy requirements are met a condition requiring submission/approval of a construction environment management plan including a site specific pollution prevention plan during the construction phase is recommended. Information has been submitted in this regard but this contains mainly generic information hence the need for the condition. In addition, SEPA has identified the requirement for a Controlled Activities Regulations (CAR) Construction Site Licence for management of surface water run-off from the construction site, to be issued under its own regulatory regime.

In terms of waste management, given the site's proximity to an old landfill site to the west, SEPA has requested imposition of a condition requiring approval of a site specific Waste Management Plan to address waste management, including potentially hazardous or special waste, or an assessment to show that there will be no such waste; this shall be attached to the consent.

To ensure that noise impacts from construction activities are suitably addressed, a condition controlling construction working hours shall be imposed as recommended by the Environmental Health Section.

In order to meet the designation requirement for a Landfill Gas Assessment, the application is supported by a Phase 1 Desktop Study and Geo-environmental Assessment. This concludes that the development site is sufficiently distant from the landfill site to the west to be of concern in terms of gas migration and that no gas protection measures are required in this development. The Contaminated Land Section has reviewed and is content with this information, and has raised no objection to the proposal.

The proposal includes a small sub-station within the open space along the eastern site boundary; approval of details of this infrastructure shall be covered by condition.

On the basis of the above the proposal is considered to comply with policy requirements in terms of pollution control.

Developer Obligations (PP3)

The development has been the subject of a developer obligations assessment in accordance with policy PP3 Infrastructure and Services and supplementary planning guidance which has identified the need for contributions towards healthcare facilities. The applicants have agreed to the level of developer obligations which will require to be secured via a S.75 legal agreement prior to the issue of the planning consent.

Conclusion and Recommendation

The proposal is considered an acceptable departure from EP6 Settlement Boundaries on the basis that an additional strip of 6m land is required to ensure compliance with PP1 Placemaking, R1 Manse Road Key Development Principles and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman.

The site layout and density is appropriate for the location. It can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact. The proposal is considered to meet the remaining relevant policy requirements of the Moray Local Development Plan 2020 and is recommended for approval subject to

planning conditions to deliver the elements highlighted with the observations section above and associated Quality Audit, and completion of S.75 legal agreement.

REASON(S) FOR DECISION

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

The application represents an acceptable departure from policy EP6 Settlement Boundaries on the basis that additional 6m strip of land is required to ensure compliance with PP1 Placemaking, R1 Manse Road Key Design Principles and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman. In all other respects the proposal accords with the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

R1 Manse Road 4.6ha 75 units

- Proposals must comply with Key Design Principles set out in Development Brief and Figure 1.1.
- Central amenity open space and play area must be provided.
- Houses fronting onto the B9040 must replicate the traditional architectural detail and materials of Hopeman.
- Transport Assessment required.
- Vehicular connection between the B9040 and Manse Road must be provided.
- West-east connection into Cooper Street required.
- Two vehicle connections into land to the west of site mirroring traditional grid pattern at Cooper Street and Duff Street must be provided.
- Pedestrian footpath running from the B9040 to the Moray Coastal Path required.
- Phase 1 Habitat Survey required.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Lanfill gas assessment required.

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;

- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

v) Biodiversity

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

flooding issues and enhance biodiversity from the outset of the development.

- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) Parking

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

(vii) Street Layout and Detail

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

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

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

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
 - i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.

- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.

- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

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

d) Affordable Housing

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

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

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

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

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

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

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

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

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

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

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

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

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

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

b) National designations

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

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

c) Local Designations

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

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

d) European Protected Species

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

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

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

e) Other protected species

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

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

EP2 BIODIVERSITY

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

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

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

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

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

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

i) Special Landscape Areas (SLA's)

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

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

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

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

ii) Landscape Character

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

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

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.

iii) Quantity Standard

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

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

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

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

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

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

EP6 SETTLEMENT BOUNDARIES

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

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

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.

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and

ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites

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

WARD 04_17

20/01615/APP
10th December 2020

Proposed residential development of affordable housing (25 dwellings consisting of one and two-storey homes and two-storey cottage flats) and specialist supported housing (8 dwellings) with a communal/staff block associated access infrastructure and landscaping on Land To The Rear Of No 10 Urquhart Place Lhanbryde Moray for Grampian Housing Association

Comments:

- The application is on a housing site designated for less than 50 houses within the Development Plan and is a departure from the Development Plan.
- The application was advertised for neighbour notification purposes and as a departure from the development plan.
- One representation received.

Procedure:

- Completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare prior to issue of consent.

Recommendation

Grant Planning Permission subject to the following:

Conditions/Reasons

1. As part of the permission hereby granted, the units hereby approved on plots 1-24 shall be used for affordable housing purposes only and those on plots 25-36 to provide specialist accommodation for people with additional needs only in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable and specialist housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable and specialist accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

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

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

2. No development shall commence until the tree protection measures detailed on the submitted approved Tree Protection Plan 2024.RF.XX.XX.DR.L.003 have been implemented in full.

Reason: In order to ensure adequate measures to protect retained trees are in place.

3. 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, as Planning Authority.

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

4. No development shall commence until a strategy for public art including details of phasing and maintenance has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the strategy shall be implemented in accordance with the phasing details contained within it.

Reason: To ensure that public art is appropriately incorporated into the development.

5. Notwithstanding the submitted play strategy no development shall commence until revised details for the play park have been provided to include details of the surfacing of the play park which shall be suitable for those with physical disabilities and the inclusion of play equipment and benches for those with physical disabilities. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 6th unit hereby approved in the 'Central Green' Character Area as identified in the submitted placemaking statement revision b dated September 2021. Thereafter the play area shall be maintained in accordance with the maintenance arrangements approved under condition 7.

Reason: To ensure that the play park makes adequate provision for all abilities play and to ensure the adequate provision of an equipped play area and its future maintenance.

6. Notwithstanding the details on approved drawing 2024.RF.XX.XX.DR.L.002 C no development shall commence until an amended planting and biodiversity plan has been provided which shows all trees to be planted along the eastern boundary of the site to be a minimum of 'standard' form and all references to feathered trees removed. Thereafter all proposed planting along the eastern boundary of the site shall be carried out in accordance with these approved details in the first planting season following the commencement of development on site and the remaining planting within each character area shall be carried out in the first planting season following the commencement of development in that character area and shall be maintained in accordance with the maintenance arrangements approved under condition 7.

Reason: To ensure a high standard of landscaping is proposed and timeously provided.

7. No development shall commence until a full maintenance schedule for all proposed landscaping, play areas and open areas has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the approved schedules shall be implemented in full.

Reason: To ensure that these areas are properly maintained in a manner which will not adversely affect the development or amenity and character of the area and because no such information was included with the application.

8. No development shall commence until full details of the proposed hedgehog highways have been submitted to and approved in writing by the Council, as Planning Authority. The hedgehog highways shall thereafter be installed as detailed on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) prior to the completion of development in the character area in which they are to be sited.

Reason: To ensure that the proposed biodiversity enhancements are timeously provided.

9. Notwithstanding the submitted details, no works shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
- i) a detailed drawing (Scale 1:500) showing revised proposals for the prospective areas of public road and public footway to be constructed to serve the development, including use of materials and specifications to meet the Roads Adoption standards used by Moray Council. The drawing shall also provide details of the locations where properties will place bins adjacent to the prospective public road to enable refuse collection and provisions for dropped kerbs and tactile paving; and
 - ii) a detailed drawing (Scale 1:250) showing proposals for the extension of street lighting along C1E Garmouth Road to a point to the north-east of the existing crossing point for Core Path EG58 which shall be used to determine the extension of the existing 30mph speed limit on C1E Garmouth Road and all road signage for that extension to meet the requirements of the Traffic

Signs Regulations and General Direction 2016.

Thereafter, the development shall not proceed except in accordance with these approved details.

Reason: To ensure provision of a road network within the development, which operates safely and efficiently for the benefit of all road users, including for pedestrians and cyclists, and where applicable, is constructed to standards and using materials suitable for Roads Adoption.

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. For the avoidance of doubt the CTMP 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 (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, in particular safeguarding movements in and around the Core Path where it meets Garmouth Road;
 - 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

Any 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, development shall be carried out in accordance with the approved CTMP at all times.

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.

11. No development shall commence until a visibility splay of 2.4 metres by 120 metres has been provided across the development site at the junction of C1E Garmouth Road/U170E Urquhart Place, clear of any obstruction above 0.26 metres measured from the level of the public carriageway.

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.

12. No development shall commence until the following details for Electric Vehicle charging provision have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
 - Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall.

Thereafter the approved details shall be implemented in full before the first occupation of the unit to which the charging provision relates.

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.

13. 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, 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.

14. No fences, planting/hedges, walls or any other obstruction whatsoever over 0.3m 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.

15. Parking provision for the development shall be provided in accordance with drawing 20204/ML/GA-200/Rev B and thereafter no house or flat shall be occupied until parking has been provided and made available for use by that

house or flat. 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.

16. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam or pavements in agreement with the Roads Authority.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any amendments to this order) all service strips along plot frontages shall be kept free from any obstruction and no amendments to the approved planting shall be permitted.

Reason: To ensure an acceptable form of development and effective roads drainage infrastructure is provided and safeguarded.

18. The bat boxes and swift boxes shall be installed as detailed on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) within 3 months of the completion of the unit on which they are to be installed and thereafter retained in perpetuity.

Reason: To ensure that the proposed biodiversity enhancements are timeously provided.

19. The insect hotels shall be provided as detailed on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) in the first planting season following the commencement of development in the character area in which they are to be sited.

Reason: To ensure that the proposed biodiversity enhancements are timeously provided

20. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place in the 6m exclusion zone identified on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) and there shall be no tree removal in this area.

Reason: In order to retain effective control over future development within the application site so that it is carefully managed and does not adversely impact on bats which are a European Protected Species.

21. No trees other than those identified for removal on the approved Tree Removal plan 2024.RF.XX.XX.DR.L.004 shall be removed without the prior written approval of the Council, as Planning Authority.

Reason: In order to ensure tree removal is adequately controlled

22. 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 outwith these permitted hours (including National Holidays) shall construction works be undertaken except where agreed in advance in writing with the Council, as Planning Authority and where it is demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To prevent noise nuisance.

23. All drainage proposals shall be in accordance with the submitted report 'Drainage Assessment, Proposed Residential Development, Woodview', Lhanbryde' Issue 4 By Fairhurst dated September 2021. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved and thereafter shall be maintained in accordance with the details contained within the report.

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

24. All recommendations in section 6 of Flood Risk Assessment dated April 2021 shall be implemented in full.

Reason: To ensure that the development does not increase the risk of flooding on site or elsewhere.

25. None of the units on plots 19-24 hereby approved shall be completed until evidence has been submitted to and approved in writing by the Council, as Planning Authority to demonstrate that formal diversion procedures under Section 208 of the Town and Country Planning (Scotland) Act 1997 as amended have been promoted and confirmed in relation to the proposed diversion of the Core Path such that the proposed footway between the rear of the existing substation and the edge of plot 24 as identified on the approved plan GA 001 revision I becomes the core path.

Reason: To ensure that formal diversion procedures are undertaken in accordance with Section 208 of the Town and Country Planning (Scotland) Act 1997.

Reason(s) for Decision

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

Notwithstanding the deviation from the car parking requirements in policies PP1 (vi) and DP1 (ii) (b) and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with the development plan with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

List of Informatives:

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

The diversion of the core path will require a formal application under Section 208 of the Town and Country Planning (Scotland) Act 1997.

A.S.75 legal agreement regarding developer obligations relating to healthcare is required.

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 road.maint@moray.gov.uk

Core Path EG58 shall be constructed to Moray Council Roads Adoption 'Footway' standards between C1E Garmouth Road and the landscaping area between plots 24 and 36. All remote paths within the development will not be adopted.

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 public roads to determine the extent of re-construction required within the development site.

A Road Safety Audit shall be completed for the internal road network unless otherwise agreed in writing with the Roads Authority for the modifications to the existing public road will also be required as part of the Roads Construction Consent.

The requirement for a Stage 3 or 4 Road Safety Audit will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Requirement for any traffic calming, road construction materials and specifications and any SuUDS 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 Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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

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

Refuse collection for plots 1-13 will not take place from the rear of these properties, as the parking court area does not provide sufficient space for the safe manoeuvring of refuse collection vehicles.

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

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

The applicants shall free and relieve the Roads Authority from any claims arising out of their 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.

Street lighting will be required as part of the development proposal. The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – email Road.Maint@moray.gov.uk to discuss the proposals.

SCOTTISH WATER have commented as follows:

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish

Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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
- 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.

To find out more about connecting your property to the water and waste water supply visit:

www.scottishwater.co.uk/business/connections

General 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 outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

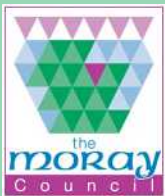
Scottish Water may only vest new water or waste water infrastructure which is to be laid through land outwith public ownership where a Deed of Servitude has been obtained in our favour by the developer.

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 information on how to submit application to Scottish Water at our Customer Portal.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
138286/sk2000C		Conceptual drainage layout
138286/1005		Extent of proposed public road
138286/1008		Indicative Road levels
GA-200B		Proposed parking diagrams
138286/1006		Speed control features
GA-GJA-20		Type GJA-20 semi-detached Plots 12 and 13
GA-GH-30A		Type GH Terrace - Plots 9-11
GA-H-50A		Type H semi-detached - Plots 23-24
GA-HJa-21		Type HJA semi-detached dual frontage - Plots 14-15
MA-102A		Material application key - cladding and doorways
MA-101A		Material application key - roofs
MA-100A		Material application key - site
EL-001A		Proposed elevations
EL-002A		Proposed elevations
EL-003A		Proposed elevations
GA-001J		Proposed site layout
SE-1000A		Proposed site sections
GA-A-70A		Type AAAB Terrace - Plots 1-8
GA-C-20B		Type C (staff block) - Plots 25-28
GA-G-20A		Type G (semi-detached) - Plots 21-22
GA-H-30A		Type H Terrace Dual Frontage - Plots 16-18
GA-LDC2-20A		Type LD-C2 (semi detached) - Plots 30-31

GA-LDC2-31A	Type LD-C2 (Terrace) - Plots 35-37
GA-LDC2C1-30A	Type LD-C2-C1 (Terrace) - Plots 32-34 - elevations and floor plan
2024.RF.XX.XX.DR.L.003	Tree protection plan
GA-B-20 A	Type B(Semi detached) Plots 19-20 - elevations and floor plans
2024.RF.XX.XX.DR.L.001 D	Landscape layout
2024.RF.XX.XX.DR.L.005	Boundary treatment
2024.RF.XX.XX.DR.L.004	Tree removal plan
2024.RF.XX.XX.DR.L.002 C	Planting and bio diversity plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/01615/APP

Site Address:

Land to the Rear of No 10 Urquhart Place
Lhanbryde
Moray

Applicant Name:

Grampian Housing Association

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Location Plan



Site Location





Photo Plan



Map Description: a Description of a Moray Council Map

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Scale: 1:1,462 @ A4



Photo 1



Photo 2



Photo 3



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

THE PROPOSAL

- This application seeks planning permission for 24 houses, 8 specialist supported housing units, a staff block and communal area along with associated access, parking and surface water drainage. A play park, kickabout pitch, footpaths and landscaping are also proposed.
- It is proposed that the core path that currently follows the eastern boundary of the site will be formally diverted and the new footways will become the core path.
- The site will be served from the south west via Garmouth Road.
- A cycle path which will also serve as an emergency access is proposed to the north west.
- There will be an informal connection from the open space into the adjoining development.
- The 24 non specialist units proposed will be affordable housing.
- Five affordable house types are proposed - 8 x Type A (1 bedroom flats in a 2 storey terraced block), 2 x Type B (2 bedroom single storey semi-detached houses), 5 x Type G (3 bedroom 2 storey semi-detached or terraced houses), 7 x Type H (3 bedroom 2 storey houses arranged in semi-detached and terraced blocks), 2 x Type J (3 bedroom 2 storey houses presented in a two storey block attached to a type H or type G).
- Two different house types are proposed for the specialist housing LD-C1 (3 bedroom) and LDC2 (2 bedroom). All the specialist units are single storey and will be arranged around a central courtyard in blocks of two or three. The staff and communal block is individually designed.
- The staff and communal block is a two storey building which will house office space, staff rooms and activity space for residents.
- Three character areas are proposed. These consist of the specialist housing area, the central section and the portion closest to Garmouth Road. Most of the houses are proposed to be finished in a render with feature timber cladding. The staff block and four of the houses in the central green character area will be fully timber clad. Some of the units in the central section will have red metal on the roof. The remaining houses will have grey tiles. Two different render colours are proposed with a darker tone closer to Garmouth Road. Four different staining colours are proposed for the entrance details on the houses. The specialist housing will have mustard and white, central area green and blue and the Garmouth Road area blue.
- Surface water will be directed to a series of soakaways and swales throughout the site.
- The houses will be connected to the public sewer and water supply.
- A tree survey identified 19 individual trees and two small groups of trees on site. One group of immature pine trees and two individual trees will be removed to

facilitate the development. This is detailed in a tree survey, tree protection plan and tree removal plan.

- A landscaping plan has been provided. Landscaping is provided around the edges of the development and throughout the site. The proposals seeks to integrate with the existing tree planting to the north.
- The application is supported by a Placemaking Statement, Geo–environmental Report, Flood Risk Assessment Parking Statement, Transport Statement, Drainage Assessment, Noise Assessment, Phase 1 Habitats Survey, Tree Schedule and Tree Survey Report.
- The application has been amended to meet the requirements of policy including the provision of sufficient parking and open space. One non-specialist unit has been removed from the original proposal and the layout has been altered. It is also now proposed that part of the core path is diverted so that the new footway becomes the core path.

THE SITE

- The site extends to 1.7ha and is on the north eastern edge of Lhanbryde.
- The site sits to the north west of Garmouth road.
- There is open land to the north east and mature woodland to the north west.
- Immediately to the south west of the application site there is a specialist housing development (15/02009/APP) and three industrial/commercial units which make up the Lhanbryde Industrial Estate.
- There is an electrical substation to the south east adjacent to the road.
- The site is vacant land. It is open and currently flat with some minor undulations.
- There are groups of trees along the boundary with the substation and in the north western corner of the site along with scattered individual trees throughout the site.
- There is a core path running along the eastern boundary of the site into the woods beyond.
- There is an attenuation tank for the development to the west adjoining the site and access to that has to be maintained.
- The central part of the site is identified on SEPA flood maps as at risk of surface water flooding.
- The site is covered by the Lhanbryde R2 Garmouth Road designation in the Moray Local Development Plan 2020 which is designated for 35 units.

HISTORY

None.

POLICY - SEE APPENDIX

ADVERTISEMENTS

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

CONSULTATIONS

Lhanbryde Community Council - Neither object or support the application.

Concerns regarding road safety and particularly speed of traffic on Garmouth Road. The 30mph speed limit should be moved northwards.

There is insufficient parking proposed for the units provided.

Concerns over the core path connection through the site.

Concerns over maintenance of open space and the core path.

PO response: The concerns regarding road safety are noted. The 30mph zone will be extended to the north eastern edge of the site on Garmouth Road which will slow traffic entering and leaving the village.

The original proposal has less parking than that required by the Council's parking standards. The scheme has now been amended to provide additional parking spaces for the affordable units. The parking provision in this part of the site is now in accordance with the Council's parking standards and policy DP1 (ii) (e). The specialist housing does not meet the standards for mainstream housing but this is considered to be acceptable in this context (see below).

It is now proposed that the core path which currently runs along the eastern boundary of the site will be partially diverted so that the new footway becomes the core path. This will require a separate formal application under Section 208 of the planning act.

An agreed maintenance plan will be sought by condition.

Strategic Planning and Delivery: No objection. Following revisions to the plans the proposal scored green in all Quality Audit (QA) categories and fully complies with policy PP1 Placemaking.

- The proposal has been well designed to create a development with character and identity that reflects Lhanbryde. This high standard of design was reflected in the QA (which accompanies this response) which scored green in all categories showing full compliance with PP1;
- Following changes to the plans the parking arrangements for the affordable houses are acceptable both in terms of quantity and quality. The parking for the specialist housing is dominated by a central communal courtyard. This parking arrangement is a departure from PP1 which seeks to reduce the visual impact of parked cars however additional supporting information has been provided setting out the need for this part of the development. This is therefore considered to be an acceptable departure from the development plan;
- An attractive and functional area of open space will be provided. This contains a pocket park and will include benches and a play area. To ensure the play equipment and associated surfacing and seating is accessible for people of all mobility's a condition will be required. This open space will be supplemented with tree, food, and sensory planting food to create an attractive environment. The proposal scored over 75% in terms of the quality standard for Policy EP5;

- A variety of seasonal planting will be provided across the development adding to the character of the development; and
- Measures have been incorporated to support and enhance biodiversity and connect into existing wildlife networks such as bat/bird/insect boxes and embedding blue infrastructure into the development.

Conditions are recommended in relation to the planting on the eastern boundary, public art strategy, and the details of the play park.

Transportation: No objection.

Initial objection due to the shortfall of parking has been addressed by changes to the plans to provide additional parking for the affordable housing and the provision of supporting information to clarify the requirements in relation to the specialist housing. The level of parking provided across the development is now considered acceptable.

It is noted that there is a discrepancy between the roads drawings and the landscaping drawings in relation to finish of areas that are intended for adoption. Conditions are recommended to address this.

Conditions are also recommended in relation to a Construction Traffic Management Plan, visibility splays, parking, EV charging and treatment of service strips and verges.

Flood Risk Management: No objection.

Environmental Protection: No objection provided that the works are carried out to an appropriate standard and a maintenance and inspection regime is in place.

Contaminated Land: No objection.

Access Manager: No objection however the diversion of the core path will require a formal application under Section 208 of the Planning Act.

Archaeology: No objection.

Developer Obligations: Obligations sought towards the cost of a new health centre in Fochabers.

Environmental Health: No objection subject to a condition relating to construction working hours.

Housing: No objection on the basis that all non-specialist housing will remain affordable housing.

SEPA: Highlights reference to SEPA standing advice due to the scale of the development.

Scottish Water: No objection.

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).

Issue: Concern over the impact on wildlife, flora and fauna with specific reference to bats.

Comment (PO): A phase 1 habitat survey has been carried out and found no evidence that the development would adversely impact on protected species and habitats or other wildlife. However, a 6m 'no development' buffer is provided to the north of the site to protect bat foraging areas and bat and bird boxes and insect hotels are to be provided throughout the site.

OBSERVATIONS

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

Principle of Development (DP2 & Lhanbryde R2)

The application site is covered by the Lhanbryde R2 designation in the Moray Local Development Plan 2020 (MLDP) which designates the site for 35 units and sets out a number of requirements for the development. The current proposal is for 24 affordable houses along with 8 units for people with additional needs and communal/staff block for the specialist housing. The total number of units remains within the indicative capacity identified in the R2 designation. The proposal for affordable and specialist units are in keeping with the housing designation of the site and reflects an intention to provide housing choices to meet a variety of needs across the community. The proposals have been assessed on the basis that the units will be affordable or specialist units respectively and conditions will be attached to ensure that they remain so in future to ensure that there are no additional or unintended impacts from the development which might arise if the units were used for any purpose other than that originally proposed. The other more technical elements of the designation text are addressed in more detail in the relevant sections below but have been complied with. The requirements of the designation text (Lhanbryde R2) and policy DP2 are met.

Placemaking & Design (PP1, DP1 DP2, Lhanbryde R2)

Policy PP1 requires development of more than 10 units to go through the Quality Audit (QA) process. This application scored highly in the initial QA assessment but failed to achieve green status in all categories therefore some changes were made to the layout to ensure full compliance with policy. The most significant changes related to the provision of open space and parking. One affordable unit has been lost from the original scheme to accommodate additional open space. The table below demonstrates that the proposals now achieve green status in all categories.

QA Category	Score	Mitigation	Final Score	Comments Including Conditions/ Mitigation Required to Score Green
Character & Identity		<ul style="list-style-type: none"> • A detailed Landscaping Plan must be provided providing information relating to all forms of planting. The plan must provide information relating to height, species, and girth of all proposed tree planting. The Landscaping Plan must show how seasonal variation will be provided across the development. • Improve the variety of landscaping between character areas to provide further differentiation, including the incorporation of sensory planting. • Include details of the long-term management and maintenance arrangements within the Landscaping Plan. • An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan must be provided. Any proposed tree removal must be thoroughly justified and evidenced. • Details of street naming must be provided showing how the proposed names reflect local associations which will add to the sense of place. 		Condition requiring trees in the Woodland Edge to be, as a minimum, 'Standard' form.
Healthier, Safer Environments		<ul style="list-style-type: none"> • Incorporate a dual frontage building on Plot 18 to front onto the central open space if 		Condition requiring a detailed plan showing provision

		<p>feasible.</p> <ul style="list-style-type: none"> • Improvements to the core path as per Access Manager and Transportation consultation responses. • Provide a speed table on the straight from Plots 21 to 25 which will require the removal of the proposed roadside swale. This must be replaced with bioretention features on the small area of open space at Plot 16 and between the parking space for Plot 17 and EV2. • Provide confirmation as to where dropped kerbs and tactile paving will be located for pedestrians to safely cross the road. • Improve seating areas throughout the development and incorporate public art. 		<p>of dropped kerbs and tactile paving.</p> <p>Condition requiring details of public art, delivery and maintenance arrangements prior to commencement.</p>
Housing Mix		<ul style="list-style-type: none"> • No mitigation required for Policy PP1. 		
Open Spaces and Landscaping		<ul style="list-style-type: none"> • A detailed Landscaping Plan must be provided providing information relating to all forms of planting. This must provide information relating to height, species, and girth of all proposed tree planting. The Landscaping Plan must show how seasonal variation will be provided across the development. • Consideration must be given to incorporating sensory equipment and planting throughout the open spaces and landscaping. • Incorporate fruit bushes/hedges into the 		<p>Condition requiring trees in the Woodland Edge to be, as a minimum, 'Standard' form.</p> <p>Condition requiring provision of full details of the play area to ensure the provision of all abilities play equipment and surfacing.</p> <p>Condition requiring seating to be accessible for people of all mobility's to be</p>

		<p>community orchard and other open space areas.</p> <ul style="list-style-type: none"> • Provide details of equipment in the play area. • Planting along the eastern boundary must be provided in Phase 1 to manage the transition to the countryside. 		<p>able to utilise.</p> <p>Condition that planting in the Woodland Edge will be provided in Phase 1.</p>
Biodiversity		<ul style="list-style-type: none"> • Provide a Biodiversity Plan showing how biodiversity features have been incorporated into the design and create new or, where appropriate, enhance natural habitats of ecological and amenity value. • Integrate bioretention features to further enhance biodiversity from the outset of the development. The QA has identified locations where these could be located i.e. the small area of open space at Plot 16 and between the parking space for Plot 17 and EV2. • Provide a swale along the eastern side of the play area which when planted will provide an element of enclosure, creating a safer environment, as well as increasing biodiversity. 		<p>Condition requiring provision of hedgehog holes in fenced boundary treatments.</p>
Car Parking		<ul style="list-style-type: none"> • Provide a Transport Statement, clearly setting out the travel demand for the proposed development as per Scottish Government Transport Assessment Guidance (Pg. 18 and 19). • Provide more landscaping/planting to mitigate the visual impact of the communal 		<p>Condition requiring a detailed plan of prospective areas of public road and footway, including materials.</p> <p>Condition requiring details of Electric Vehicle charging provision for each</p>

		<p>parking/courtyard parking areas. The proposed landscape mitigation must be of a sufficient maturity and be detailed in the landscaping plan.</p> <ul style="list-style-type: none"> • Demonstrate the ability to provide additional parking spaces within the site such that the parking standards could be met should demand for parking exceed supply in the future. • Provide information in respect of staff and visitor numbers to the specialist supported living units in order to demonstrate that parking levels within 'Woodview Courtyard' is sufficient to meet the demand for spaces. • Provide details of the secure and covered cycle parking storage and switch locations with adjacent bin area. • Provide details of provision of Electric Vehicle charging for each housing plot and in the communal areas. • Provide details of street materials for the shared surface and parking areas. 		housing plot.
Street Structure		<ul style="list-style-type: none"> • Provide 'speed control' drawings and statement. 		
Street Layout		<ul style="list-style-type: none"> • Confirm the extent of the proposed public road. • Provide a Street Engineering Review (SER). • Review turning area provision to include additional space to safeguard parked vehicles. 		<p>Condition requiring a detailed plan of prospective areas of public road and footway, including materials.</p> <p>Condition requiring a detailed plan</p>

		<ul style="list-style-type: none"> • Provide visibility splays at internal junctions and access onto Garmouth Road. 	showing a visibility splay of 2.4m by 12m across the development site at the junction of C1E Garmouth Road/U170E Urquhart Place.
Street Detail		<ul style="list-style-type: none"> • A Flood Risk Assessment (Level 2) is required. • Provide further information as requested by Flood Risk Management. • A Utilities Plan is required. • Provide a plan showing the location of the Information Communication Technologies (ICT) and fibre optic broadband cable connections to each property. 	Condition requiring a plan showing the location of the Information Communication Technologies (ICT) and fibre optic broadband cable connections to each property. Condition requiring a detailed plan of prospective areas of public road and footway, including materials.

The proposal seeks to create a development with strong character that will integrate well with surrounding developments. Five affordable house types are proposed and two specialist house types. The houses are simple in terms of form and detailing. They incorporate features including symmetrically pitched roofs that reflect the form and style of traditional buildings in Lhanbryde. Three character areas are proposed which reflect the natural flow of the development. The 'Garmouth Road' area is proposed around the entrance to the site, the central green area forms the centre portion of the site and the specialist housing forms a discrete character area of its own in the northern part of the site identified as Woodview Court. Different materials are used to distinguish each area and create a sense of identity. Most of the houses are proposed to be finished in a render with feature timber cladding. The staff block and four of the houses in the Central Green character area will be fully timber clad. These will act as 'key buildings' and will provide orientation within the development. The extensive use of timber cladding will serve to connect the development with the woodland beyond and is considered to be suitable for this edge of settlement development. The houses in the Central Green character area will have red metal on the roof. The remaining houses will have grey tiles. Two different render colours are proposed with a darker tone closer to Garmouth Road. Four different staining colours are proposed for the entrance details on the houses. The specialist housing will have mustard and white, central area green and blue and the Garmouth Road area blue. The design and materials will integrate well with the surrounding built development and will serve to create a strong sense of character and identity. The

character areas will be reinforced by different planting schemes in each areas and a public art strategy will also contribute. Overall, the proposals make a coherent and effective attempt to create character and identity. This element of the scheme is considered to comply with policy PP1 (i).

Car parking in relation to road safety and associated considerations is dealt with in more detail below. The number of spaces proposed was initially a concern but as is noted below this has been addressed. The provision of parking also has implications for placemaking and in addition to the quantitative car parking requirements policies PP1 (vi) and DP1 (ii) (b) require that 50% of all parking is provided at the rear or side of buildings and that parking does not dominate the street scene. This has been achieved in relation to the affordable housing and the parking arrangements for this part of the proposal are considered to be acceptable. However, parking for the Woodview Court character area which contains the specialist housing consists of a central communal courtyard. While this would not generally be supported, additional information has been provided detailing how the proposed layout meets the needs of people who will live in these houses including the need to have observation of visitors. It is also noted that accessible staff parking is required. An attempt has been made to soften the impact of the communal car park with planting. It is recognised that there are limited opportunities to alter the parking layout in this part of the site and it is primarily driven by the requirements of future occupants. Given the specialist nature of the development proposed it is considered that this is an acceptable departure from policies PP1 (vi) and DP1 (ii) (b).

The QA also notes the contribution of landscaping and open space to the creation of placemaking within the development. These elements are addressed in more detail below.

With the exception of the layout of parking for the specialist housing which is considered to be an acceptable departure the proposal is well designed, laid out and serviced and will create an effective place that integrates well with its surroundings.

Access and Parking (PP1, PP3 & DP1)

The access to the site is from Garmouth Road via the existing access and internal road which serves the existing specialist housing complex to the west. There is an existing spur which will provide an access to the development. There will be no vehicular access directly onto Garmouth Road from the houses with roadside frontages. Conditions are recommended in relation to the visibility at the access to the development and to prevent any obstruction of visibility splays and within 2.4m of the road. A further condition is recommended to secure the provision of a Construction Traffic Management Plan (CTMP) to ensure that access and vehicle movements are suitably managed during the construction phase. The Transportation Manager has advised that the proposals for access are acceptable and will ensure a safe access in accordance with policy DP1 (ii) (a).

The overall layout and provision of footways is acceptable but it is noted that there is a discrepancy between the roads drawings and the landscaping drawings in that some areas identified for adoption in the roads drawings are showed as finished to a non-adoptable standard in the landscaping drawings. Conditions are recommended to ensure that details are provided to show all adoptable areas finished to adoptable standard.

The original parking proposals fell below the numbers required by the Council's parking standards. The plans have been altered to show parking at a level that complies with

parking standards for the affordable housing. Additional supporting information has been provided to clarify the parking requirements of the specialist housing. The Transportation Manager has confirmed that this is acceptable and there is no longer considered to be any shortfall in parking across the site. The proposals therefore comply with policy DP1 (ii) (e) and PP1 (vi). A further condition is recommended to ensure adequate provision of EV charging for each plot. The condition will ensure compliance with policy DP1 (ii) (i) and PP3 (iv).

Drainage and Flood Risk (DP1 & EP12)

Surface water will be directed to shared soakways. Road drainage will be directed into roadside swales and gullies before connecting to the existing drainage network. A detailed drainage assessment has been provided which includes details of intended maintenance and Moray Flood Risk Management have no objection. The proposals will ensure that acceptable arrangements for drainage are provided in accordance with policy DP1 (iii) (a) and EP 12 (b).

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

A Flood Risk Assessment (FRA) has been carried out in accordance with the requirements of the designation text. Part of the site is at risk of both surface water and fluvial flooding. However, the FRA concludes that the risk of flooding from all sources is low. It recommends that the finished floor levels are set above surrounding ground and incorporating suitably designed SuDS measures as noted above. These measures will ensure that there is no increase in flood risk on site or elsewhere and ensure that the development accords with policies DP1 (iii) (b) and EP12.

Trees and Landscaping (PP1, DP1, EP7 & Lhanbryde R2)

A detailed tree survey has been provided in support of the application. The survey identified 19 trees and two groups. The individual trees are largely congregated in a linear group of trees to the north of the substation and in a more amorphous group in the north west of the corner of the site. Two groups of immature trees are identified in the north east of the site. All but one of the individual trees are to be retained. A single tree to the north west of the substation and the two groups of trees are to be removed. All trees are classified as C category. The groups are of young pines that have yet to reach maturity and the single tree is also a juvenile tree. All the tree removal is required to facilitate the formation of roads and parking. The retention of these trees is therefore considered to be technically unfeasible and in this instance the tree removal is in accordance with policy EP7. The trees that make an important contribution to the character of this site around the substation on the north western corner of the site are to be retained and a detailed Tree Protection Plan has been provided. A comprehensive programme of new planting is also proposed. In line with the requirements of the R2 designation text twenty one trees are proposed along the eastern boundary to aid the integration of the development into the wider countryside beyond. It is noted that the planting schedule identifies some of the trees on this boundary as 'feathered' specimens. This is not considered to be sufficient in this key transitional location and it is recommended that a condition is attended requiring the trees in this location to be of 'standard' form as a minimum. A condition is also recommend to ensure that this planting is carried out in the first planting season following the commencement of development on the site. Trees are also in the central open space and park area and throughout the development including in the parking areas. In total 75 trees will be planted across the site. This exceeds the requirements of policy EP7 in terms of compensatory planting and will ensure that that the development is effectively

integrated into the surroundings. The proposals comply with policies EP7 and Lhanbryde R2 in relation to trees.

In addition to the tree information detailed landscaping and planting plans have been provided. Along with the 75 trees proposed additional planting is proposed in the shared open space and throughout the development including to break up the parking in the affordable housing. A variety of planting has been proposed through the site which will add to the character of the development. It is noted below that this will also contribute to the biodiversity enhancement of the site. Conditions are recommended to ensure that the planting is timeously provided. Subject to conditions the proposals will ensure high quality landscaping in accordance with policies PP1 (iv) and EP7.

Open Space and Public Access (PP1, EP5 & Lhanbryde R2)

Policy EP5 requires developments of between 10 and 50 houses to provide 15% high quality open space. In addition the provision of a pocket park is an express requirement of the Lhanbryde R2 designation. The proposals have been altered so that sufficient open space can be achieved across the site. Small areas of open space are provided throughout the site but the principle open space is concentrated in the area between the specialist housing and the affordable units. While the division of the site in this manner would not generally be supported it is considered to be acceptable in this instance in order to achieve the environment that is required for the specialist housing. The proposals include a kickabout pitch and play park. The play park will sit either side of the road running through the site. Full details of the play park have been provided. It is recognised that the play park has been carefully designed and includes a number of sensory features. While the information provided is acceptable, it is considered that additional measures are required to ensure that the park is accessible to those with physical disabilities as well. This will include additional details relating to the surfacing and the introduction of play equipment and benches which are suitable for those with a physical disability. This will be controlled by condition. Features such as the bug hotels proposed as part of the proposals for biodiversity enhancement have also been included within the play park area to encourage children to connect with their surroundings. The orientation of houses has been altered so that the play park has good natural surveillance. Benches and bug hotels are also provided in the central area and the other open communal areas throughout the site. This enhances the accessibility and quality of the green space in the development. Subject to conditions the proposals meet the requirements for high quality space and comply with policy PP1, EP5 and Lhanbryde R2 in this regard.

Access to and through the site has also been carefully considered. At present a core path runs from Garmouth Road around the boundary of the substation and along the eastern boundary of the site to the woodland beyond. The existing path will be retained in its current form but it is proposed that the core path will be formally diverted from the rear of the substation along the frontage of plots 19-24 with the new footway becoming the core path. A new section of path running through the play area to the north of plot 24 will then connect with the existing path to the north. The diversion of the core path will require a formal application under Section 208 of the Planning Act. This will be controlled by condition. The Access Manager has no objection provided that the correct procedure is followed. Another section of path is proposed through the western part of the play park which connects to a path leading west into the existing development. A new footway will be formed along Garmouth Road along the frontage of the site. The site is well connected and will provide good connections in and between places. The proposals meet the requirements for accessibility in relation to policies PP1 and EP5.

Protected Species and Biodiversity (PP1, EP1, EP2)

A phase 1 habitat survey has been carried out. The survey notes that most of the site is covered in rough grass and broom which has limited ecological value. However the trees to the north and east are much more diverse and are of higher ecological value. The survey found some evidence of badgers foraging across the site but no setts and while none of the trees present have bat roost potential it is considered likely that bats use the northern fringes of the site for foraging. The survey found no evidence of birds of prey, pine marten, red squirrel, water vole or amphibians on site. The survey recommends that a 6m buffer is retained in the north of the site to protect the woodland edge and the bat foraging potential. This buffer has been shown on the proposed site plan and a condition is recommended to protect this. No further mitigation is recommended however biodiversity enhancements are recommended including three bird boxes and two bat boxes and nine 'bug hotels'. In addition each plot will have a hedgehog 'highway' running through it. Conditions are recommended to ensure that all these measures are timeously provided. The tree planting proposed has also been chosen for biodiversity value. Street planting will consist of ornamental pear, crab apples and Swedish Whitebeam which are a source of food and nectar and cherry trees which are particularly valuable for bees. An apple orchard is also proposed which will attract birds, bees and insects. The remaining tree planting consists of Scots Pine, Downy Birch, Rowan and Field Maple which are native species with a high biodiversity value. The proposals will provide habitats and food for a range of animals, birds and insects and will enhance biodiversity across the site. Conditions are recommended to ensure that the proposals are timeously provided and adequately maintained. The recommended conditions will ensure that a high quality multi functioning biodiverse place is created in accordance with policy PP1 (v) and EP2. No adverse impacts on protected species or their habitats have been identified therefore the proposal accords with policy PP1.

Noise (EP14)

A NIA has been submitted assessing the potential impacts of noise from the small industrial estate to the south west of the application site and the substation to the south east. It concluded that the impacts of noise from the industrial estate would be negligible and noise from the substation would be within acceptable limits. Environmental Health have confirmed that they have no objection subject to a condition to control construction working hours. The condition will ensure that there will be no noise nuisance and will ensure that the development accords with policy EP14.

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 provision of fibre optic IT cabling will be sought by condition.

Developer Obligations (IMP3)

A developer obligation of £31 678.40 towards the provision of new healthcare facilities in Fochabers is sought. The applicant has confirmed a willingness to pay this. It is recommended that this is secured by a Section 75 legal agreement.

Conclusion

This proposal is a departure from policies PP1 (vi) and DP1 (ii) (b) in relation to the layout of parking proposed for the specialist housing in the northern part of the site. However

given the highly specialist nature of the development proposed this is considered to be acceptable in this instance. In all other respects, subject to the recommended conditions, the proposal is acceptable in relation to siting, design, layout, biodiversity and landscaping and all technical requirements have been met. It is therefore recommended that planning permission is granted subject to the recommended conditions and conclusion of a section 75 agreement.

REASON(S) FOR DECISION

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

Notwithstanding the deviation from the car parking requirements in policies PP1 (vi) and DP1 (ii) (b) subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with the development plan with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and

Drainage Impact Assessment for New Developments Supplementary Guidance.

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

v) Biodiversity

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

(vi) Parking

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

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

(vii) Street Layout and Detail

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

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

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

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

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

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

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

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

- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

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

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

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

(iii) Water environment, pollution, contamination

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

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

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

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

d) Affordable Housing

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

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

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

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

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

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

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

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

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

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

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

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

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/bue 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.

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.

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.

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

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

c) Hazardous sites

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

EP16 GEODIVERSITY AND SOIL RESOURCES

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Applications should minimise this release and must be accompanied by an assessment of the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

Where areas of important geological interest are present, such as geological Sites of Special Scientific Interest (SSSI) or Geological Conservation Review (GCR) sites are present, excavations or built development can damage, destroy and/or prevent access to the irreplaceable geological features. Development should avoid sensitive geological areas or otherwise demonstrate how the geological interests will be safeguarded.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including, if necessary, measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on areas of peat and/or land habitat will only be permitted for these uses where:

- a) The economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) It has been clearly demonstrated that there is no viable alternative.

Where development on peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, movement, degradation or erosion of peat is avoided and proposes suitable mitigation measures and appropriate reuse.

Commercial peat extraction will not be permitted

R2 Garmouth Road 1.6ha 35 units

- Landscaping must be provided along the eastern boundary to manage the transition to the countryside whilst accommodating the existing Core Path.
- A Pocket Park must be provided.
- Connections must be made to the Core Paths to the north and east of the site.
- One main point of access onto the C1E Garmouth Road required.
- Footway provision along C1E Garmouth Road required.
- Extension to the 30mph speed limit required.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Transport Assessment required.

- Phase 1 Habitat Survey required.

WARD 01_17

21/00020/EIA
28th January 2021

Installation and operation of a wind farm comprising seven turbines with a generating capacity of up to 46.2MW an electricity storage facility with a maximum capacity of 3MW and associated infrastructure on Garbet Windfarm Site 5.5km Southeast Of Dufftown Moray for Energiekontor UK Ltd

Comments:

- 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. Also advertised under the EIA Regulations.
- Application is major development as defined under the Hierarchy Regulations 2008 as energy generation project in excess of 20mW and subject to Environmental Impact Assessment under EIA Regulations.
- 39 objections/representations received.

Procedure:

- In the event Members are minded to approve, notification to Scottish Ministers under The Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015 is required prior to issue of any consent.
- As a wind energy proposal close to the boundary with Aberdeenshire, the neighbouring Planning Authority and Community Council have been directly consulted.

Recommendation: Approve subject to the following conditions:

Conditions/Reasons

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the permission hereby granted shall endure for a period no longer than 35 years from the date of final commissioning, after which the development shall cease to export electricity to the national grid, and shall be decommissioned in accordance with the details otherwise approved elsewhere within this consent. The date of final commissioning shall be as informed by the applicant to Moray Council, or 18 months from the date of this planning consent, whichever is the sooner.

Reason: To avoid uncertainty and ensure that consent is implemented within a reasonable period, and to allow the Planning Authority to monitor compliance with

obligations attached to this consent and deemed planning permission as appropriate.

2. This consent shall not be assigned without the prior written authorization of the Moray Council in the event of non-assignment. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

Reason: To safeguard the obligations of the consent if transferred to another company.

3. No turbines shall be erected on site until the definitive type/model of all turbines, external finishes and colour of the turbines have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented.

Furthermore:-

- a) All wind turbine blades shall rotate in the same direction.
- b) No part of the Development shall display any name, logo, sign or other advertisement other than as specified in the application, unless approved in advance in writing by the Planning Authority or if required by law.
- c) The wind turbines shall be constructed and operated in accordance with the approved details and shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the Development is decommissioned.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts of the candidate turbine assessed in the Environmental Impact Assessment Report and in the interests of the visual amenity of the area.

4. No construction of the substation, compound or battery storage facility shall commence until final details of the external appearance, dimensions, surface materials and boundary treatment of each, including the means of foul water disposal and water supply have been submitted to and approved in writing by the Planning Authority. The sub-station and compound (including associated infrastructure) shall be constructed in accordance with the approved details.

Reason: To ensure that the environmental impacts of the sub-station, compound and battery storage facility forming part of the Development conform to the impacts assessed in the Environmental Impact Assessment Report and in the interests of visual amenity.

5. Prior to the commencement of any part of the development, the following must be submitted for approval by the Planning Authority:
 - a) Detailed proposals for undertaking trial runs and also delivery of abnormal indivisible loads, must be submitted for approval by the Planning Authority in consultation with the Roads Authority. Details must include, measures proposed to protect the public road and structures, traffic management (including temporary waiting restrictions), vehicle holding areas and non-vehicular management during deliveries, time restrictions for deliveries i.e.

- outwith school arrival and departure times.
- b) Evidence that a Construction Traffic Management Plan (CTMP) has been completed and signed by both the developer and the Roads Authority.
- c) Evidence that a 'Wear and Tear' agreement between the developer and the Roads Authority has been completed and signed by both parties (Developer and Roads Authority), must be submitted to the Planning Authority.
- d) Notwithstanding the details submitted (which are not accepted) detailed plans (1:200 min) of all temporary and permanent works proposed to the public road must be submitted and approved by the Planning Authority in consultation with the Roads Authority. This must include any works to listed structures and any other heritage assets affected by deliveries to the development.
- e) Notwithstanding the details submitted (which are not accepted). Detailed plans (1:200 min) of all works to accommodate the proposed abnormal indivisible deliveries must be submitted and approved by the Planning Authority in consultation with the Roads Authority.

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

Reason: To ensure an acceptable development in road safety terms through the provision of details currently lacking from the submission.

6. Prior to the commencement of construction and deliveries all suspensive works approved through condition (5 a, b, c, d and e), must be completed in accordance with the approved plans. Any works undertaken are to be permanent for the duration of the operation of the development unless otherwise agreed in writing with the Roads Authority.

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

Reason: The provision of details currently lacking and in order to ensure that acceptable infrastructure is provided on the route to/from the development in the interests of road safety.

7. Prior to any abnormal indivisible load being delivered to the site:
 - a) All suspensive works approved through conditions (5 a, b, c, d and e), must be completed in accordance with the approved plans. Any works undertaken are to be permanent for the duration of the operation of the development unless otherwise agreed in writing with the Roads Authority.
 - b) Abnormal load trial run(s) must be undertaken after all mitigation works have been completed to confirm the works are acceptable and to identify any other restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas required. Representatives from Moray Council Transportation (Traffic), Aberdeenshire Council and Police Scotland must be invited to the trial run.

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

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

8. **Environmental Clerk of Works**

- a) No development shall commence until the Planning Authority have, in consultation with NatureScot, approved in writing the terms of appointment by the Company of an independent Environmental Clerk of Works (ECoW). The terms of appointment shall:
- i. impose a duty to monitor compliance with the mitigation identified in Chapter 15 Schedule of Mitigation of the EIA Report;
 - ii. require the ECoW to report to the Company's nominated construction project manager and the Planning Authority any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;
 - iii. directing the micro-siting and placement of the turbines, tracks, borrow pits and associated infrastructure in accordance with the micro-siting condition;
 - iv. require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site and incidents of micro siting; and
 - v. advising the Company on adequate protection of nature conservation interests on the site and shall be responsible for checks for protected species before and during construction.
- b) The ECoW shall be appointed on the approved terms prior to the commencement of Development, throughout any period of construction activity and during any period of post construction restoration works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

9. **Environmental Clerk of Works Decommissioning**

No later than six months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

10. No development shall commence unless and until a Habitat Management Plan Steering Group is established to oversee the preparation and delivery of the detailed HMP and to review and assess the results from ongoing monitoring. The Company shall invite the Planning Authority, NatureScot, SEPA and Scottish Forestry to participate with them in the steering group. The steering group shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims and objectives.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

11. Further to the mitigation and enhancement contained within the Outline Habitat Management Plan (OHMP) hereby approved, a consolidated and detailed Habitat Management Plan must be submitted, incorporating:-
- a) The requested involvement of The Deveron District Salmon Fishery Board with the OHMP and Habitat Management Group.
 - b) A Fishery Management Plan inclusive of additional baseline electrofishing and kick sampling is conducted before, during and 2 years post construction.
 - c) Frequent site meetings with the appointed Ecological Clerk of Works (ECoW) pre, during and on completion of construction.
 - d) The Deveron District Salmon Fishery Board are consulted on any instream works before work progresses and specifically on the design of all waterway crossings.
 - e) Consolidate the proposed ornithological mitigation with existing agri-environmental schemes already in place.
 - f) Further investigation and implementation of measures to reduce the required excavation in construction of crane hardstandings. This may be by adoption of alternative construction methods or other means.
 - g) The construction programme duration is stated as likely to be 12 to 18 months. Further investigation should be undertaken and then implemented of an alternative to stripping the shallow peaty layer in the temporary construction compound, for example, using a geotextile membrane to protect the peat. It seems unlikely that the 10 cm thick layer having been scraped off and stored for 12 to 18 months, will be in a condition to enable the restoration of the site to its condition prior to the development.
 - h) The slope angle of reinstated peat has been shown to be critical in successful revegetation of the peat – where the slope is too steep revegetation generally fails, leaving the peat bare and susceptible to erosion. Active intervention to promote swift revegetation is recommended and must be detailed and implemented, e.g. by seeding or providing seedbank sources from a patchwork of turves if there are not sufficient turves to completely cover the reinstated peat.
 - i) Water table depth and resulting soil pore space saturation is fundamental to the amount of carbon emitted or retained within the soil - in addition to placing the excavated peat. This will require monitoring and active intervention if the water table is lower than required. The hydrology of the reinstated peat must be addressed, in addition to the revegetation and slope and details of this provided and implemented.
 - j) Blanket bog restoration: further details of location, methods, materials, monitoring and aftercare in relation to blanket bog restoration required.

Reason: To avoid peat disturbance and ensure appropriate management and reuse.

12. Unless otherwise agreed with Moray Council in writing, a finalised Drainage Impact Assessment, showing the following must be submitted to and approved in writing by Moray Council as Planning Authority (in consultation with Moray Flood

Risk Management Team) prior to completion of all water crossing and turbine foundation pads. The Drainage Impact Assessment should be based upon the designed drainage mitigation contained in Chapters 8 and 15 of the EIA Report and detail the following:

- a) Plans submitted with the definitive track and turbine pad layout of the drainage system for both the construction phase and the final site layout once micro-siting allowances have been made.
- b) Drainage system should be designed to a 1:30 year return period (including 35% climate change), without surcharging, if attenuation is used the system must drain completely within 24 hours.
- c) Demonstrate that the post development run-off rate does not exceed the pre-development run-off rate, or increase the risk of flooding to the surrounding land.
- d) Confirmation that drainage is not redirected to allow surface water draining from one catchment to drain into a different catchment either at construction phase or completion.
- e) Instead of the culverts shown in Figure 3.5 'Typical Watercourse Crossing' watercourse crossings to be oversized, bottomless arched culverts or traditional style bridges are to be used.

Reason: In order to ensure all the necessary flood prevention measures are in place and to ensure that protection of the water environment is maintained throughout the construction, operation and decommissioning of the development.

13. Prior to commencement of development an Access Management Plan (AMP) must be submitted to and approved by the Planning Authority in consultation with the Moray Access Manager and the Moray Local Outdoor Access Forum. Thereafter the approved AMP shall be adhered to and implemented within the timescales set out.

Reason: To ensure that public access is secured throughout the life of the development.

14. No development shall commence until a Construction Environmental Management Plan ("CEMP"), incorporating the proposed precautions and mitigation detailed in Chapter 15 Schedule of Mitigation Table 15.1 within the Environmental Impact Assessment Report has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. This plan shall include identification of the specific trees to be removed to accommodate the road widening and passing places on the public road network leading to the site and also where an equivalent number will be planted on site.

Reason: In order to ensure all the necessary and volunteered mitigation measures are implemented properly.

15. **Construction Hours**

- a) Construction work shall only take place on the site between the hours of 0700 to 1800 on Monday to Friday inclusive and 0700 to 1300 on Saturdays, with no construction work taking place on a Sunday or on national public holidays or bank holidays other than concrete pouring if started within those

- hours, turbine erection and emergency works. The developer shall notify the Planning Authority of such works if carried out outside the permitted hours within two working days of their occurrence.
- b) Heavy Goods Vehicles (HGV) movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 0700 to 1900 Monday to Friday, and 0700 to 1600 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays or bank holidays unless otherwise agreed in writing by the Planning Authority.
 - c) Turbine delivery may be made out with these construction hours, where necessary, and as agreed in writing in advance with the Planning Authority.

For the avoidance of doubt the public holidays or bank holidays are detailed as follows:

- New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January;
- 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January;
- Good Friday;
- The first Monday in May;
- The first Monday in August;
- 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day;
- Christmas Day, if it is not a Sunday or if it is a Sunday, 27th December; and
- Boxing Day, if it is not a Sunday or, if it is a Sunday, the 27th December.

Reason: In order to ensure that construction activity minimises the impact on surrounding neighbours.

16. **Wind Farm Noise**

The rating level of noise imissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Table 1 attached to these conditions and:

- a) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant and provide a written protocol to be approved by the Planning Authority. The protocol shall describe the procedure to assess the level and character of noise imissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out as far as possible the time or meteorological conditions to which the complaint relates and time or conditions relating to tonal noise if applicable. Measurements to assess compliance with the noise limits shall be undertaken in accordance with the assessment protocol which shall be approved in writing by the Planning Authority.
- b) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise imissions undertaken in accordance with the protocol within 2 months of the date of the approval of the protocol by the Local Authority unless otherwise agreed by

the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the Planning Authority. Certificates of calibration of the equipment shall be submitted to the Planning Authority with the report.

- c) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise imissions undertaken in accordance with the protocol within 2 months of the date of the approval of the protocol by the Local Authority unless otherwise agreed by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the Planning Authority. Certificates of calibration of the equipment shall be submitted to the Planning Authority with the report.

Table 1: At all times – Noise limits expressed in dB LA90, 10 minute and apply for standardised 10 m height wind speeds up to 10 m/s as determined within the site averaged over 10 minute periods

Location	Standardised Wind Speed at 10m height in m/s averaged over 10 minute periods, Sound Pressure Levels in dB, L _{A90 10min}								
Property Name	4	5	6	7	8	9	10	11	12
H1 Easter Braetown	25	30	32	32	32	32	32	32	32
H2 Wester Braetown	25	30	32	32	32	32	32	32	32
H3 Dumeath	16	21	23	23	23	23	23	23	23
H4 Backside Farm	21	26	28	28	28	28	28	28	28
H5 Ballochford	17	22	24	24	24	24	24	24	24
H6 Bellcherrie	20	25	27	27	27	27	27	27	27

Table 2: Coordinate locations of the dwelling listed in Table 1

LOCATION	Easting	Northing
Easter Braetown	339688	839028
Wester Braetown	339423	838865
Dumeath	342236	837129
Backside Farm	341085	836165
Ballochford	336007	833656
Bellcherrie	340060	834097

Note to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of the dwelling to which the noise limits apply.

Reason: In order to ensure noise emanating from the windfarm can be controlled and kept to an acceptable level.

17. **Commissioning Condition**

There shall be no Commencement of Development unless full details of the proposed wind turbines (including the power rating, sound power levels, and

tonality assessment carried out on the selected turbine) have been submitted to the Planning Authority.

The wind farm operator shall employ an independent consultant, approved by the Planning Authority, to measure and where necessary calculate, at the operator's own expense, the level of noise imissions from the wind turbines within the first year of the operation of the turbines. The measurement procedures, which may include filtering data according to wind direction, shall be agreed with the Planning Authority prior to commencement. The results of any measurement exercise shall be forwarded to the Planning Authority as soon as practicable after the completion of the monitoring exercise.

Reason: In order to ensure adequate noise data is collected at the commissioning stage of the development to aid future safeguard to neighbouring properties for noise amenity.

18. Amplitude Modulation

Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise imissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the Local Planning Authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the event that Amplitude Modulation occurs a mechanism can be put in place to remedy the effects of the Phenome.

19. Borrow Pit Conditions

- i. Prior to the commencing of any blasting operations for the formation of borrow pits associated with the development, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with subsequent amendments as may receive the written approval of the Planning Authority.
- ii. In the event of the formation of borrow pits, blasting times shall be restricted as follows:
 - a) No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) on Mondays to Fridays and (1000 and 1200 hours) on Saturdays.
 - b) There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.
 - c) The above requirement shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The Planning Authority shall be notified in writing immediately of the nature and circumstances of any such event.
- iii. Ground vibration as a result of blasting operations to form borrow pits at the site shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts

and no individual blast shall exceed a peak particle velocity of 12mms⁻¹ as measured at vibration sensitive buildings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

- iv. At the reasonable request of the Planning Authority, following a complaint relating to vibration from blasting operations to form borrow pits, the developer shall measure at its own expense ground vibration to ensure compliance with the above condition. The results of such monitoring shall thereafter be forwarded to the Planning Authority.

Reason: In order to ensure that any blasting is carried out safely and so as to minimise the impact on neighbouring amenity.

20. **Micro-siting**

- a) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the locations shown in Figure 3.1 Infrastructure Layout of EIA report. The location of the wind turbines, compounds, areas of hardstanding and tracks may be varied (micro-sited) within the site subject to the following, unless otherwise approved in advance in writing by the Planning Authority:
 - i. no wind turbine, building, mast, tracks, hardstanding or other ancillary infrastructure shall be moved more than 100 metres from the position shown within the EIA report and on Figure 3.1 Infrastructure Layout;
 - ii. the exceptions to this will relate to tracks between T2, T4, T5, T6 and T7 where micro-siting allowance can extend beyond 100m to ensure tracks can be moved onto shallower peat.
 - iii. all micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECOW).
 - iv. For any micro-siting of turbines which results in an increase in altitude of more than 5m from the approved position, a prior request and approval must be made to Moray Council. Such a request must be accompanied by an updated and comparative ZTV plan and wireline montages as required by Moray Council.
- b) No later than two months after the Date of Final Commissioning, an updated site plan shall be submitted to the Planning Authority showing the final position of all wind turbines, anemometry masts, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan must also specify areas where micro-siting has taken place and, for each instance, be accompanied by the Environmental Clerk of Works or Planning Authority's approval, as applicable.

Reason: To ensure that micro-siting decisions take account of environmental impacts and local ground conditions, including existing infrastructure.

- 21. The buffer zones around groundwater abstractions and watercourses identified on Figure 8.6 Constraints shall be implemented in full throughout the construction, operation and decommissioning of the development. There shall be no development, machinery movement or operations within the buffer zones without the agreement of the Planning Authority in consultation with SEPA. The buffer zone around the groundwater abstraction areas shall be demarcated on the ground during construction.

Reason: In order to prevent potential unacceptable impacts on groundwater abstractions.

22. At the reasonable request of Moray Council as the Planning Authority following a complaint the wind farm operator shall investigate and instigate appropriate mitigation measures to minimise the effects of shadow flicker.

Reason: In order to ensure mitigation can be pursued and instigated in the event of such a complaint being received.

23. Prior to the construction of the final turbine, a finalised restoration plan for any borrow pits used on site, must be submitted to, and approved in writing by, the Moray Council Planning Authority in consultation with SEPA.

Reason: To secure the restoration of borrow pit(s) at the end of the construction period.

24. The development shall be developed in accordance with the schedule of mitigation as specified in Chapter 15 Schedule of Mitigation Table 15.1 within the Environmental Impact Assessment Report. The measures contained within, must be carried out in accordance with the submitted information contained within the EIA Report or as required by other conditions of the consent.

Reason: In order to ensure the various mitigation measures proposed and collated within the EIA Report in Table 15.1 are met.

25. **Aviation Lighting**

Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval by Moray Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as deemed necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: To maintain aviation safety.

26. Aviation Charting and Safety Management

The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: To maintain aviation safety.

27. Decommissioning, Restoration and Aftercare

- a) The Development will cease to generate electricity by no later than the date falling 35 years from the Date of Final Commissioning. The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed 37 years from the date of Final Commissioning without prior written approval of Moray Council as Planning Authority.
- b) There shall be no Commencement of Development unless and until an outline decommissioning, restoration and aftercare method statement has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The method statement shall include measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.
- c) No later than one year prior to decommissioning of the Development or the expiration of the 35 year period of operation (whichever is the earlier) a detailed decommissioning, restoration and aftercare method statement, based upon the principles of the approved outline decommissioning, restoration and aftercare method statement, shall be submitted to the Planning Authority for written approval in consultation with SEPA. The detailed decommissioning, restoration and aftercare method statement will provide updated and detailed proposals for the removal of above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions.
- d) The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the detailed decommissioning, restoration and aftercare method statement as approved, unless otherwise agreed in writing in advance with the Planning Authorities in consultation with SEPA.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

28. Financial Guarantee

- a) No development shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition immediately above is submitted to the Planning Authority.
- b) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition immediately above.
- c) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition immediately above.
- d) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.
- e) The landowner of the development site shall be entitled to be a joint beneficiary with the Planning Authority under the foregoing financial guarantee. The terms of the landowner's involvement will be subject to the approval of the Planning Authority acting reasonably and thereafter will be set out in the financial guarantee documentation.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

29. Unless otherwise agreed in writing with the Council as Planning Authority, prior to development commencing the applicants must investigate and pursue a reduced lighting scheme. A report detailing what measures can be taken (or evidence of why they cannot be achieved) must be submitted to and approved by Moray council in consultation with the Ministry of Defence Windfarm safeguarding and the Civil Aviation Authority.

Thereafter the lighting scheme developed must be implemented in accordance with any reduced lighting requirement achieved.

Reason: To ensure that only the minimum necessary lighting requirement are developed and to allow for further consideration of the lighting proposals.

Reason(s) for Decision

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

The proposal accords with the Moray Local Development Plan 2020 and there were no material considerations that indicated otherwise. In reaching this decision, it is noted that there would be some significant landscape and visual effects, but these are not considered to be excessive or outweigh the wider planning policy, pattern of approvals for other wind energy or other material considerations such as climate change.

Reasoned conclusion on the significant effects of the development on the environment (Regulation 29 of the EIA Regulations 2017)

Moray Council, as Planning Authority, having taken account of all relevant information, consider that the proposal can be supported having regard to the nature and impact of the proposed wind energy proposal, and associated infrastructure.

The Council has considered, fully and carefully, the environmental information as presented and concludes that the development will not give rise to any significant adverse environmental effects, as the proposal incorporates the necessary environmental design and mitigation measures to minimise such effects and impacts. These include measures to address impacts that are clearly identified in the Schedule of Mitigation, Chapter 15 of the EIA Report which proposes a suite of measures contained within documents such as the Habitat Management Plan, written scheme of archaeological works for unknown archaeological assets, buffers maintained around watercourses/GWDTE's/water abstractions area, Construction Environmental Management Plan, Pollution Incident Response Plan, Peat Management, Breeding Bird Protection Plan, appointment of an Ecological Clerk of Works (ECoW), Noise Management Plan.

In the absence of any unacceptable or significant environmental impacts and subject to conditions as recommended, the proposal is acceptable in EIA terms. Where consultees have proposed conditions to mitigate/monitor impacts these have been secured by conditions attached to the consent. Conditions to secure the monitoring of impacts in relation to wildlife, biodiversity etc. have also been attached to the consent.

List of Informatives:

The DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that; -

A Building Warrant may be required if the proposal includes staff welfare facilities and/or a septic tank and soakaway.

Further guidance for drainage and flooding can be found in "Supplementary Guidance on Flood Risk and Drainage Impact Assessment for New Developments" -

www.moray.gov.uk/downloads/file124411.PDF.

It should be noted that for road widening and formation of passing places to minor roads out with Moray will require separate and prior permission from Aberdeenshire Council as Roads Authority.

The MORAY ACCESS MANAGER has commented that;-

Details of how the Public Access Plan should be devised and implemented are given in section 7 of the guidance 'Good practice during windfarm construction 2010'. I suggest that the 'Public Access Plan' should specifically address the following:

1. Construction site – General access rights can be suspended from the construction site. The construction site needs to be clearly demarked on the ground with signage advising the public of reasons, duration and alternative options in relation to the access rights suspension. Objective here is to minimise as much as possible disruption to outdoor access.
2. Maximise outdoor access opportunities during wind farm operation. It is accepted that the on-site paths network will effectively constitute the constructed vehicle service tracks. To increase public awareness and to encourage usage promotion should include signage and map boards at all principle access points and path junctions.
3. Linkages to the wider access network. Opportunities should be explored to develop linkages with any tracks and paths nearby in the interests of creating a comprehensive access network meeting the needs of a variety of users. It is accepted that opportunities for this in this location are somewhat limited.
4. Accessible access Controls. All gates etc. to allow for access by all users i.e. horses riders, cyclists, pedestrians and the less able.

The TRANSPORTATION MANAGER has commented that

Prior to the commencement of any part of the development, evidence shall be provided to confirm that a Bond or other financial security has been agreed by both parties (Developer and the Roads Authority) and put in place to cover the construction period of the development and to be called in the event that the developer fails to meet their obligations under the Wear and Tear Agreement to maintain the road in a safe condition during the construction phase of the development and to restore the road to its original predevelopment condition within 1 year of the completion of construction or the development becoming operational. The bond/security shall relate to the full extent of the U94bH Burnside of Markie Road with the Moray Council area and is required to mitigate the potential risks from damage to the public road occurring during the construction phase of the development. It should be noted that Aberdeenshire Council may wish to make similar arrangements for the roads within their area.

Prior to the commencement of deliveries or any construction work, a Wear and Tear agreement will be required to be approved between the developer and the Roads Authority. The scope of the Wear and Tear Agreement must be agreed with the Roads Authority and must include a condition survey of the network undertaken jointly by the developer and a representative from the Roads Authority. The survey must include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In

addition, the wear and tear agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Roads Authority.

The Construction Traffic Management Plan must cover the duration of the development, include methods of dealing with large and abnormal delivery vehicles. The plan shall also include, the methods of marshalling and manoeuvring at junctions on the public road network and any temporary traffic waiting restriction requirements and all modifications to the road network and traffic management arrangements. Routes for deliveries to and from the site and routes which must not be used by development traffic (construction or staff) to access the site. A programme of monitoring for all routes identified within the CTMP during construction will be required.

It is not acceptable to overrun central refuge / splitter islands, they are not constructed to take vehicle loadings. Proposals submitted must show how this will be managed during deliveries. It is also not appropriate to remove signing for the duration of the abnormal loads therefore confirmation of how signs will be managed during the delivery phase needs to be agreed.

Some of the side tracks which join the public road may appear to be part of the public road as they have a thin layer of tar on them. It is unlikely that there is suitable road construction under any of them and where they are being utilised each location should be assessed and reconstructed if necessary.

Prior to completion of the development, all areas of temporary over-run must be reinstated to an appropriate standard. Example 300mm thick dressed topsoil and reseeded appropriate for the surroundings.

Additional details for all areas of road widening and new passing places must also include drainage details to accommodate the additional road surface area.

Transport Scotland must be consulted with respect to all deliveries proposed via the Trunk Road. The neighbouring Local Authorities, through which the delivery route may pass, Highland/Aberdeenshire/Aberdeen City, must be consulted as appropriate.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC: http://www.moray.gov.uk/moray_standard/page_65638.html

Specification <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site Road Opening:

http://www.moray.gov.uk/moray_standard/page_79860.html

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

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

The applicants shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads.

The applicants shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

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.

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.

Bridges and Structures - The developer must contact the Senior Engineer for Bridges and Structures to discuss the proposals via structures@moray.gov.uk
Traffic Management Plan - The developer must contact the Senior Engineer Transportation discuss the proposals via traffic@moray.gov.uk

HISTORIC ENVIRONMENT SCOTLAND have made the following comments:-

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

The ROYAL SOCIETY for the PROTECTION OF BIRDS have commented that:-

The Outline Habitat Management Plan should build additionally on the existing management schemes (Agri-Environment and Climate Scheme & Green Stimulus) especially in relation to wading birds such as curlew and peatland restoration. RSPB Scotland can provide detailed guidance on habitat management for curlew and other waders to help in the development of the HMP, if required.

The ENVIRONMENTAL HEALTH MANAGER has commented that

Guidance Notes for Noise Condition

These notes are to be read with and form part of the planning condition on noise. The measured data is to be split into bins as described below. The rating level for each bin is the arithmetic sum of the wind farm noise level plus any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI). IOAGPG is "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise" or any update of that report current at the time of measurement

Note 1 – Data Collection

- a. Values of the LA90, 10-minute noise index should be measured in accordance with the IOAGPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and to capture data suitable where a tonal assessment is required.
- b. To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in degrees from north in each successive 10-minutes period in a manner to be agreed in writing with the Planning Authority. The wind speed at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which are correlated with the noise measurements determined as valid. The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle, arithmetic mean rotor RPM and whether each wind turbine is running normally during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Universal Time (UT).

Note 2 – Data Analysis

- a. The independent consultant shall identify a sub-set of data having had regard to:-
 - the conditions (including time of day and corresponding wind directions and speeds) at times in which complaints were recorded;
 - the nature/description recorded in the complaints if available;
 - information contained in the written request from the local planning authority;
 - likely propagation effects (downwind conditions or otherwise);
 - the results of the tonality analysis where relevant.

In cases where it is possible to identify patterns of clearly different conditions in which complaints have arisen additional sub-sets may be considered provided this does not introduce unreasonable complexity in the analysis and can be justified by the independent consultant.

- b. Within each of the sub-set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins.

Note 3 – Tonal Penalty

- a. Where, in accordance with the protocol, the noise contains or is likely to contain a tonal component, a tonal audibility shall be calculated for each ten-minute period using the following procedure.
- b. For each 10-minute period for which a tonal assessment is required this shall be performed on noise emissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure").
- c. For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. Where data for a ten-minute period are corrupted, that period shall be removed from the tonal analysis.
- d. The tone level above audibility for each ten-minute period shall be placed in the appropriate data sub-set and wind speed bin.

Note 4 – Calculation of Rating Level

- a. The LA90 sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the 10 minute sound pressure levels within that data sub-set and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each bin is the arithmetic mean of the separate 10-minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97. The assessment level in each bin is normally the arithmetic sum of the bin LA90 and the bin tonal penalty.
- b. If the assessment level in every bin lies at or below the values set out in the Table(s) attached to the conditions then no further action is necessary. In the event that the assessment level is above the limit(s) set out in the Tables attached to the noise conditions in any bin, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise imissions only. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the limit.
- c. The wind farm operator shall ensure that all the wind turbines in the development are turned off for such periods as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:-
 - i. Repeating the steps in Note 1, with the wind farm switched off, and determining the background noise (L_3) in each bin as required in the protocol. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction, background noise in bins where there is insufficient data can be assumed to be the same as that in other bins at the same wind speed.

- ii. The wind farm noise (L_1) in each bin shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

- iii. The rating level shall be calculated by adding the tonal penalties to the derived wind farm noise L_1 in that bin.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalties in every bin lies at or below the values set out in the Tables attached to the condition at all wind speeds then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table(s) attached to the condition then the development fails to comply with the planning condition in the circumstances represented by that bin.

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:

The groundwater abstractions buffer zone shall be 100 m for all development with excavations or intrusions less than 1 metre depth. The buffer zone shall be 250 m for all development with excavations or intrusions greater than 1 metre depth.

We refer you to CAR Practical Guide for advice on the regulatory framework applied to activities which impact on the water environment. You should note that as the site is greater than 4 ha it will require a construction site licence.

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

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office, contact details at:
<https://www.sepa.org.uk/contact/>.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
FIGURE 1	Turbine and infrastructure layout
FIGURE 1.1	Location plan
FIGURE 6.4 D	Turbine light intensity
	GARBET WINDFARM Environmental Impact Assessment Report (EiAR) Volumes 1-5 January 2021



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
21/00020/EIA

Site Address:
Garbet Windfarm
Site 5.5km Southeast Of Dufftown

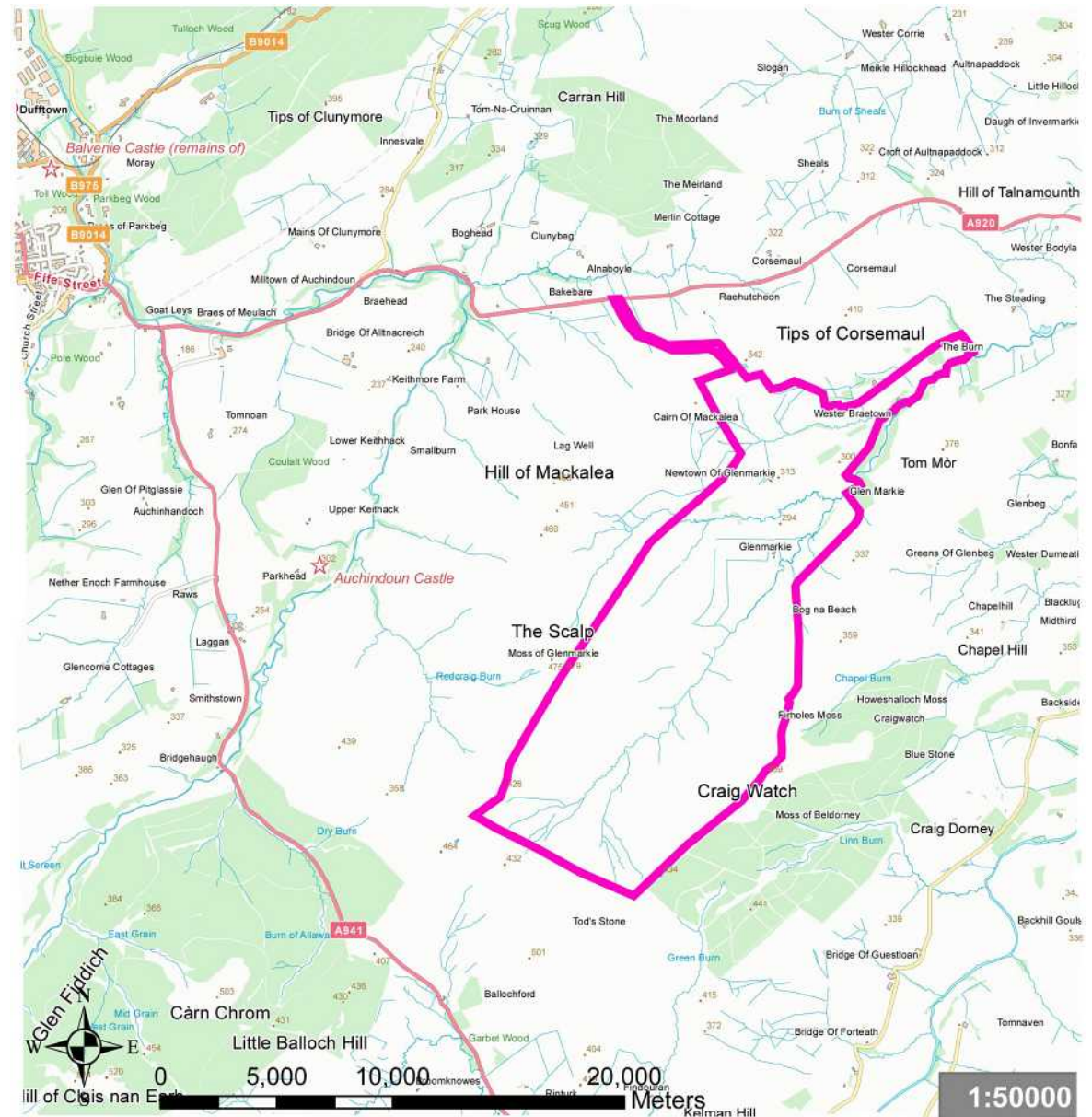
Applicant Name:
Energiekontor UK Ltd

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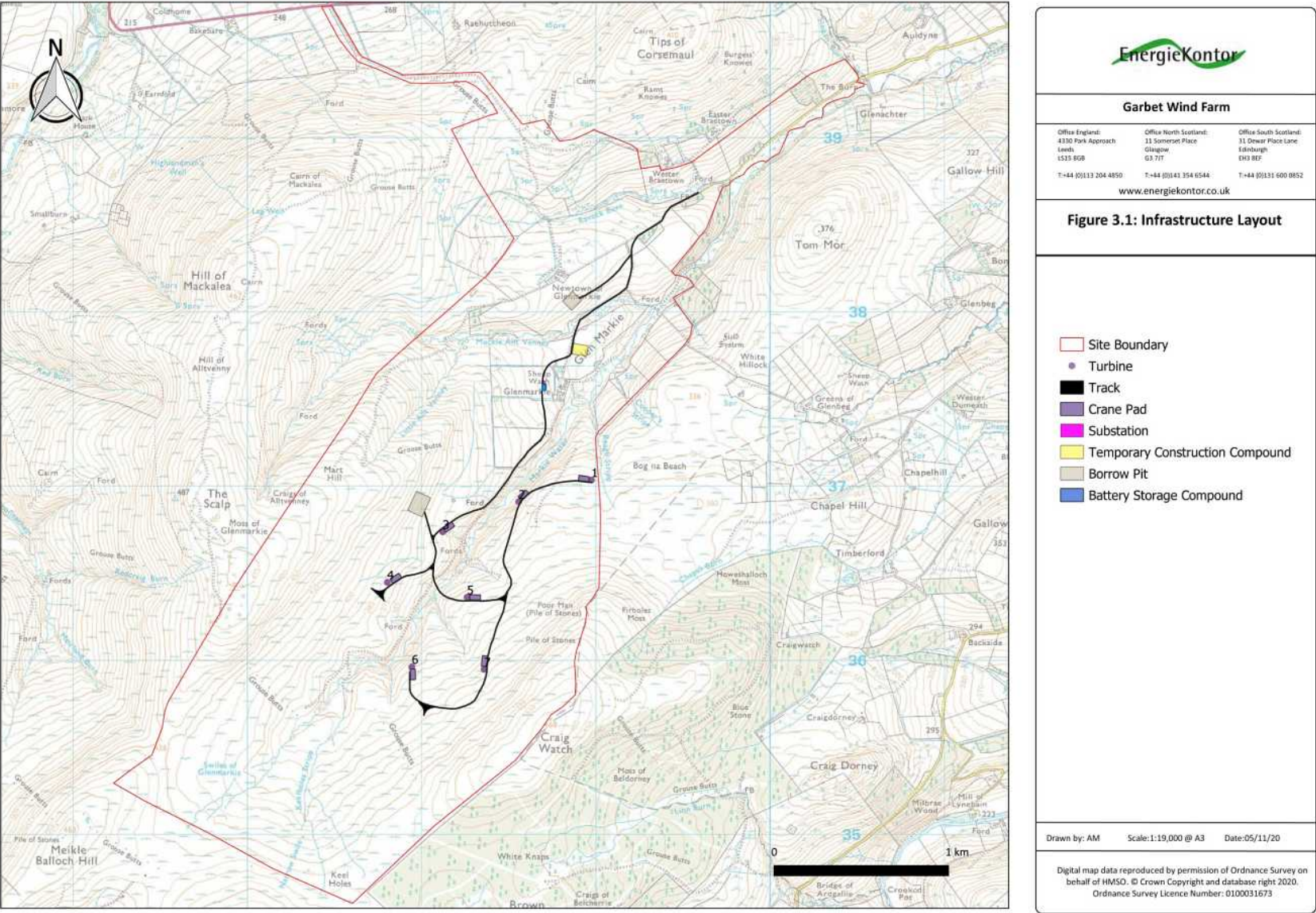
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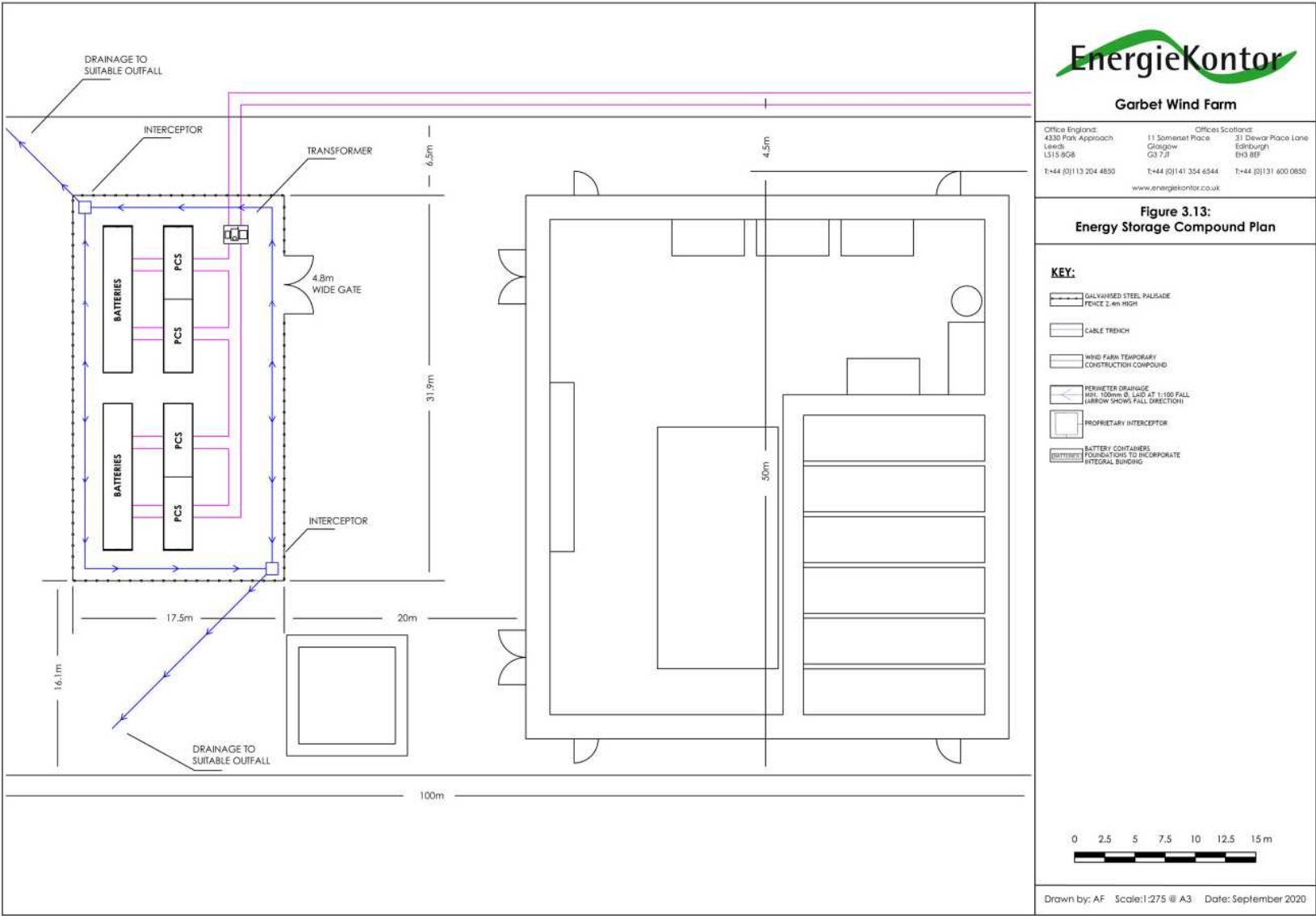
Location Plan



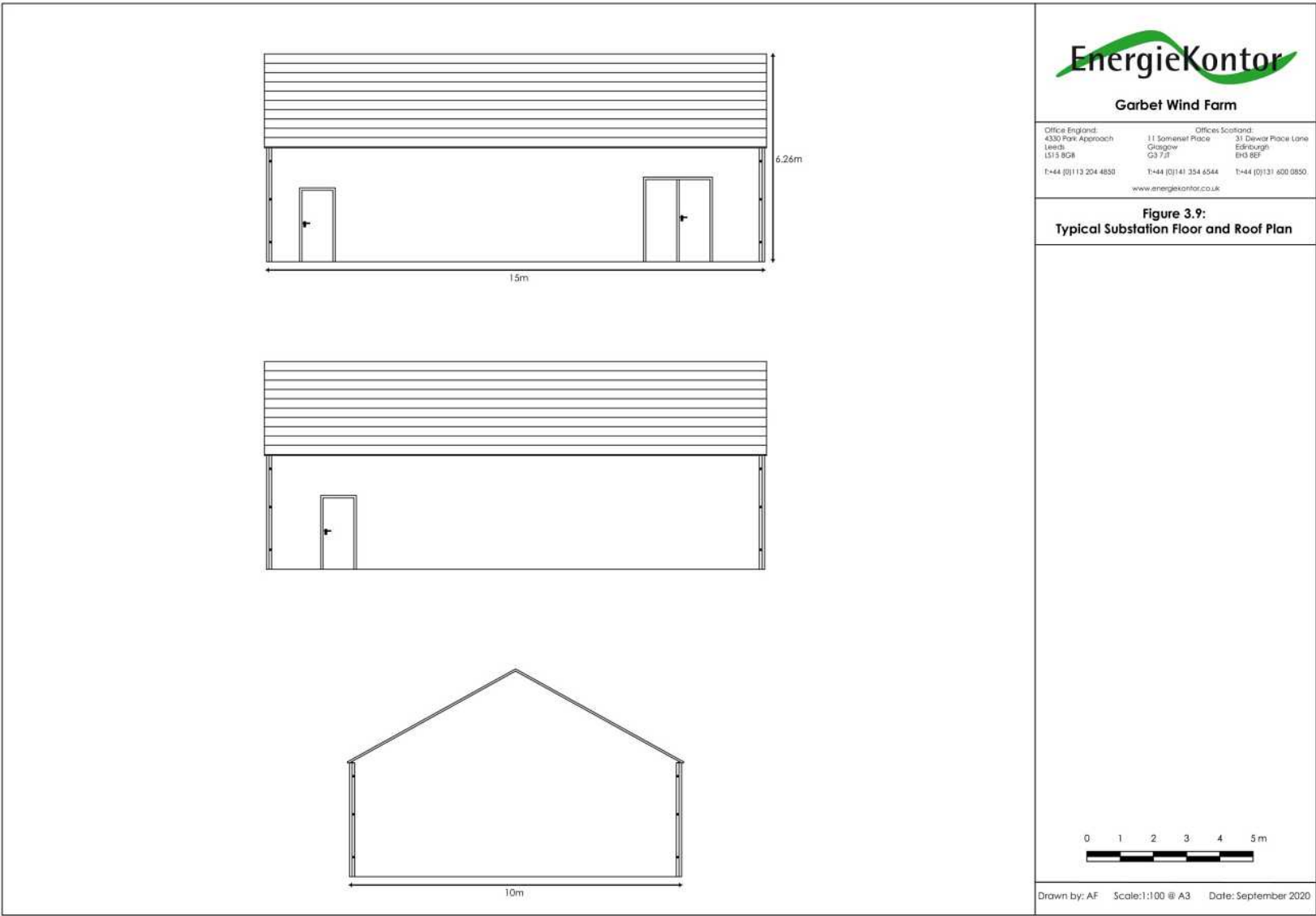
Layout plan



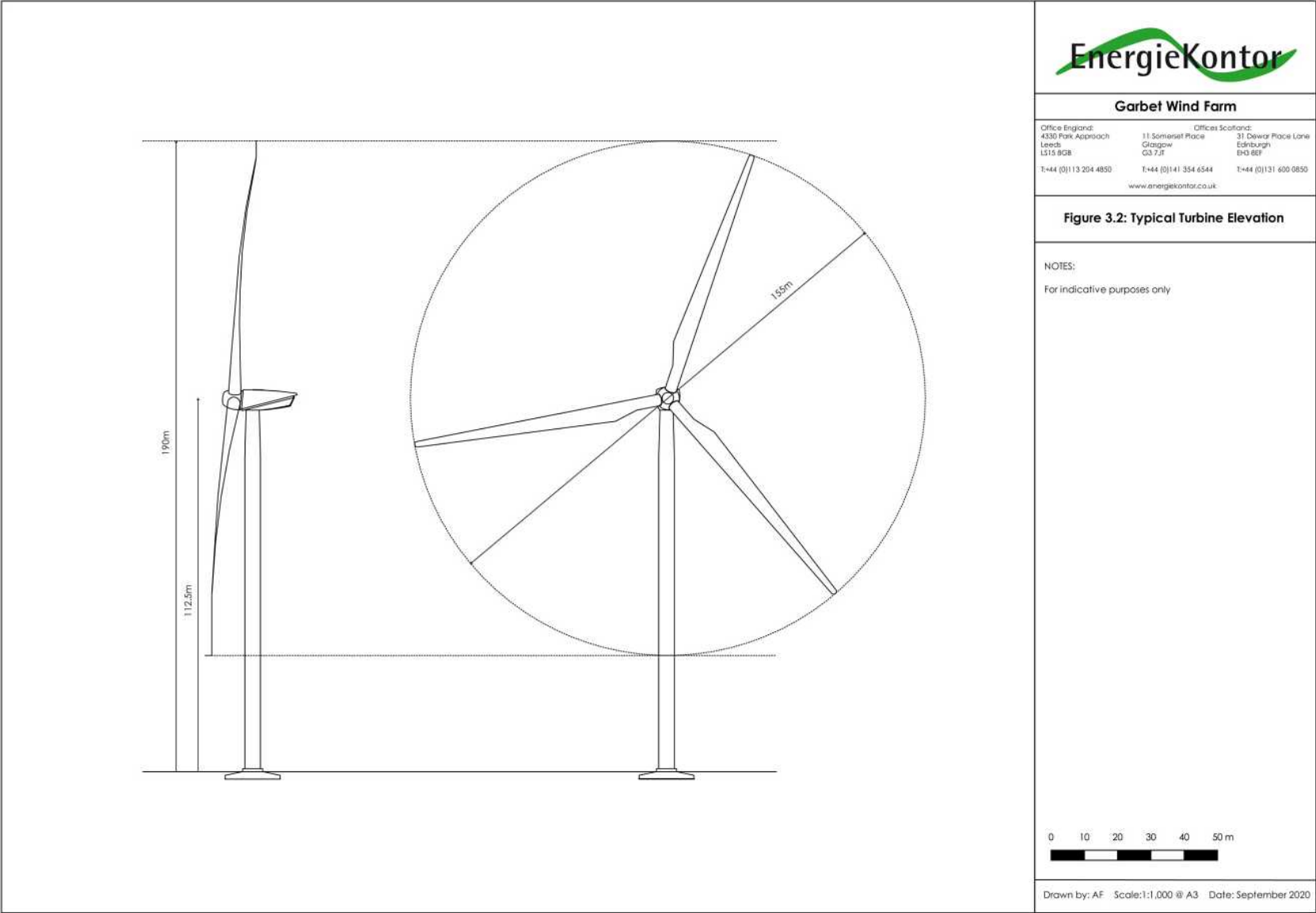
Energy Storage Compound



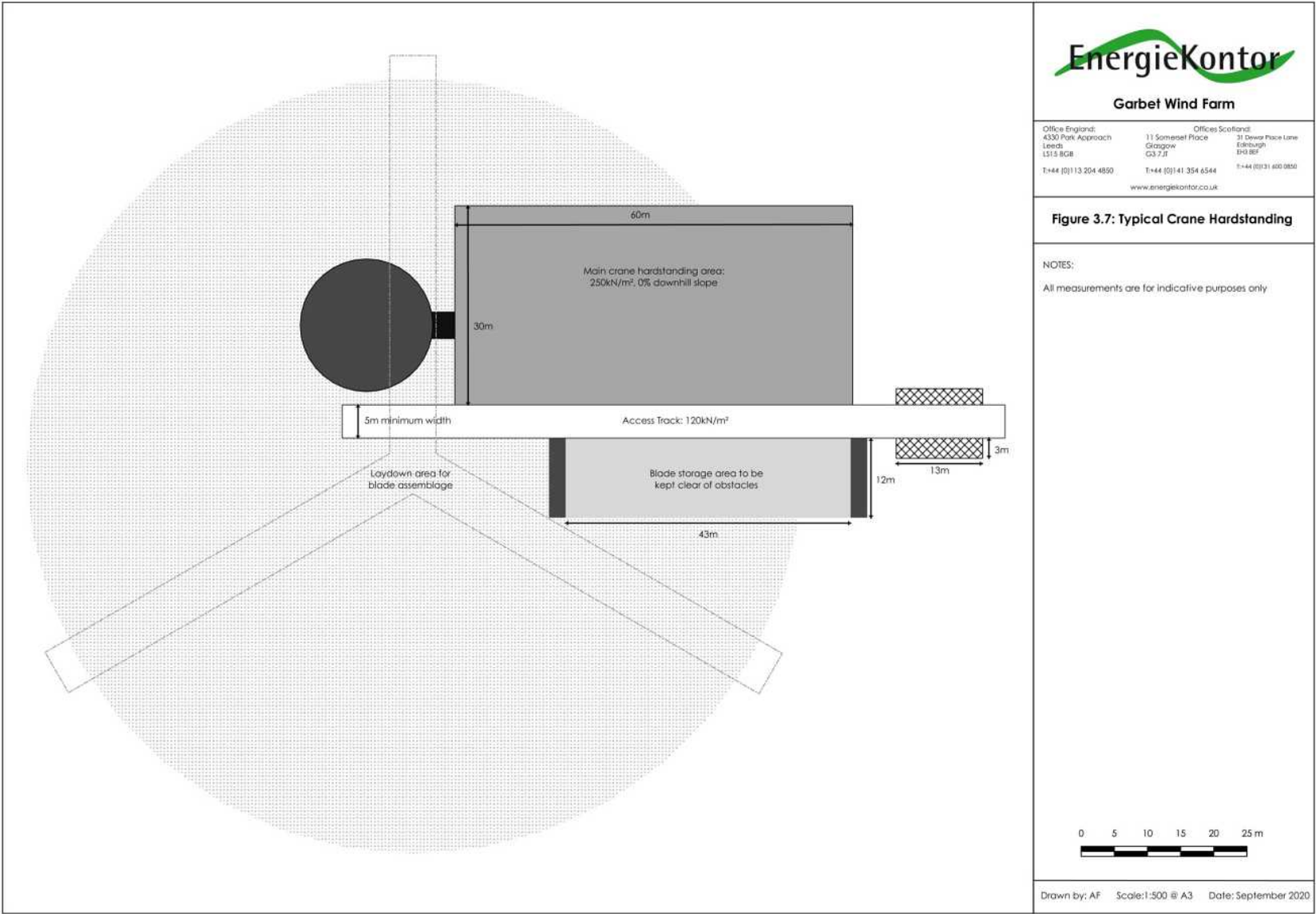
Substation Elevations



Turbine Elevation



Crane Hardstanding



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

THE PROPOSAL

- Seven wind turbines up to 190m to blade tip with adjacent transformer units, rotor diameter of 155m, with a max hub height at 122m. The blades would be approximately 68m long.
- Permission is sought to generate for a 35 year period.
- Hardstanding areas for erecting cranes at each turbine location.
- On-site tracks connecting each turbine.
- Battery Storage Compound and separate substation building.
- Underground cables linking the turbines to the substation.
- Three new watercourse crossings.
- Two borrow pit search areas for the extraction of stone on-site.
- Off-site enabling works in the public roadway, within Moray and Aberdeenshire to provide road widening and passing places.
- Peat /moorland restoration at the site focusing on two restoration sites: The Scalp and the Swiles of Glenmarkie where previous peat extraction and land drainage can be restored and reversed.
- Proposal would see the loss of some roadside trees to accommodate road widening and additional passing places on minor road leading to the site. Separately trees are proposed to be planted near Markie Water, within the site as part of a riparian enhancement to the water habitat.

THE SITE

- The site occupies an area of moorland and upland heathland, used for grazing and shooting. There are areas of wetland and blanket bog also.
- The rural settlement of Haugh of Glass lies 4km to the east.
- The Markie Water flows through the site in a north-easterly direction prior to joining the River Deveron. There are a number of other minor watercourses, tributaries of the Markie Water, which also flow through the site.
- The site occupies an enclosed glen that opens up to the north east. The site lies within the Moray Landscape Capacity Study, Landscape Character type 12b 'Open Uplands with Settled Glens'. The site is located within an area with potential for wind farm development.
- The site also partially lies within the area designated where windfarm extensions and repowering may be possible.
- A key scenic approach into Moray along the A920 (Huntly to Dufftown Road) lies to the north east of the site.
- Several derelict vacant properties lie close to site, with several occupied dwelling close to the site at Wester Braetown and Easter Braetown.

- A recently promoted archaeological site at Craig Dorney (hillfort site), immediately south east of the site, lies just outwith Moray and 2km from the nearest proposed turbine.

HISTORY

On site:-

20/00475/S36SCO - Erect up to 14 turbines battery storage compound and associated infrastructure at Garbet Windfarm, 4km South East Of Dufftown, Moray. A response was issued to the Energy Consents Unit in April 2020. This proposed a larger development and site than was eventually submitted.

Within Moray:-

08/01200/S36 - Dorenell windfarm consisting of 59 turbines, all 126m in height to blade tip and associated development including a substation/compound area and composite tower transmission line running northward from the site. The site is located approximately 5km south west of Garbet windfarm and has been in operation since 2019.

Edintore windfarm – Located within Moray, six turbines, all at 125m in height located approximately 9.5km north of Garbet. Approved by the Scottish Government.

There are a number of wind energy developments, and associated infrastructure on the east side of Moray, which have been taken into consideration whilst assessing this site. Of note Pauls Hill II, Edintore and Lurg Hill windfarms are comparable in size to Garbet.

In Aberdeenshire:-

Clashindarroch Windfarm – Eighteen turbines at 110m. The site is located approximately 5.5km south east of the Garbet windfarm site and has been in operation since 2015.

Cairnborrow – Within Aberdeenshire, this operational windfarm consists of five 100m high turbines, which have been operational since 2017. Cairnborrow is located 9km north east of the site.

Clashindarroch II windfarm proposes to develop fourteen turbines, each with up to a 6MW capacity and with a tip height of 180m. The proposal is due to go to Public Inquiry shortly and lies within Aberdeenshire. This site lies south east of Garbet, adjacent to the existing Clashindarroch windfarm.

There are a number of other wind energy developments in this wider locality, such as Kildrummy, Upper Wheedlemont Farm which are of relevance and are referred to by Aberdeenshire in their considerations.

Of note, at the Environmental Impact Assessment Screening and Scoping stage within Moray are:-

20/01663/S36SCO - Construct and operate a wind farm located on land approximately 2km southeast of Garbet and would be known as Craig Watch Wind Farm. The scoping opinion related to a prospective Section 36 application to the Energy Consents Unit.

20/01191/S36SCO - Construct and operation of a wind farm at Clashindarroch, Lower Cabrach, Huntly, Moray. A scoping response for a possible Section 36 application for up to twenty-eight 200m high turbines near the rural grouping of Cabrach. This prospective site is located approximately 7km south of Garbet.

21/00612/S36SCO Wind farm comprising 11 wind turbines each up to 200m to turbine blade tip together with ancillary infrastructure site at Glenfiddich Forest, Dufftown, Moray. Scoping response to Energy Consents Unit issued in May 2021. This site is located to approximately 4km west of Garbet.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised under the EIA Regulations, for neighbour notification purposes and as a potential departure from the Moray Local Development Plan 2020.

CONSULTATIONS

Dufftown and District Community Council – No response at the time of writing report.

Strathbogie Community Council - No response at the time of writing report.

Strategic Planning And Development – No objection.

Moray Access Manager - No objection subject to a condition and informative requiring an Access Management Plan to protect/enhance public access in the locality.

Environmental Health Manager - The proposed development given its proximity to residential properties is unlikely to give rise to any noise nuisance issues. Various conditions are however recommended regarding noise, blasting, construction hours.

Private Water Supplies – No objection.

Environmental Health, Contaminated Land - No objection.

Building Standards – A Building Warrant will be required for the control building and any foul water treatment required.

Atkins Global (radio) – No objection.

Aberdeen International Airport – No objection.

Transportation Manager - No objection to the proposals subject to the provision of a roads bond/security in place to protect or repair the public road leading to the site. Furthermore conditions are recommended that would relate to provision of a Construction Traffic Management Plan, abnormal load delivery and access visibility splays.

RSPB Scotland – Endorse the work done in relation to ornithology and would seek to see the mitigation measures provided to ensure the Habitat Management Plan integrates with existing land management schemes in place. Concern over some of the infrastructure affecting deeper peat, and suggest this be revisited.

National Air Traffic Systems Limited – The proposal does not conflict with safeguarding criteria.

Cairngorm National Parks Authority – No direct response, but Nature Scot confirmed the proposals were unlikely to have any impact on national park interests.

Aberdeenshire Council (Marr Area) - As an immediately adjoining local authority, Aberdeenshire were consulted on the proposed development. A summary from the Report to Aberdeenshire Councils Infrastructure Services Committee recommendation reads as follows:

“From the perspective of Aberdeenshire, the proposed Garbet Wind Farm would result in a significantly adverse impact to an area that when seen from key viewpoints in Aberdeenshire is already notably visually affected by commercial scale wind energy development. For these reasons there are significant concerns in relation to landscape and visual impact issues upon this part of Aberdeenshire. Taking cognisance of the above reasoning, the proposal would not fit within the wider Aberdeenshire and Moray landscape and in particular the area to the west of Huntly by virtue of the proposed landscape, visual and cumulative impacts proposed.

The concerns expressed by Officers are shared by the Marr Area Committee.

Alongside concerns regarding landscape, visual and cumulative impacts there remain concerns in relation to outstanding matters concerning Archaeology and Built Heritage impacts. The Marr Area Committee considered these matters and raised concerns with regard to the proposed impacts upon Aberdeenshire. Considering all of the above, the concerns are of a scale and nature that the Planning Service would recommend that Infrastructure Services Committee object to the application. Other options open to Infrastructure Services Committee would be to raise “significant concerns” to the application, or alternatively to issue a response outlining “no objection” at this stage.”

The options which had been before Committee were to support, raise concerns or object to the consultation from Moray Council. Aberdeenshire Planners had recommended that Members object to the planning application. Aberdeenshire Council’s Infrastructure Services Committee having sat in June 2021 and determined to respond raising the above concerns, but notably raised these as ‘significant concerns’, rather to object outright to the application.

A Cultural Heritage and Archaeology Addendum was submitted by the applicants, relating primarily to possible impacts from Craig Dorney Hill Fort, south east of the site in response to earlier concerns raised by the Aberdeenshire Council Archaeology Service. This did not however alter the above concerns of Aberdeenshire Council when their Infrastructure Services Committee issued their response in June 2021.

Whilst not objecting outright, weight must be attached to the significant concerns raised by Aberdeenshire Council, and these are discussed below in the report.

Moray Flood Risk Management - No objection, but a detailed Drainage Impact Assessment, beyond the information submitted, is required. A condition seeking this information, in addition to clarification from other consultees such as SEPA is recommended.

River Deveron District Salmon Fishery Board - No objection but wish for further involvement in the Habitat Management Plan and participation with the Habitat Management Group.

Transport Scotland – No response received at the time of writing the report.

Nature Scot (Scottish Natural Heritage) - There are natural heritage interests of national and international importance close to the site, but our advice is that these will not be adversely affected by the proposal. The Cairngorms National Park is located some 14 km south of the proposed site. The proposal will not have an adverse effect on the integrity of the Cairngorms National Park or the objectives of the designation. A habitats Regulation Appraisal should be carried out for the site. It is noted mitigation such as a Peat Management Plan will be prepared and adhered to as part of the proposal.

Scottish Forestry – No objection, but should the proposal require any tree felling, compensatory planting would be required. *Officer Note – there is some marginal felling required along the roadsides where road widening or additional passing places are required. A condition relating to the CEMP seeks such felling to be identified and compensated for.*

Historic Environment Scotland – No objections, subject to informative.

Aberdeenshire Council Archaeology Service – Objection raised and further information sought. They consider the assessment should cover a wider radius than the 10km used. They are concerned primarily for archaeological/heritage assets within Aberdeenshire, which lie within or beyond 10km of the proposal. Concern over closer assets, such as Craig Dorney, circa 1.5 km to the east of the development boundary, which is classed a site of regional importance (and which is currently in the process of being assessed for suitability for designation as a scheduled monument), and the two areas of settlement and field systems classed regional importance, to the southeast and northwest of the development site.

Scottish Water: No objection.

MOD Safeguarding – Wind – Approve subject to conditions regarding aviation lighting, aviation charting and safety management. No conflict with radar.

Scottish Environment Protection Agency - Following discussion with the applicants, subject to conditions regarding micro-siting, peat management, ground water, water crossings, restoration and mitigation, decommissioning and restoration. A suite of conditions is recommended to ensure these requirements are met in the event of approval.

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).

21 representations opposed to the proposal, 16 comments in favour, and 3 making neutral or general representations has been received. All those listed below have submitted one or more representations. All representations have been considered and where material, given weight in arriving at the below recommendation.

A horizontal bar chart consisting of 30 black bars of varying lengths. The bars are arranged in a single column, with the longest bar in the middle and the shortest bars at the top and bottom. The bars represent a distribution of data, with the longest bar in the middle and the shortest bars at the top and bottom.

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 heading were then expanded upon in subsequent representations as summarised below.

- Affecting natural environment
- Inadequate plans
- Precedent
- Height of proposed development
- Loss of privacy (being overlooked)
- View affected
- Traffic
- Road safety
- Road Access
- Poor Design
- Noise
- Over development of site
- Activity at unsociable hours/behaviour
- Lack of landscaping

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

Issue: Impact on landscape, Glen Markie is a very unspoilt, undeveloped glen, which would be devastated by such a development.

Comments (PO): It is acknowledged that the proposal would alter the character of the locality. See Observations section.

Issue: Impact of red navigational lights on dark skies, would be notable given the absence of any other lit wind turbines in this rural area. This is a dark skies area and the proposal would cause light pollution.

Comments (PO): It is acknowledged that the proposal would introduce red lighting into the rural night time skyline and are designed to shine horizontally toward low flying aircraft. Whilst designed to be visible to aircraft, they should not overly illuminate the sky. A condition is recommended to possibly reduce the lighting requirements for the scheme. The area is not within a designated dark sky area, but would enjoy a similar lack of illumination given its rural character.

Issue: Impact on nesting gulls as substantive colony exists on site. The impact on this would be a great loss to the wider community.

Comments (PO): Consultation with the RSPB and Nature Scot acknowledged the assessments done by the applicants, and subject to appropriate mitigation in the Habitat Management Plan and the safeguards in the proposals the consultees do not object to the proposed windfarm. A nesting bird protection plan is also proposed.

Issue: Cumulative impact with Dorenell, Clashindarroch, Edintore and Craig Watch. The landscape cannot accommodate any further wind energy proposals. There are too many turbines in the area already. Cumulative effect is insidiously going up throughout Moray, supported by a seriously flawed assessment method using "the damage has been done so a little more won't make much difference" principle.

Comments (PO): The cumulative effect of the development and others is addressed in the Observations Section of the report. The landscape capacity is just one consideration impacting upon the recommendation. It should be noted that Craig Watch is only at the EIA Scoping stage and that no application has yet been lodged. Clashindarroch II however has been submitted and will soon go to Public Local Inquiry.

Issue: The development will make a very small contribution to overall renewable energy targets given the amount of renewable projects already in existence.

Comments (PO): The proposal would contribute to renewable energy targets and Scottish Government policy is still supportive of onshore wind energy.

Issue: Construction noise will be a nuisance in an otherwise peaceful quiet area.

Comments (PO): Such developments do create a period of busy activity during the construction phase, but a Construction Traffic Management Plan, and conditions about the hours of construction seek to ensure traffic disruption is kept to a minimum.

Issue: Impact of increased traffic in a minor road network. Residents, walkers and cyclists using the Glen Markie road leading to the site would experience disruption. Road improvement would be required to be made.

Comments (PO): Such developments do create a period of busy activity during the construction phase, but a Construction Traffic Management Plan, and conditions about the hours of construction seek to ensure traffic disruption is kept to a minimum. Once operational the development would not generate much traffic, with minimal staff required to operate the windfarm.

Issue: Loss of views. Some objectors would live in full site of all 7 turbines, which would ruin the exceptional landscape.

Comments (PO): It is acknowledged that for some properties and users of the A920 in particular the view south west towards Glen Markie would be significantly altered. Loss of views is not a material planning consideration, although visual impact is assessed. See Observations section.

Issue: Experience of inadequate consultation, and disruption during the installation of the Dorenell grid connection (during which objectors had their water supply dug up, power supplies turned off for days at a time, access track blocked and damaged) and at the end of the day residents outlook severely impacted by pylons means they view this development with trepidation. Previous transmission line works for Dorenell saw damage to roads, helicopters flying over houses carrying pylons and distress caused to locals.

Comments (PO): Issues relating to infrastructure element of a separate project could not be used to refuse the current proposal. A proposal of this scale is likely to be served by a grid connection using wooden poles, and the exact route would be assessed under the separate Electricity Act Section 37 process. The current planning application must be assessed on its individual merits separate from the transmission line consenting process.

Issue: In years to come we will look back on this proliferation of resource exploiting technology as an environmental disaster in its own right.

Comments (PO): In terms of resources, beyond their construction the proposed turbines would exploit only the wind resource.

Issue: No details on where the road might need to be widened or where additional passing places can be provided.

Comments (PO): At a later stage in the application the applicants have provided details of road widening and additional passing places along the Markie road, leading from the A920. A Construction Traffic Management Plan would ensure this work was carried out sensitively.

Issue: Borrow pit at Newton of Glenmarkie will destroy the natural beauty and historic interest of the area. Objectors have family connections to Newton of Glenmarkie. Others visit the Greens of Glenbeg, a site of family significance.

Comments (PO): The proposed borrow pit would sit in a discreet location within the glen, albeit close to the derelict and vacant property referred to. Whilst sympathetic to the objectors concerns, the borrow pit location would occupy land owned by Edinglassie Estate, who are party to the application.

Issue: Impact on flora and fauna including butterflies, bees, moles, slow worms, foxes, deer, hare, rabbits and badgers.

Comments (PO): Any development such as this, which involves invasive work will cause some disruption to flora and fauna. Mitigation and imbedded mitigation in the design do however seek to minimise any impact. See recommended conditions.

Issue: Operational noise from the development. The impact of Amplitude Modulation effect was not properly assessed as part of the Dorenell application. Objector currently experienced nuisance from Amplitude Modulation from Dorenell windfarm and this development would contribute to that. Noise will be intrusive and prevent objectors from having a reasonable quality of life due to the noise generated during the day and at night disrupting sleep.

Comments (PO): Subject to the noise conditions recommended, the noise from the development should not give rise to any statutory nuisance. Furthermore a condition addressing the phenomena of Amplitude Modulation is recommended in the event this occurs. In terms of the assessment of Amplitude Modulation it is not a common occurrence on windfarms, so it is difficult to readily assess in advance. Allegations of amplitude modulation from Dorenell will be investigated separately.

Issue: Impact on elevated views of Auchindoun Castle and degradation of wider landscape setting of this important hilltop site. The proposed windfarm would be visible in the backdrop of any elevated views of the castle looking south east.

Comments (PO): Whilst there will be some elevated views of proposed development and Auchindoun Castle, it is noted the development is not visible from Auchindoun itself. It is not reasonable to prohibit development in any views across the historic asset where the development would not be visible from the asset itself. The proposal does not affect the setting of the castle itself.

Issue: Impact on views from the A920 which is the scenic approach to Moray.

Comments (PO): It is noted that the proposed development will effect the scenic approach to Moray. Viewpoints 4 and 6 from the A920 illustrate this effect.

Issue: The proposal will impact on property values.

Comments (PO): Any possible loss of property value is not a material planning consideration.

Issue: Health impacts of infrared light, low frequency infrasound, inaudible soundwaves and cable vibrations, especially if transmission lines pass houses.

Comments (PO): None of the above have been recognised by the Scottish Government as a threat to health in terms of windfarm development, and given the remote nature of the windfarm, it is not considered to be so material an issue as to warrant a refusal.

Issue: The constant stress of having to deal with the industrialisation of the countryside on such a vast scale is a serious detriment to the quality of life of Cabrach residents which are host to windfarms, with more proposed.

Comments (PO): It is noted that that the planning process seeks participation of residents both before and after planning applications are lodged. It is important to seek their involvement.

Issue: The landscape assessment fails to acknowledge that some of the affected properties are in the same ownership and the application site.

Comments (PO): This has been noted in the planning assessment and the assessment on impact on residential receptors ignores tenure or ownership.

Issue: The cumulative impacts with Craig Watch are not considered. Particular care needs to be made of all the Scoping proposals in the cumulative assessment.

Comments (PO): There are no applications with Moray Council or the Energy Consents Unit received yet, so as such, beyond the EIA Scoping done there are no details of other projects that could be definitively used for a cumulative assessment. Moray Council is aware in its assessments of the various proposals currently at the Scoping stage. These are itemised in the History section of the report.

Issue: Impact on phone/radio signal.

Comments (PO): It is speculative to presume that the proposal, within a relatively remote location and distant from residences and public roads would somehow effect mobile phone signals. None of the statutory consultees have raised an objection in this regard.

Issue: Developer should help neighbours get better internet.

Comments (PO): This would not be a requirement of the development and could not be pursued under the planning application process.

Issue: Erode cultural heritage. Money should be spent to provide homes to bring people back.

Comments (PO): It is unclear how a development such as this would erode the cultural heritage of an area, although the concerns of Aberdeenshire Council and the regional archaeologist are noted. The proposed mitigation includes steps to protect or record any archaeological assets discovered on site.

The landowner of the development has stated their intent to use some of the income to refurbish and re-invest in residences in the locality.

Issue: This development could lead to further expansion and objectors believe the proposal for 7 turbines would lead to more and should be assessed as such. Other windfarms develop incrementally with further expansions such as Clashindarroch II.

Comments (PO): It is speculative to presume that Garbet would expand in the future, and if they sought to do so, this would be subject to a separate application.

Issue: Concern that shadow flicker will affect residential properties.

Comments (PO): Given the distance of the proposed turbines to nearby residences shadow flicker should not be an issue. The hills separating the proposal from many nearby properties also reduces the risk of shadow flicker occurring.

Issue: It should be noted that residences close to the proposed site are occupied by those with links to the estate so any views or conclusions may be unbalanced.

Comments (PO): Anyone has the right to make representations and these will be assessed appropriately. As close residents, they are entitled to express their opinion and it cannot be assumed it is not their own.

Issue: The justification for the Dorenell transmission line route was the need to avoid the Glenmarkie area, it being a more sensitive part of the Speyside Area of Great Landscape Value (AGLV). How can the same landscape now accommodate 190m turbines, contrary to the views of previous consultants for Scottish and Southern Electricity?

Comments (PO): The AGLV designation no longer exists in the Glenmarkie area, and the assessment of the current proposal is being assessed on its individual merits, and not in comparison to adjoining valleys as was the case for the Section 37 process.

Issue: Claims that wind farm developments will regenerate the area are entirely false: they will have the opposite effect and clear the area. Other windfarms in the area, brought disturbance and antisocial behaviour and littering by contractors.

Comments (PO): It is speculative to presume that contractors would conduct themselves in such a manner and this would not constitute a material planning consideration.

Issue: Dufftown and surrounding area is an area of outstanding natural beauty, unchanged for thousands of years. It is this that attracts tourists/visitors to this area. The last thing we want is to be blighted with hundreds of turbines littering our landscape, and they should be located in more urban central belt locations where they would look less out of place. Visitors will be deterred from coming to the area. SPP Paragraph 169 does provide an obligation to consider the net economic impact of a development which must include the impact on visitors/tourists.

Comments (PO): The impact on tourism is addressed in the Observation section below. Alternative locations more appropriate for wind energy may exist, but the current proposal must be assessed on its own merits. See the Observations section re socio-economic impacts.

Issue: No detail has been shared with what future impacts may be experienced connecting the power generated by the Garbet Hill windfarm to the national grid. This may require installation of new power lines (the scale and routing of which is unknown) which could result in further negative impacts to the landscape.

Comments (PO): Noted, and the transmission lines would be subject of a separate Section 37 process under the Electricity Act. Given the scale of the development it is likely to be that transmission lines would take the form of wooden poles.

Issue: The height of the turbines is intrusive and overwhelming and lower height turbines, removing the need for the red aviation lights should be considered. The turbines are too tall.

Comments (PO): The scale of the turbines and assessment of lighting is assessed in the Observation section below. The scale of the turbines whilst very large lie within an enclosed narrow valley, flanked by hills that partially enclose and obscure them from surrounding settled glens.

Issue: Objectors cite various national documents, strategies and guidance for which in summary the “aim is to achieve the right development in the right place; it is not to allow development at any cost.”. Objectors seek to illustrate that, contrary to the applicants’ assertion, national legislation still seeks a measured approach to wind energy proposals. Planning policy is explicit that support for onshore wind is not unconditional whatever weight is attached to energy/climate policy and care should be taken not to focus on submissions that relate only to the promotion of renewables. There has been no shift or diminishment in the emphasis on protection of landscape.

Comments (PO): Noted, and a balanced assessment of Scottish Government legislation and guidance has been taken. It is clear however that the Scottish Government see the need to support onshore wind proposals and see them as part of the way in which to tackle climate change.

Issue: Evidence regarding Dorenell and Clashindarroch windfarms shows that significant constraint payments are made to wind energy companies not to generate electricity when the grid experiences periods of overcapacity. Millions of pounds are paid to windfarm companies not to generate electricity, which brings into question the need and justification for further and continuing windfarm development. There is also other evidence that the case for need for such development is questionable when the focus nationally is for offshore wind energy.

Comments (PO): Constraint payments are not unique to wind energy, and similar mechanisms are in place for other forms of energy production. This matter is not considered to constitute a relevant planning consideration and Scottish Minister Decisions such as that for WIN-140-5 & WIN-140-6 Fallago Rig wind farm make clear that this would not be a reason to refuse planning applications.

Issue: This development would have too detrimental an effect upon the landscape and lies within an unsuitable location.

Comments (PO): See the Observations section.

Issue: There are a high number of holiday lets in the area which could be affected.

Comments (PO): It is speculative to state that the proposed development would be detrimental to holiday lets. See Observation section relating to socio-economic impacts.

Issue: The development is not temporary or reversible.

Comments (PO): A period of operation of 35 years is noted. The infrastructure would be in effect as permanent in nature as any other permanent development.

Issue: Some of the viewpoints have underestimated the effects of the proposal or have been poorly selected.

Comments (PO): See the Observation section.

Issue: Specific responses to each viewpoint by the Cabrach Interests Group and the Belcherrie Farms Partnership are as follows:-

VP1 The Scalp: this is a regularly used walking destination and the turbines are very prominent in this view and completely change the current outlook towards the hills on the horizon (with the current Clashindarroch turbines appearing unrealistically very faint at the right hand edge of the existing photograph).

VP2 Minor Road, Devon Valley: this is a very poorly chosen viewpoint with the tree cover effectively meaning that no significant effects are illustrated. A revised viewpoint should have been selected.

VP3 Minor Road off A941: the turbine hubs and blades would be clearly visible on the horizon and the faint representation of the turbines on the photomontages (being viewed on high resolution screens on a new iPad Air and a new MacBook Air) significantly underplays how they would appear in reality. The turbines would dominate the view up the valley in this visualisation.

VP4 A920 near Wester Bodylair: the turbines would sit in front of the operational Dorenell turbines with Clashindarroch in the corner of the view. The scale difference in the turbines is very obvious as is the stacking effects in all three groups of the Garbet turbines.

VP5 Princess Royal Park Dufftown: the turbines would be a distraction in the view with blade tips cutting across the horizon.

VP6 A920 at Cairnborrow: although this viewpoint is just under 8km from the nearest turbine the effect will be to create a new and highly visible focus in the view along the road. There is significant stacking of the turbines in this view.

VP7 A941 North of Dufftown: this viewpoint is of little use given the existing forest cover - in this respect it is noted that the consultation response from Scottish Forestry confirms that much of the woodland that currently screens some views of the wind farm will be clear felled during what would be the lifetime of the wind farm if permitted. Therefore, no reliance should be placed on this forestry for mitigation of views.

VP8 Tap O North: this viewpoint effectively shows the emerging very complex cumulative situation to which will be added the Clashindarroch Extension and Craig watch wind farm proposals. To any reasonable person this viewpoint shows that this part of Moray is in considerable danger of becoming perceived as one huge, continuous wind farm set in to forestry that none of the wind farm companies control.

VP9 Ben Rinnes: this illustrates the same issue as VP8 although an actual site visit to the summit will establish that there are views to existing wind farms and to the locations of proposed wind farms in all directions. It is considered that the combination of VP8 and VP9 fully justifies the local view that enough is enough when it comes to wind farms.

VP10 The Buck: this is a key location looking out over the Cabrach. At a distance of just under 13km to the nearest turbines these Garbet turbines would half the distance currently intervening between the viewpoint and the Hill of Towie turbines. It is accepted that the much lower operational Clashindarroch turbines are already in the view at a distance of some 6km.

VP11 Ben Aigen: the wireline illustrates the complexity of the evolving cumulative position although the photomontages of turbines at this distance, 13.5km, significantly underplays the reality of what would be seen in real life at the viewpoint.

VP12 Meikle Balloch Hill: this viewpoint, south east of Keith, shows how the Garbet turbines would increase the density of turbines in the middle section of the view. Again it can be seen that parts of Moray are well on the way to being turned into a large scale wind farm.

VP13 B9016 at Aultmore: the horizontal spread of turbines is increased in this view.

VP14 Little Geal Charn: as with VP8 and VP9.

VP15 Carn Daimh: only two blade tips are visible for the Garbet turbines and, therefore, no significant effects are shown in this visualisation.

VP16 Oxen Craig Bennachie: the Garbet turbines are close to 31km from this viewpoint but the cumulative position is again well illustrated.

Comments (PO): See the Observations section re landscape and visual impact assessment. It is agreed from some viewpoints such as Viewpoints 4 and 6 the effect will be significant, and the proposal would be visible and contribute to cumulative effects from the hilltops to the wider area. It is noted that forestry is liable to felling and replanting.

Issue: The proposal departs from policy DP9, where the site is adverse scheme specific and cumulative significant landscape and visual effects (including design effects), and adverse effects on the amenity heritage and landscape of the Cabrach. No material consideration accumulate to justify approval.

Comments (PO): See Observations section. It is considered on balance that the proposal is acceptable.

Supporting comments

Officers note – It is noted that the landowner of the application site has submitted a representation of support toward the proposal. Whilst they may have some commercial interest in the development, they are still entitled to make representation to the planning application process.

Issue: The development will help achieve Scotland's zero emissions target and the proposal seeking to contribute to renewable energy targets is an important one.

Comments (PO): Noted, weight is attached to this factor.

Issue: The climate emergency declared by the Scottish Government means there is a need for the planning system to support onshore wind energy developments.

Comments (PO): This is reflected in much of the current and emerging legislation and guidance. There does remain however within planning legislation, a balance to be struck with other material considerations such as landscape protection.

Issue: The turbines have been sited to reduce impacts on neighbours and the wider landscape, and only 7 turbines is a modest proposal. They will not have too much impact on those who live in the area.

Comments (PO): Noted, and it is noted that the closest neighbouring properties within Glen Markie have made representations of support. The proposal would however be visible from the A920, properties served by the A920 and from other locations such as Ben Rinnes.

Issue: The community will benefit from employment opportunities. The potential socio-economic impact upon the local community will be significantly positive, due to the

community benefit offering and the direct and indirect employment opportunities available through the construction and operation of the project.

Comments (PO): Whilst wind energy development beyond the construction phase, provides limited employment, the benefits are noted. Community benefit is not a material planning consideration.

Issue: Any adverse impacts need to be weighed against wider environmental benefits. The advantages of the proposal far outweigh the disadvantages.

Comments (PO): The recommendation reflects this assessment, where following a comprehensive assessment has been carried out.

Issue: Turbines are sufficiently distanced from properties to avoid impact on human health.

Comments (PO): Noted.

Issue: Reduce local carbon footprint and give better local access to green energy for schools, services.

Comments (PO): The proposal would export directly to the grid, where any electricity consumer would then have the freedom to purchase their supply from green energy providers. No energy from the development would be accessed directly locally, so there is no specific increase locally to green energy.

Issue: Open up new walking and cycling routes.

Comments (PO): A condition seeks an Access Management Plan to protect and enhance access through the windfarm site.

Issue: A relatively small number of turbines are proposed compared to other developments

Comments (PO): The scale of the windfarm has been assessed on its individual merits, and similar in size to other windfarm developments such as Edintore or Lurg hill.

Issue: Green energy is a catalyst for development in the area, creating more employment in the right sectors.

Comments (PO): Beyond the socio-economic benefits described, given the scale of the development it is unlikely or speculative to state the proposal would be a catalyst for other development in the area.

Issue: Rural communities should determine their own energy destiny.

Comments (PO): The proposal was considered within the planning process, which includes public participation via representations and will be determined by publically elected Councillors who form the Committee.

Issue: The proposal would enable investment by the estate into rural housing and refurbishment of existing rural housing and help address a housing shortage in the locality.

Comments (PO): This matter would generally fall under socio-economic benefit and the particular intentions of the landowner are noted.

Issue: The proposed Habitat Management Plan, restorative, mitigating and biodiversity enhancement features will leave a valuable and lasting legacy which will endure well beyond the windfarm.

Comments (PO): The mitigation and enhancement measures proposed are noted.

Issue: It is noted the Moray Council Onshore Wind Energy Non-Statutory Guidance spatial framework identifies this area as being 'likely to be most appropriate for onshore windfarms'.

Comments (PO): Noted, see Observations section of report.

Issue: The emerging National Planning Framework 4 position statement shows clear support for onshore wind energy renewables.

Comments (PO): The position statement is note, albeit NPF4 has not yet been published and NPF3 remains in force.

Issue: The proposal would also avoid deforestation and damage to the surrounding environment.

Comments (PO): Some felling or roadside trees would take place, but it is noted that the site does not encroach or displace any substantive areas of woodland.

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.

As the proposed windfarm is designed to produce less than 50mW it is to be determined under the Town and Country Planning Act 1997 and subsequent legislation rather than under the Electricity Act 1989.

Background

As the windfarm is located immediately adjacent to the local authority boundary with Aberdeenshire, consultation has been undertaken with Aberdeenshire Council and Strathbogie Community Council, in addition to Dufftown and District Community Council. It is intended in the event that Moray Council determined the application favourably, contrary to the significant concerns raised by Aberdeenshire that a further procedure be followed prior to the issue of any planning permission. Notification to Scottish Ministers under The Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015 would allow the Scottish Government to determine whether the Moray Council adequately considered the impact upon the land within the neighbouring authority.

The application was supported by an Environmental Impact Assessment Report, prepared in accordance with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The development was therefore subject to additional procedure and was advertised in the Edinburgh Gazette alongside other EIA planning applications. If the EIA development is considered acceptable, a reasoned conclusion must be reached as to the significant effects of the development on the environment, taking into account the results of the examination by the planning authority of the information presented in the EIA report and any other environmental information.

Pre Application Consultation (PAC)

Prior to submitting the planning application the applicants undertook extensive online consultation with various community groups and communities and have submitted with the

EIA a Pre Application report summarising the details and outcomes of the public consultation undertaken.

Following the Covid 19 outbreak emergency legislation was brought into play allowing for virtual community engagement in 2020, and the Pre application report identifies that contact was maintained with various stakeholders in the local community.

The Pre application report explains that while an earlier consultation event had taken place in May for fourteen turbines, this was followed up by a subsequent event that took place over the period of 10 November to 23 November 2020. This second exhibition reflected the current and proposed design for the Proposed Development, which is seven wind turbines. The earlier consultation event received 14 responses, while the later event more pertinent to the current scheme received 5 questionnaire responses. Responses were also sought from the relevant Community Councils.

There were a mix of views, but no clear theme evolved but responses ranging from support for onshore wind, concern about any further wind turbines in the area, noise from turbines and concerns over the transmission lines connecting any windfarm to the national grid.

Beyond the PAC the application submissions include a Design and Access Statement, Planning Statement, Environmental Impact Assessment Report (EIA Report) with figures, appendices and a 'non-technical summary' of the EIA Report.

Relationship of proposal to national renewable energy policy/guidance

There is a wide range of guidance, strategies, plans and papers relating to onshore renewables that Moray Council are aware of and have informed this recommendation report.

International and UK policy frameworks are generally supportive of renewable energy proposals which help to facilitate a transition to a low carbon economy. National Planning Framework (NPF3) for Scotland sets out the spatial strategy for Scotland's development. NPF3 makes specific reference to onshore wind energy having an important role in delivering the commitment to a low carbon energy generation. The November 2020 Position Statement on the 4th National Planning Framework indicates that measures to address climate change and reduction of carbon emissions will be accelerated.

The Climate Change (Scotland) Act 2009 places a duty on public bodies to act sustainability and meet emissions targets including a requirement to achieve at least an 80% reduction in greenhouse gas emissions by 2050 (over 1990 levels). Beyond the NPF3 there are a number of considerations relevant to the Section 36 process, which are taken into account in arriving at the below recommendation. They are The Scottish Government's Programme for Scotland 2020-21, The Environment Strategy for Scotland, February 2020, Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, Scottish Government Climate Change Plan (2018), Scottish Government Onshore Wind Policy Statement 2017 and Scottish Energy Strategy (2017). These generally stress the need to reduce carbon emissions (for which wind energy will clearly play a part) but do qualify this with the need to protect landscapes, built and natural heritage, residents and other interests.

The commitment to the creation of a low carbon place is reiterated in Scottish Planning Policy. The applicants submissions regard national policy as being significant and

supportive of this proposal where this development, as a proven technology providing a source of safe and locally produced renewable energy for many years, will make a significant contribution towards renewable energy production at the national and local level. Whilst it is noted that some targets have been met for renewable energy production it is noted that the Scottish Governments guidance in pursuit of renewables has not diminished support for renewable energy proposals.

The applicants have submitted a Planning Statement which identifies the pertinent national policy and guidance in relation to the onshore wind energy proposals. Consideration has been given to these various policies and guidance documents. Of particular note is a recurring theme in favour of renewable energy proposals.

Scottish Planning Policy (SPP) requires that “planning should direct the right development to the right place”, which is an important issue in this proposal. The policy principles set out for “Delivering Heat and Electricity” in SPP include;

- Support the transformational change to a low carbon economy, consistent with national objectives and targets.
- Support the development of a diverse range of electricity generation from renewable energy technologies including the expansion of renewable energy generation capacity and the development of heat networks.
- Guide developments to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

(SPP) requires planning authorities to set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following a set methodology (para 161). This has been done through the spatial framework included within the Moray Local Development Plan 2020, with the proposal site partially located within an area with potential for wind farm development of turbines over 35m to tip height, with no upper height limit identified. This is a broad-brush approach required to comply with Scottish Planning Policy and covers approximately 40% of the Moray Local Development Plan Area.

SPP (para 162) recognises the limitations of the strategic spatial framework and further requires that local development planning authorities should identify where there is strategic capacity for wind farms and areas with the greatest potential for wind development.

The detailed mapping of constraints and guidance on areas with greatest potential is set out in the Moray Onshore Wind Energy Guidance 2017 (MOWE), with the proposal site located partially within an area identified as having opportunities for extension and repowering. Of note, as identified in the consultation response from Strategic Planning & Development the 2017 MOWE and Landscape Capacity Study are currently non statutory guidance and are under review. They still do however represent the most detailed and up to date guidance on wind energy landscape capacity in Moray.

Moray Local Development Plan and other material considerations

Principle of Renewable Energy Proposal (PP1 and DP9)

Policy DP9 Renewable Energy states that all renewable energy proposals will be considered favourably where they meet criteria identified in policy. DP9a)i) states that proposals should be compliant with policies to safeguard and enhance the built and natural environment, while DP9a)iii) gives a list of impacts that must be avoided to prevent

an overall unacceptable significant adverse impact occurring. This list of possible impacts relates to many of the chapter headings contained in the applicants EIA Report and the observations below. For completeness however, they are as follows:-

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

The policy in recognising the contribution of renewable energy to wider national carbon reduction targets and benefits to the local economy view favourably wind energy proposals subject to criteria discussed below.

PP2 Sustainable Economic Growth states “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”. As this site needs to fit with the many other windfarm site requirements, the locational need is justified by virtue of the Spatial Strategy area of search for wind energy in which the site is positioned. The need to power any economic expansion with renewably sourced power justifies the need for such proposals.

Landscape and Visual Impact Assessment LVIA (DP1, DP9 and supplementary guidance)

The MLDP 2020 approach within policy DP9 Renewable Energy toward wind energy proposals specifies the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity.

Similarly policy DP1 Design Principles seeks to ensure that the design of any development is appropriate to the landscape in which it is set. The proposal had initially been advertised as a potential departure from this policy, given the height of the turbines exceeds the height advised as appropriate to the capacity of the landscape in which they were set.

Landscape and Visual Impact Assessment (LVIA) for onshore energy proposals in Moray is assessed against Moray Onshore Wind Energy 2017 Policy Guidance (MOWE) and The Moray Wind Energy Landscape Capacity Study 2017 (MWELCS) which is a technical appendix to the MOWE.

Detailed mapping of constraints and guidance on areas with greatest potential is set out in the Moray Onshore Wind Energy (MOWE) Policy Guidance 2017. This is non statutory Supplementary Guidance forming part of the MLDP 2020 and the Landscape Capacity Study is a material consideration, referenced in policy DP9.

Garbet differs from other windfarms in that rather than occupying a plateau, ridge or hilltop, all seven turbines lies within a narrow glen, which is well enclosed other than at its north east side where it opens out towards Cairnborrow. Much of the negative impacts to

be avoided under DP9 and as listed above are reduced by the containment provided to the site by its presence within the valley.

By way of illustration the proposed turbine bases all sit approximately between 320 – 380m AOD. The surrounding summits are Hill off Mackalea to the west 467m, The Scalp to the south west at 480m, Garbet Hill to the south at 501m and Craigwatch also south too at 468m with Tom Mor to the east at 367m. So even the base of the most elevated turbine would sit 120m below the summit of Garbet Hill (being the tallest bounding the valley). So even at 190m the turbines sit within the glen with all but one of the hub heights below 500m.

The proposed development is located within the Open Uplands with Settled Glens Landscape Character Type (LCT) 12b identified in the 2017 Moray Wind Energy Landscape Capacity Study (MWELCS).

The constraints and guidance for development set out in the MWELCS for this LCT include:

- The shallow farmed and settled basin of the Cabrach where the scale of the landscape is reduced by a more distinct land cover pattern and by small farms and houses.
- The hills on the outer edges of this LCT which backdrop the more sensitive settled and smaller scale landscapes lying to the south-east of the Fiddich and the Deveron valley.
- The visual prominence and setting of The Buck, a landmark hill.
- The setting of the historically important Auchindoun Castle which lies close to the southern edge of this LCT.
- The 'sense of arrival' associated with panoramic views from elevated sections of the A941 and A920 when crossing into Moray.
- Cumulative effects with the consented (now operational) Dorenell wind farm which will occupy an extensive part of this LCT and with the operational Clashindarroch wind farm in Aberdeenshire.
- The proximity of the Cairngorms National Park and the setting of the Ladder Hills and Glen Buchat to the south of this LCT.

It is concluded that the proposed development would not significantly affect the landscape constraints listed in the first four bullet points. It would however adversely affect the 'sense of arrival' experienced from the A920 and it would also have cumulative effects on some views when seen together with the operational Dorenell or Clashindarroch wind farms. The proposal would not significantly affect the Cairngorms National Park, the setting of the Ladder Hills or Glen Buchat.

Landscape effects

The LVIA finds that significant effects would arise on part of the Open Uplands with Settled Glens LCT. No other LCT lying within Moray would be significantly affected by the proposal.

It is agreed that significant adverse effects would be likely to arise on the Open Uplands with Settled Glens LCT with no other LCTs within Moray significantly affected. The proposed development is located in the narrow upland glen of Glen Markie. It would have a particularly severe and dominant effect on the character of this small-scale and secluded glen. Significant adverse effects would extend approximately 2-3km from the application site where this proposal would introduce new large-scale infrastructure affecting the

present openness and perception of naturalness associated with the immediately surrounding hills which have a larger scale than Glen Markie.

Effects on designated landscapes

The LVIA concludes that the proposed development would not have any significant adverse effects on designated landscapes including the Cairngorms National Park and Special Landscape Areas (SLAs) in Moray and Aberdeenshire (detailed assessment having been undertaken of the Ben Rinnes and Deveron Valley SLAs in the LVIA). Moray Council agrees with this conclusion.

Effects on visual amenity

Technical Appendix 6.2 of the EIA-R sets out the detailed appraisal of effects undertaken from 16 representative viewpoints. Significant effects are judged to occur on views from Viewpoints 1, 3, 4 and 6.

The proposed development would comprise a relatively small and isolated group of turbines. Visibility would not be extensive due to the location of the turbines within a deeply incised glen. The nearby hills of the Scalp, Craig Watch and Garbert Hill would additionally screen views of the turbines from lower elevation roads and settlement, for example from Dufftown. There would be no visibility of the turbines from the Scheduled Auchindoun Castle or from Glen Rinnes. Visibility from the nearby Deveron valley and from the A941 between Cabrach and Dufftown also appears likely to be minimal.

In many of the viewpoints selected for detailed assessment in the LVIA, the towers of the turbines would be partially screened by landform due to their location within Glen Markie and this reduces intrusion to some degree. The development would also commonly be seen together with other nearby operational wind farms which also reduces visual sensitivity.

Although the location of the proposal within Glen Markie limits visibility, significant adverse effects would still occur on views from the following locations within Moray:

- Views from Ben Rinnes – although the proposed development would lie some 12km from the summit of Ben Rinnes, the turbines would be noticeably larger than other turbines and would be likely to appear as close as the operational Dorenell wind turbines in the view. The Dorenell wind turbines have a defining influence on this view due to their proximity, size and number. Whilst this proposal would not be as extensive as the Dorenell wind farm in the view, it is considered that the magnitude of change would be medium rather than the low judged in the LVIA and the effect on high sensitivity receptors would be significant and adverse.
- Views from the Cabrach area – Viewpoint 3 is located on a minor road off the A941 which forms the route of a Core Path. Moray Council is in agreement with the LVIA that effects would be significant from this viewpoint. This proposal would contribute to cumulative effects with the operational Clashindarroch wind farm in this view.
- Views from The Scalp – While not formally promoted as a walking route, this hill does attract walkers particularly as its summit is marked by a trig point. The turbines would be very close (1.2km) to the summit of the hill and the viewpoint is located well above the turbine bases giving an impression of looking down on the development. Movement of blades and associated noise would add to the effects on receptors.

While it is noted that there would likely be little visibility of the turbines from Dufftown, as evidenced by Viewpoint 5, a greater extent of the proposal would likely be seen from the hills of Little Conval and Meikle Conval which lie close to the town. These hills are popular

with walkers and the turbines would lie approximately 8.5km distance with potential significant adverse effects possibly arising.

In addition to the significant adverse effects likely to occur on representative viewpoints located in Moray listed above, the orientation of Glen Markie would result in more severe impacts on views from the north-east and particularly from the A920 as it approaches Moray from Aberdeenshire. This route forms one of the scenic approaches to Moray identified in the MWELCS. While Viewpoints 4 and 6 in the EIA-R, which illustrate effects on views from this route, are located in Aberdeenshire the view looks toward the scenic folded hills of Moray. Moray Council agrees with the LVIA that effects would be significant from Viewpoints 4 and 6.

Effects on nearby residential properties

There is one occupied residential property lying within 2km of the proposal, Wester Braetown (albeit Easter Braetown lies close to Wester Braetown and just beyond 2km). The effects of the proposal on the visual amenity of this property are considered in the Residential Visual Amenity Assessment (RVAA) in EIA-R Technical Appendix 6.3. This finds that significant effects would occur on views from the property, its immediate surrounds and access during the day but that the effects of night-time lighting, while visible, would not be significant. The RVAA concludes that the proposed development would not have an overbearing effect on the property. Following a visit to the property, which is orientated toward the south east, Moray Council agrees with the conclusions reached in the RVAA. Easter Braetown, beyond the 2km is similarly orientated, with trees covered between it and the site also.

While there is only one occupied residential property lying within 2km of the proposal (and therefore considered in the RVAA), a number of properties located on the south-facing hill slopes north of the A920 (mainly within Aberdeenshire) could have relatively close views (within approximately 5km) of the proposal. The nature of views would be similar to those depicted in Viewpoints 4 and 6 and significant adverse effects are likely to arise on visual amenity.

Residential properties located in the Haugh of Glass area closer to the River Deveron would be unlikely to be significantly affected due to the screening provided by tree belts and woodland. This is demonstrated in EIA-R Figure 6.5.A.

Lighting of turbines

Five of the turbines would have visible aviation lighting with lights fixed to the turbine hub only. The Lighting Strategy proposes reduced intensity lighting to 200 candela during clear conditions with 2000 candela lighting used in poor visibility. In addition, directional lighting would be used with a focussed horizontal beam of light likely to reduce the intensity of lighting seen from lower elevation locations. This should assist with concerns about light pollution affecting dark skies, by reducing upward illumination.

The Night-time lighting assessment set out in Technical Appendix 6.4 considers a wide range of landscape and visual effects. Night-time visualisations have been produced from two viewpoints from a minor road near the Cabrach and from the A920. Both these viewpoints are from lower elevations and no night-time visualisations have been produced from popular hill routes and summits, for example Ben Rinnes, Meikle Conval and Little Conval where Figure 6.4.C indicates greater intensity of lighting. The Night-time lighting assessment concludes that there would be a localised significant effect arising on part of

the Open Uplands with Settled Glens LCT and no significant effects arising on views, including views from recreational routes and hill summits.

The night-time photomontages in Figures 6.4Fa and 6.4Ga (viewpoints N3 and N4) demonstrating the effects of 200 and 2000 candela lighting seem overly muted when compared with night-time visualisations and experience of other lighting such as was experienced at Hill of Glaschyle windfarm.

The wind farm site and its immediate surrounds are sparsely settled with low levels of night-time lighting and the effect of introducing lighting in a context where dark skies are present is a concern. No other operational or consented wind turbines within Moray are large enough to require lighting and it is considered that there may be significant adverse effects arising on the qualities of wildness appreciated from the less developed uplands centred on Ben Rinnes where the illuminated turbines will be visible and the lights most intense. While fewer walkers are likely to be present on these hills at night, it is observed to be a growing trend for people to visit upland areas with low light levels at dusk (and to camp out overnight) to experience the night sky.

Cumulative landscape and visual effects

The LVIA considers two cumulative scenarios and combined effects of the proposal with other operational, consented and application-stage wind farms. Significant combined cumulative effects are considered to occur on parts of the Open Uplands with Settled Glens LCT, from hill summits, including Ben Rinnes and Ben Aigan, from minor roads in the Deveron valley and from some recreational routes.

Cumulative effects would principally arise with the operational Dorenell and Clashindarroch wind farms seen sequentially from roads within the Cabrach area and Deveron valley between Haugh of Glass and Bridgend and particularly from hill summits and elevated walking routes. The limited extent and partial screening of turbine bases reduces the contribution this proposal makes to significant combined cumulative effects when compared with more extensive operational and application-stage developments which are generally sited in more prominent locations.

Conclusions on LVIA

The siting of this proposal (together with its limited number of turbines) generally reduces the extent of visibility and degree of visual intrusion from key viewpoints within Moray. While there would be likely to be significant adverse effects arising on views from the A920, the Cabrach area and from Ben Rinnes and the uplands lying within 10km of the proposed development site, views will in the main be relatively confined. The proposed turbines are very large although their location within a valley provides partial screening of turbine towers by surrounding uplands in most views limiting the appreciation of their size. The exception to this is views from the north-east from Aberdeenshire, particularly from the A920 (which is defined as a scenic approach to Moray in the MWELCS) and from dispersed residential properties located on the south-facing slopes north of this road. The application site and the surrounding area have notably dark skies and the likely effects of aviation lighting on views is a concern, particularly from the popularly accessed hills, including Ben Rinnes, where small numbers of walkers may choose to stay on the hill to view the night sky. The night-time visualisations produced in the EIA-R do not fully demonstrate the likely effects of lighting.

Conclusions on compliance with DP1, DP9

While this proposal would have some significant adverse landscape and visual effects, including some non-compliance with the key constraints identified in the MWELCS, the siting of the turbines in Glen Markie minimises the extent and severity of these effects. Whilst it is recommended that objection on the basis of landscape and visual grounds is not merited, any consent should be predicated on the following conditions:

- The applicants should actively consider further mitigation of visible aviation lighting, taking advantage of any progression in current negotiations with the CAA undertaken by other wind farm developers on radar activated lighting which would significantly reduce the duration of lighting.
- The requested 100m micro-siting allowance may be too great given the location of the turbines within Glen Markie as this could potentially increase visual intrusion in key views. It is therefore recommended that any micro-siting of the turbines should only be agreed on the basis of detailed ZTV and wireline visualisations being produced to demonstrate that no change occurs to currently predicted views from key locations including Auchindoun Castle, Glen Rinnes, the Deveron valley (Viewpoint 2), Ben Rinnes (Viewpoint 9) and Dufftown (Viewpoint 5).

Noting the concern about lighting it is observed from the various viewpoints and Zone of Theoretical Visibility (ZTV) map that hub (where lights would be positioned) are largely obscured from the surrounding valleys and roads (with the exception of views from the A920 and north east and hilltops) such that this extent of the issue would not constitute grounds for refusal. Moray Council has since learnt that there is scope for developers to pursue a reduced lighting scheme following consultation with the Civil Aviation Authority and Ministry of Defence, and noting the proposed 190m turbines sit within a valley in which generally the lower half – two thirds of all turbines sit below the summit of nearby Garbet Hill, there appears scope to pursue this reduction. The Civil Aviation Authority have recently, for the proposed Bhlaraidh Extension wind farm in Highland (180m high turbines), accepted an aviation obstruction lighting scheme, consisting of infra-red lights to mark the perimeter of the development due to similar concerns. A condition pursuing a review of this requirement is recommended.

Similarly regarding micro-siting, the relevant condition will carry with it a caveat that for the micro-siting of turbines, any repositioning such that their locations would move uphill by a vertical distance greater than 5m require greater analysis as described above.

Noting all of the above, as the impact upon the views of the proposal on the A920 scenic route into Moray occur for a short stretch of the overall road, and the LVIA significant impacts occur within a localised area within Aberdeenshire to the north east, it is not considered appropriate to identify the proposal as departing from policies DP1 and DP9 where the extent of any negative impact is localised. It is noted that there would be some cumulative landscape and visual effects from summits surrounding the site also, but the windfarm would be relatively well contained and compact. This assessment takes into consideration Aberdeenshire Council's response covering the landscape, visual and cumulative concerns from the north east and this is considered elsewhere in the report. The affected road and majority of properties are all 5-10km away from the site.

Policy DP9 does seek to consider renewable energy proposals favourably but only where the significant adverse impacts are considered acceptable. For the reason stated above it is not considered the proposal departs from DP9 and by association DP1.

Impact on residential amenity including noise, shadow flicker (DP1, DP9 and EP14)

SPP paragraph 164 states that “individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining windfarms and development management considerations accounted for when determining individual applications”. This, for Moray, is reflected in the material considerations in the form of the MOWE and the MWELCS which seek to direct wind energy development into the interior of Landscape Character Types.

Policy EP14 Pollution, Contamination and Hazards states that for all 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. The proposal has been accompanied by both imbedded mitigation in terms of its siting and design, and proposes further mitigation. For residential amenity, the siting of the proposed turbines lies close to several properties, at Wester and Easter Braetown (although it is noted that these properties lodged representations of support for the application).

Following consultation with the Environmental Health Section, and consideration of Chapter 14, where it is noted that dwellings are located more than 10x the rotor diameter, a precautionary condition is imposed regarding shadow flicker.

Similarly, consideration of the information regarding noise under Chapter 11 Noise, the Council's Environmental Health Section have not objected to the windfarm on the grounds of noise subject to conditions enabling the monitoring and enforcement of noise limits to various properties. Conditions also cover construction times, blasting, Amplitude Modulation noise, and shadow flicker.

Subject to these conditions the safeguards amenity afforded by policy DP1, DP9 and EP14 can be mitigated against to ensure no departure from policy occurs.

Impact on natural environment (EP1, EP2 and EP12)

In EP1 Natural Heritage Designations there are no international, national or local environmental designations present. A number of Groundwater Dependent Terrestrial Ecosystems (GWDTE's) were noted, areas of bog as well as other habitats such as riparian woodland along the small water courses running through the site.

Policy EP12 Management and Enhancement of the Water Environment, and EP2 Biodiversity seeks to ensure proposals do not have an adverse effect on protected species. The EIA Report identifies also 2 opportunities to restore or maintain wetland habitat at a previous peat extraction and land drainage area which will be restored and reversed. Mitigation inclusive of safeguarding zones around certain features will be provided under the schedule of mitigation.

The EIA Report records a variety of aquatic, ground and ornithological species present on site. Chapter 10 Ecology of the EIA Report demonstrates that a range of surveys were carried out and details the survey work undertaken in the preparation of the EIA Report. These surveys have informed the responses from SEPA, Nature Scot and the RSPB, which have not opposed the development, but in some cases, sought additional measures to ensure the impacts of the development are mitigated and monitored (see conditions).

The schedule of mitigation covers a wide range of mitigation issues, as well as useful data collection on fisheries, bats, ornithology and other species to aid the delivery of the habitat management plan. Of note some environmental enhancements are proposed, such the restoration of a former peat extraction area near The Scalp where bare rock and hags will be restored and the re-wetting of previously herringbone drained area of Swiles of Glenmarkie leading into some eroded gullies. Ditch and gully blocking will allow this area to restore its wetland features.

Some riparian trees planting is also proposed along the Markie Water, and this will enhance the habitat there for species such as bats and provide greater bankside stability and cover for freshwater fish species. This is contained within the Habitat Management Plan for which conditions are recommended to ensure its implementation.

It is therefore not considered that the proposals depart from policies EP2 and EP12.

Flood Risk and surface water drainage (EP12)

EP12 Management and Enhancement of the Water Environment covers issues of drainage and flooding. The site is identified on SEPA's flood maps as being at risk from localised minor flooding around the small water courses upon the site. It is noted that the applicants have confirmed sufficient capacity within the 3 water crossing to allow free flow of flood water, however, it is noted that SEPA have requested a condition of any consent regarding the design of water crossing, while the Councils Flood Risk Management Team seek definitive details to be contained within a finalised Drainage Impact Assessment. SEPA has asked that the design not be culverts as proposed.

No departure from Policy EP12 is anticipated where the above approach is followed. The EIA Report refers to various imbedded and proposed mitigation measures that would be identified in any detailed Construction Environmental Management Plan. This would cover matters such as pollution prevention, runoff and sediment management, site drainage and management of concrete works. While the approach is detailed in the EIA Report, the definitive detail for each turbine base would need to be shown once any micro-siting had been determined.

The mitigation measures identified in Chapter 15 of the EIA Report give adequate assurance.

It is likely that the proposed substation and welfare building would propose to use a new septic tank and soakaway. The consideration of individual septic tank and soakaways is now dealt with more thoroughly under Building Standards Regulations, and if the proposal is to commence then there would be a need for a Building Warrant for the proposed building which would include the design and specifications of the proposed foul drainage. Condition 4 seeks confirmation of foul drainage arrangements for the substation building. No departure from policy EP12 has therefore been identified.

Water Supplies (DP1)

Policy DP1 requires adequate protection of water resources and a Private Water Risk Assessment was also undertaken which concludes that no known private supplies should be affected. Figure 8.6 shows the water abstraction locations and provides a buffer to those to ensure they are protected. A condition is further recommended to ensure the water abstraction areas are protected.

The safeguarding proposed ensures that no departure from DP1 in terms of water supplies should occur.

Impact on cultural heritage (EP8 and EP10)

Policy EP8 Historic Environment seeks to protect historic and archaeological assets. EP10 Listed Buildings states that development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Structures such as windfarms have the potential to affect the setting of listed buildings and other cultural heritage assets some distance away.

Within Moray there are several heritage assets within proximity of the site, and most notably Auchindoun Castle to the north would not be within direct line of the site of the proposed development. Whilst elevated views of the castle may include the development, the lack of inter-visibility means the castle and its setting are unaffected.

Chapter 7 of the EIA Report Cultural Heritage acknowledges there are a number of archaeological features within the vicinity of the site. Following consultation with the Aberdeenshire Council Archaeology Service, they raised concerns that the assessment had not been thorough, nor had the 10km search radius been adequate. They have specifically raised concern about the hill fort at Craig Dorney (Aberdeenshire HER NJ43NW0016), circa 1.5 km to the east of the development boundary, which is classed a site of regional importance (and which is currently in the process of being assessed for suitability for designation as a scheduled monument), and the two areas of settlement and field systems classed regional importance, to the southeast and northwest of the development site (Moray HER NJ33SE0005 and NJ33NE0002). Consultation with the Regional archaeologist identified other assets within proximity to the application site, but following visits to many of the assets and the locality, it is clear that the extent to which the proposal would impact upon them, or views, was marginal.

A Cultural Heritage and Archaeology Addendum was submitted by the applicants, relating primarily to possible impacts from Craig Dorney Hill Fort, south east of the site in response to earlier concerns raised by the Aberdeenshire Council Archaeology Service. This did not however alter the above concerns of Aberdeenshire Council when their Infrastructure Services Committee issued their response in June 2021. It is noted that Aberdeenshire Council raised archaeology and built heritage impacts as an element of the significant concerns they raised with the application but did not object outright to the windfarm on this basis.

The assessment falls though to whether the impact on these assets are affected to the extent that the proposal constitutes departure from policies EP8 and EP10. This site as mentioned elsewhere involves grouping of 7 turbines in a well contained valley (other than to the north east) and given the presence in the wider locality of more open and elevated wind energy proposals it would be unreasonable to say Garbet excessively impacted upon their status setting. Viewpoint 8 from Tap o Noth, a historic hill fort site, shows the presence of other windfarm development such as Clashindarroch which have already impacted upon the wider setting of the asset. With due respect to Aberdeenshire's concerns we do not consider that the impact is so significant as to warrant refusal on these grounds.

Craig Dorney Hill fort is much closer and the sense in which its stasis could be affected by the development is better understood. However, as it lies 2km from the nearest turbine, is

separated from the turbines by Craig Watch Hill and has yet to be designated as scheduled monument this again would require careful consideration.

Some of the smaller archaeological assets may be closer to the site, but it would be difficult to sustain a refusal where they are not physically being disturbed.

The proposed schedule of mitigation already volunteers a written scheme of archaeological works to address any assets found within the site.

Policy EP8 Historic Environment states “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”. In this case it is considered that the integrity of the assets setting, largely remote from the site itself, would not be compromised so as to constitute a departure from EP8.

Access and traffic impacts (DP1)

Policy DP1 Development Principles (ii) and its associated appendix in the MLDP 2020 identifies the transportation requirement for development in Moray. It is noted that the Chapter 12 traffic part of the EIA Report and associated technical appendices/figures consider the transportation matters of the development. The site is unique that in much of the route leading to the site is via Aberdeenshire, with only a short section of minor road being used within Moray.

The majority of the length of the proposed access route for turbine components is via Trunk Roads and public roads under the control of Aberdeenshire Council. However the final section of the route is via single track road, the U94bH Burnside of Markie Road, which lies within Moray. This single track road is narrow with limited passing opportunities. The road has not been formally constructed and there its ability to bear the weight of significant numbers of HGVs which would be associated with the construction of the proposed development, is at this time unknown.

Information has now been submitted as part of this planning application which provides initial details of the extent of the engineering works required to this single track road to enable safe delivery of the turbine components and the use of the road by construction vehicles, including the details of areas where there will be a need to remove trees adjacent to the public road to facilitate the engineering works to upgrade the public road to an acceptable standard or enable the delivery of the turbine components.

It should be noted that the use of existing private accesses and road junctions as passing places, as indicated on drawing 14760-001, is not accepted and additional passing place locations will need to be identified. New and upgraded passing places are required to be to the HGV standard (minimum 6 metres wide and 20 metres in length with 10 metre tapers at each end). Third party land may be required to meet the required standard.

For road widening the section alongside the public road shall be constructed to the Moray Council roads adoption standards. Wider areas which will be covered over when no longer in use can be constructed using unbound materials.

Road Bond/Security

Prior to the commencement of any part of the development, evidence shall be provided to confirm that a Bond or other financial security has been agreed by both parties (Developer and the Roads Authority) and put in place to cover the construction period of the development and to be called in the event that the developer fails to meet their obligations under the Wear and Tear Agreement to maintain the road in a safe condition during the construction phase of the development and to restore the road to its original predevelopment condition within 1 year of the completion of construction or the development becoming operational. The bond/security shall relate to the full extent of the U94bH Burnside of Markie Road with the Moray Council area and is required to mitigate the potential risks from damage to the public road occurring during the construction phase of the development. It should be noted that Aberdeenshire Council may wish to make similar arrangements for the roads within their area.

It is noted that Aberdeenshire, as Roads Authority will have to separately consider and consent and the applicant will have to make applications (most likely under the 1984 Roads Act) to widen and alter the public carriageway. The applicants are aware of the need to liaise with Aberdeenshire Council in respect of abnormal load deliveries, and officers would liaise with Aberdeenshire Transportation staff in this regard.

Subject to the details/action required in conditions, the provision of a roads bond and compliance with the Construction Traffic Management Plan, the proposals will accord with policy DP1.

Paths and access (PP3, DP1 and DP9)

Both policies DP1 Developer Requirements and PP3 Infrastructure & Services require new development to public access through new developments to be enhanced or protected. Policy DP9 Renewable Energy seeks to ensure that wind energy proposals do not impact upon public access to upland areas.

Chapter 14 Other Issues covers access and Chapter 13 Socio-Economics, Tourism, Recreation and Land Use of the EIA Report has provided information relevant to impact on paths on or near the site. A detailed assessment of existing path networks has been carried out, and other land uses.

There are currently no core paths passing through the site, but the opportunity to enhance access exists, and to this end a condition has been imposed seeking an access management plan. The applicants have also committed to the formation of improved access, and formation of passing places on the public road network which would aid local residents in the long term by improving the Markie Road.

As there are no through-roads or paths leading out of Glen Markie at present there will be limited impact on walkers in the site area. It is noted from representations that walkers do climb The Scalp on the west side of the site. Any increased access to this area as a result of the development would be on the understanding that users were sharing tracks with the windfarm.

No conflict with the above policies PP3, DP1 and DP9 are foreseen, and an opportunity for enhanced access to Glen Markie via an access management plan, involving the Moray Local Access Forum to ensure local representation.

Impact on soil resources/minerals (EP16)

Policy EP16 Geodiversity and Soil Resources states that for large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including, if necessary, measures to prevent the spread of invasive non-native species.

The formation of many new tracks, proposed formation of the turbine and crane pads, and upgrading of existing tracks have led to permission being sought for up to 2 borrow pit search areas.

A technical assessment of borrow pits is contained in within Chapter 8 Geology, Hydrology (including flood risk) and Hydrogeology of the EIA Report inclusive of reference to their restoration following completion. The borrow pit areas have been located to avoid deep peat and more sensitive areas and are in relatively discrete areas, out of view from residences and public roads.

It is intended to submit Construction Environmental Management Plan (CEMP), and is supported by a Peat Management Plan (Technical Appendix 8.2) submitted by the applicants, which propose monitoring of peat stability and compliance with best practice and mitigation proposed being adhered too. A Peat Slide Risk plan (Fig 8.120) was also carried out which will inform the CEMP. Therefore in relation to soil resources the proposal would not conflict with the requirements of policy EP16 and conditions are recommended to ensure SEPA's comments re peat are addressed in terms of the avoidance of deep peat.

The micro siting conditions have been specifically worded to allow the positioning of tracks outwith areas of deep peat, and any micro-siting would also be vetted to ensure other contrarians such as water courses were avoided. Any micro-siting would have to involve the site Ecological Clerk of Works (ECow) to oversee/advise on such micro-siting allowances.

Impact upon Woodland (EP7)

Policy EP7 Forestry, Woodlands and Trees is relevant to the issue of any felling that may take place. There is little impact on forestry or woodland, with the site occupying open moorland.

There is no felling proposed on the site itself, although it is noted, that for the enabling works along the minor public road, some very limited felling may be required by the roadside. A condition relating to the Construction Environmental Management Plan seeks clarity on the number and location of trees felled, alongside identification of appropriate replanting and compensatory planting. Looking at the positions of the proposed road widening and new passing places, this would not affect a substantive number of trees.

As part of proposals to improve the habitat within the site, the applicants propose to carry out some riparian planting of native trees species along the edges of water courses within the site. The number of trees is not disclosed, but as this will occur under the Habitat Management Plan, which includes creation of an appropriate steering group, such matters will evolve with the Habitat Management Plan implementation.

Subject to the conditions recommended, the proposals comply with the requirements of policy EP7.

Social and economic issues (DP9)

Policy DP9 Renewable Energy states that the contribution proposals make towards meeting renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment is a consideration. Similarly this must strike a balance with protecting the natural and built environment. Noting the economic activity the proposals would generate during construction, in terms of any concern over the impact it may have upon recreation and tourism it is worth noting the recent decision of the Scottish Government in relation to Pauls Hill II windfarm. The Reporter concluded that notwithstanding the proximity of the development to specific tourist accommodation, more generally there is little evidence to suggest that wind energy proposals harm or deter tourism.

Concern has been expressed about the possible negative impact or deterrent the proposal may constitute to self-catering and other tourist accommodation in the area.

Notwithstanding the above, it should be noted that the development largely occupies unoccupied Glen Markie (with the exception of housing at Braetown) with all other residences some distance away or largely obscured from the proposal. It is not therefore considered that the development would be overly disruptive to tourist accommodation in the area.

As identified in the landscape and visual assessment above, the proposed windfarm extension will incur relatively limited significant adverse landscape and visual effects. Therefore any negative impacts, if they were to occur, would be limited. The applicants refer to the benefits resulting from the Community Benefit Fund, but this has previously been held by the Scottish Government not to be appropriate as a consideration in the planning assessment stage.

The applicants have submitted in their Chapter 13: Socio-Economics, Tourism, Recreation and Land Use the case that Garbet windfarm would make a positive contribution to the local economy.

The applicants make, by now, what are well established points over the supply chain, land rental, multiplier effects, economic stimulus generated from the expenditure of additional employment income) during construction and to a lesser extent, decommissioning and to indirect effects on recreational use and tourism related business during construction, operation and decommissioning. They also state that the proposal makes a contribution to the alleviation of the adverse consequences of climate change. This point goes to the heart of whether you consider onshore wind energy an appropriate solution to the climate crisis, and national guidance, which the local authority must presume to follow, identifies that onshore wind energy is part of the solution to address wider climate change issues.

Chapter 13 states that the appointment in due course of Operations and Maintenance contracts for the development would create “some direct full-time skilled jobs for the local area” but does not state a number. It is reasonable to conclude that some long term employment will result from the development, but given the scale of the development, this may be low in number.

It is not considered that there are any social-economic issues that would depart from policy DP9.

Aviation Issues (DP9 and EP15)

Policy DP9 seeks to ensure that renewable energy proposals avoid any impacts resulting from aviation and defence constraints including flight paths and aircraft radar.

EP15 regarding MoD safeguarding is unaffected due to the distance of the site from RAF Lossiemouth and it not lying within line of site of radar.

The EIA Report acknowledges potential effects of the wind farm upon aircraft activity including low flying (the proposal raises no concerns with radar). While aviation conflict is a specific issue within policy DP9, the Council ordinarily relies upon the expertise of the MoD and other aviation bodies to form a view on the matter. As the Ministry of Defence and National Air Traffic (NATS) have raised no objections, the development would not conflict with policy DP9 where it seeks to ensure aviation safety. Conditions from the MoD are recommended in relation to aviation lighting and aviation charting and safety management.

A further condition is sought to try and mitigate/reduce the night-time visual effects of the red aviation lighting given the dark sky qualities of this rural location. The applicants will seek to agree a reduced lighting scheme in consultation with the Ministry of Defence and Civil Aviation Authority. Infrared lighting will be provided in any scenario.

The attached conditions, or as agreed to be modified, ensure aviation interests and safety as required under policy DP9 are met.

Arrangements for decommissioning and site restoration (DP9)

Development of this nature has a limited lifespan and permission is sought for a 35 year period and if permitted the recommended conditions will require appropriate mitigation of the site. The EIA Report contains information about decommissioning and site reinstatement, which would see the preparation of a restoration scheme prior to decommissioning. Recommended Condition 28 seeks a bond or other form of financial guarantee to ensure that the development is in place only for the operational lifetime of the equipment and the site is appropriately restored at the end of that period. The proposal is considered to comply with the restoration requirements of Policy DP9.

Planning Obligations and community investment opportunities (IMP3)

No planning obligations contributions are due as such development would not have any impact on community facilities, schools etc. Separate to this it was decided by the Planning and Regulatory Services Committee on 18 October 2012 to remove the pursuit or contribution of funds to "Community Benefit Funds" from the development management system.

The setting up of a Community Benefit Fund should not be a matter that influences the planning decision and would be arranged separate to the planning process in the event that permission is granted. This approach is highlighted in Annex A 'Defining a Material Consideration' of the Circular 3/2013: Development Management Procedures.

The applicants have referred to contributing to a Community Benefit Fund in their Socio-economic Chapter. This matter may be an opportunity for individual communities to have positive outcomes, but it is difficult to attach any material weight to it at this stage. It is therefore being treated as a separate matter to the consideration of the planning application. This is consistent with the decision by Scottish Ministers in relation to Section

36 Pencloe Wind Energy Ltd decision in East Ayrshire in December 2018 where community shared ownership was not taken into account.

Conclusion

This proposal represents a significant renewable energy development for Moray. The scheme is in line with aspects of local and national policy on the expansion of renewable energy including its contribution to renewable energy targets. This proposal would result in relatively limited significant adverse landscape and visual effects, from a limited number of locations, such that on balance it is not considered to depart from policy DP9 Renewable Energy. This wind energy proposal, whilst hosting turbines 190m in height, unlike many other wind energy proposals has sought to locate the turbines, broadly within a well contained glen, which significantly reduces its visual presence to the north, south and west. Viewpoints and the ZTV map confirm that from within Moray, the windfarm would have very limited visibility from public roads or residences.

The development will not adversely impact on habitat, public access or noise matters, subject to appropriate measures and conditions being put in place. Whilst significant concerns are expressed by Aberdeenshire on landscape, visual and heritage considerations, these are relatively localised along the A920 and from more distant elevated positions. The limited impacts within Moray coupled with the added weight to be attached to supportive national planning legislation and guidance and the planning history of windfarms within Moray and Aberdeenshire inform the recommendation for approval. This view is not arrived at lightly, and the balance of considerations, including the geographic source of many of those making representations, primarily from the east of the site was taken into consideration.

Significant weight must also be attached to the history of consenting for similar development within Moray where the Scottish Government have overturned local authority opposition to a number of similar sized wind energy proposals. Within Moray, Edintore, Pauls Hill II, and Lurg Hill windfarms were all comparable in scale to Garbet, and in more prevalent locations but were ultimately consented.

On balance, the proposal, whilst resulting in relatively limited significant adverse landscape and visual effects, is not considered to depart from the MLDP 2020 and other considerations such as support for renewable energy weigh favourably to supporting the proposal. This view is informed by the response from Aberdeenshire Council where a formal objection was not lodged, albeit significant concerns raised. In the event of approval, Scottish Ministers would be consulted on whether Moray Councils' approach was acceptable.

Subject to the conditions recommended, approval should be granted.

REASON(S) FOR DECISION

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

The proposal accords with the Moray Local Development Plan 2020 and there were no material considerations that indicated otherwise. In reaching this decision, it is noted that there would be some significant landscape and visual effects, but these are not considered to be excessive or outweigh the wider planning policy, pattern of approvals for other wind energy or other material considerations such as climate change.

Reasoned conclusion on the significant effects of the development on the environment
(Regulation 29 of the EIA Regulations 2017)

Moray Council, as Planning Authority having taken account of all relevant information, consider that the proposal can be supported having regard to the nature and impact of the proposed wind energy proposal, and associated infrastructure.

The Council has considered, fully and carefully, the environmental information as presented and concludes that the development will not give rise to any significant adverse environmental effects, as the proposal incorporates the necessary environmental design and mitigation measures to minimise such effects and impacts.

These include measures to address impacts that are clearly identified in the Schedule of Mitigation, Chapter 15 of the EIA Report which proposes a suite of measures contained within documents such as the Habitat Management Plan, written scheme of archaeological works for unknown archaeological assets, buffers maintained around watercourses/GWDTE's/water abstractions area, Construction Environmental Management Plan, Pollution Incident Response Plan, Peat Management, Breeding Bird Protection Plan, appointment of an Ecological Clerk of Works (ECoW), Noise Management Plan.

In the absence of any unacceptable or significant environmental impacts and subject to conditions as recommended, the proposal is acceptable in EIA terms. Where consultees have proposed conditions to mitigate/monitor impacts these have been secured by conditions attached to the consent. Conditions to secure the monitoring of impacts in relation to wildlife, biodiversity etc. have also been attached to the consent.

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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.

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
 - i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
 - vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.

- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear – and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;

- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

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.

DP9 RENEWABLE ENERGY

a) All Renewable Energy Proposals

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

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:
 - Landscape and visual impacts.
 - Noise impacts.
 - Air quality impacts.
 - Electromagnetic disturbance.
 - Impact on water environment.
 - Impact on carbon rich soils and peat land hydrology.
 - Impact on woodland and forestry interests.
 - Traffic impact -mitigation during both construction and operation.
 - Ecological Impact.
 - Impact on tourism and recreational interests.

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

b) Onshore wind turbines

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

i) The Spatial Framework

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

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

ii) Detailed Consideration

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

Landscape and visual impact:

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

Cumulative impact

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

Impact on local communities

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

Other

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

iii) Extensions and Repowering of Existing Wind Farms

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

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

c) Biomass

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

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

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

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

d) Heat

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

Where no heat network is present or planned:

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

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

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

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

DP10 MINERALS

a) Safeguarding Mineral Reserves

The Council will safeguard all existing workable mineral reserves/ operations from incompatible development which is likely to prejudice it unless;

- There are no alternative sites for development, and
- The extraction of mineral resources will be completed before development commences.

b) Mineral Operations

Proposals for mineral extraction will be acceptable in the following circumstances, subject to compliance with other relevant LDP policies;

- Extension to existing operation/sites.
- Re-opening of a dormant quarry.
- A reserve underlying a proposed development where it would be beneficial to extract prior to development.

Proposals for new and extensions to existing mineral sites, which contribute to the maintenance of at least a 10 years supply of permitted reserves of construction aggregates in Moray will be supported, subject to meeting the terms of Policy DP1 and other relevant policies.

Proposals for borrow pits will be supported, subject to compliance with other relevant policies, to allow the extraction of minerals near to or on the site of associated development (e.g. wind farm and roads construction, forestry and agriculture) provided it can be demonstrated that the operational, community and environmental benefits of the proposal can be evidenced. These consents will be time limited, tied to the proposal and must be accompanied by full restoration proposals and aftercare.

All mineral development proposals must avoid or satisfactorily mitigate impacts. In determining proposals, the Council will give consideration to the requirements of Policy DP1. Additional mitigation may be required for renewables at existing quarries.

Proposals must be accompanied by an extractive Waste Management Plan.

c) Restoration and aftercare

Operators must provide details of their proposed programme of restoration (including the necessary financing, phasing and aftercare of the sites). In some circumstances, the Council may require a financial guarantee/ bond.

Restoration programmes must reinstate the site at the earliest opportunity when excavation has ceased. Restoration must be designed and implemented to the highest standard. After uses must result in environmental improvement and add to the cultural, recreational or environmental assets of the area.

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.

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

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

EP13 FOUL DRAINAGE

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

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

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

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

Where a private system is deemed to be acceptable, within settlements as above or small scale development in the countryside, a discharge to land, either full soakaway or raised mound soakaway, compatible with Technical Handbooks (which sets out guidance on how

proposals may meet the Building Regulations) must be explored prior to considering a discharge to surface waters.

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

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

c) Hazardous sites

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

EP15 MOD SAFEGUARDING

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

EP16 GEODIVERSITY AND SOIL RESOURCES

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Applications should minimise this release and must be accompanied by an assessment of the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

Where areas of important geological interest are present, such as geological Sites of Special Scientific Interest (SSSI) or Geological Conservation Review (GCR) sites are present, excavations or built development can damage, destroy and/or prevent access to the irreplaceable geological features. Development should avoid sensitive geological areas or otherwise demonstrate how the geological interests will be safeguarded.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant

planning application, including, if necessary, measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on areas of peat and/or land habitat will only be permitted for these uses where:

- a) The economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) It has been clearly demonstrated that there is no viable alternative.

Where development on peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, movement, degradation or erosion of peat is avoided and proposes suitable mitigation measures and appropriate reuse. Commercial peat extraction will not be permitted

WARD 01_17

21/00348/APP
16th March 2021

**Substitution of Plots 31-39 at R2 Speyview Aberlour
 Moray
 for Springfield Properties PLC**

Comments:

- The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.

Procedure:

- Completion of an amended legal agreement regarding developer obligations.

Recommendation Grant planning permission - subject to the following conditions and conclusion of legal agreement:-

Conditions/Reasons

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

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

2. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site. 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.

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

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

3. A Construction Phase Surface Water Management Plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Council, as Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk to neighbouring properties and to ensure heavily silted surface water does not enter the River Spey catchment. Thereafter the development shall be carried out in accordance with the agreed details.

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

4. Prior to development commencing, details of the road surfacing/colouration between points A and B on the site plan approved as part of planning application 18/01373/APP shall be submitted to and agreed in writing with the Council, as Planning Authority. This section of road shall have a different finish/colouration to the remainder of the roads in the development. Thereafter the roads shall be finished in accordance with the agreed details.

Reason: To emphasise the street hierarchy and improve legibility of the development.

5. Unless otherwise agreed in writing with the Council, as Planning Authority, the equipped play area approved as part of planning application 18/01373/APP shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit within the R2 designation area. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan AB02_L_02 for the lifetime of the development.

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

6. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved 'Drainage Assessment' and associated drawings AB01_ENG_250, AB02_ENG_220 A and AB02_ENG_600 B approved as part of planning application 18/01373/APP. Unless otherwise agreed in writing with the Council, as Planning Authority, this drainage infrastructure will be completed prior to the first occupation of any housing unit in the development and thereafter maintained for the lifetime of the development in accordance with the approved 'Drainage Assessment'.

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

7. Prior to the commencement of development (with the exception of works to form the access) the proposed ghost island priority junction with the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-901 (Revision 5) "Proposed Ghost Island Layout" as approved in relation to planning application 18/01373/APP shall be constructed and agreed in writing by the Council, as Planning Authority, following consultation with Transport Scotland.

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

8. Prior to the occupation or completion of any of the dwellinghouses hereby approved, whichever is the sooner, a new footway along the east side of the re-aligned A95 (T), as illustrated in Springfield Properties Drawing No. AB02-ENG-260 (Revision A) "A95 Re-Alignment" as approved in relation to planning application 18/01373/APP, shall be constructed and agreed in writing by the Council, as Planning Authority, following consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

9. Prior to the occupation or completion of any of the dwellinghouses hereby approved, whichever is the sooner, the proposed bus stop lay-bys on both sides of the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-905 "Proposed Bus Stop Locations" as approved in relation to planning application 18/01373/APP, shall be constructed to the satisfaction of the Council, as Planning Authority, following consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

10. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and agreed in writing with the Council, as Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

11. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and agreed in writing with the Council, as Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

12. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

13. Prior to the commencement of development the following shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
 - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of all materials to be used in the construction of the turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to the first occupation or completion, whichever is the sooner, of any of the houses on plots numbered 29 to 36 and shall be retained until such time that the roads connecting Plots 35/36 and Plots 13/14/15/16 are connected and available for use by visiting service vehicles.

Reasons:

- a) To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.
 - b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.
14. Prior to the commencement of development a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:
- a) Information on routes for pedestrians and cyclists to access local facilities.
 - b) Information on the provision of bus services serving the development.
 - c) Details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport.
 - d) Details of the programme for updating the Travel Information Pack as the development progress.

The approved Travel Information Pack shall thereafter be provided to each dwelling as they are completed from the date of first completion of any part of the residential development.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

15. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been

submitted to and approved in writing by the Council, as Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. This should comprise an archaeological trial trenching evaluation of 7-10% of the total proposed development site, to be undertaken by a suitably qualified archaeological contractor, the results of which will be used to inform whether further mitigation is required. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Council, as Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

16. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Council, as Planning Authority.

Reason: In order to safeguard the water supplies which serve the neighbouring houses.

17. Prior to development commencing, cross sections through the proposed play area approved as part of planning application 18/01373/APP shall be submitted to and agreed in writing with the Council, as Planning Authority. Thereafter the play area shall be provided in accordance with the agreed details.

Reason: To ensure the play area is provided at an acceptable gradient, to maximise the functionality of this facility.

18. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

Reason: To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

19. The width of the individual vehicular access shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to the Moray Council specification and surfaced with bituminous macadam.

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

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

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

21. The bat and bird boxes as detailed in the ecological mitigation measures submitted in support of this application, shall be provided prior to the completion of each house on the plots in which they are located and thereafter retained throughout the lifetime of the development.

Reason: In order to enhance habitat provision throughout the development in the interests of increasing biodiversity.

22. 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, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections.

23. No residential unit shall be occupied until the EV charging infrastructure associated with it has been provided in accordance with the approved EV charging details, submitted in support of this application.

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

Reason(s) for Decision

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

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

List of Informatives:

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

This development is subject to a S.75 legal agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare facilities to be payable in instalments.

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

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE HOUSING STRATEGY & PROPERTY MANAGER has commented that:

Policy DP2(d) requires that 25% of units are provided for affordable housing. 100% of the units are proposed for affordable housing. Whilst this over provision is welcomed, the applicant is advised that the additional affordable housing provision arising from these proposals will not be considered to offset any Policy DP2(d) requirement arising from future proposals on the wider R2 Speyview designation, nor on any other designation or location.

THE ENVIRONMENTAL HEALTH MANAGER has commented that:

I would advise that there has been a history of failures from the private water supply that leads through the site and that it has dried up in drought conditions. We would therefore strongly recommend that the existing properties which bound the development site using this supply are connected to the mains supply, and note that the developer has confirmed that they are happy to facilitate this.

SCOTTISH NATURAL HERITAGE has commented that:-

Any works should not result in unattended excavations that badger or other mammals could fall into and become trapped. Excavations should be covered when unattended or formed with a sloping edge to allow any animals to escape.

Lighting used during development works should be fitted with shades to prevent light spillage outside the working area. Lighting during and post development should not illuminate woodland and scrub habitat as lighting can affect commuting and foraging success for crepuscular and nocturnal species.

ABERDEENSHIRE ARCHAEOLOGICAL SERVICE has commented that:-

Post-Excavation Research Design (PERD)

A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant. This should include a project design for the

post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed ClfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.

Securing post excavation research design

When any post excavation research design is required through the implementation of a programme of archaeological works, the analysis, publication and dissemination of results and archive deposition requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking the archaeological works on the site before it will be agreed in writing by the planning authority.

TRANSPORT SCOTLAND has commented that:-

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

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

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

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

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

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 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

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 as part of the site is for private housing. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@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 applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals with respect to the specifications and design of street lighting provision.

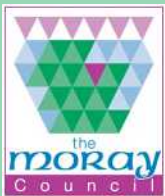
LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
AB01_LP2_01		Location plan
MC/2018/K/OOP/01		K Type Detached OPP - elevations and floor plans
AB02-ENG-300 H		Levels layout
AB02_PL_04	D	Material conditions
AB02-ENG-250 A		Drainage areas
AB02-ENG-600 D		Drainage layout
AB02-ENG-545		Existing and proposed services
2018 MC_TYPE CS		CS Type semi detached - elevations and floor plan
2020DST-DST-901	A	Deanston - elevations and floor plans
AB02_PL_05	F	Materials and character areas
AB02_PL2_01	B	Site layout

Additional Information to be issued with decision:

Supporting document - EV pillar and charger type spec

Supporting document - Speyview ecological mitigation

Supporting document - Super-fast broadband strategy



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

21/00348/APP

Site Address

Plots 31—39 R2 Speyview

Aberlour

Applicant Name:

Springfield Properties PLC

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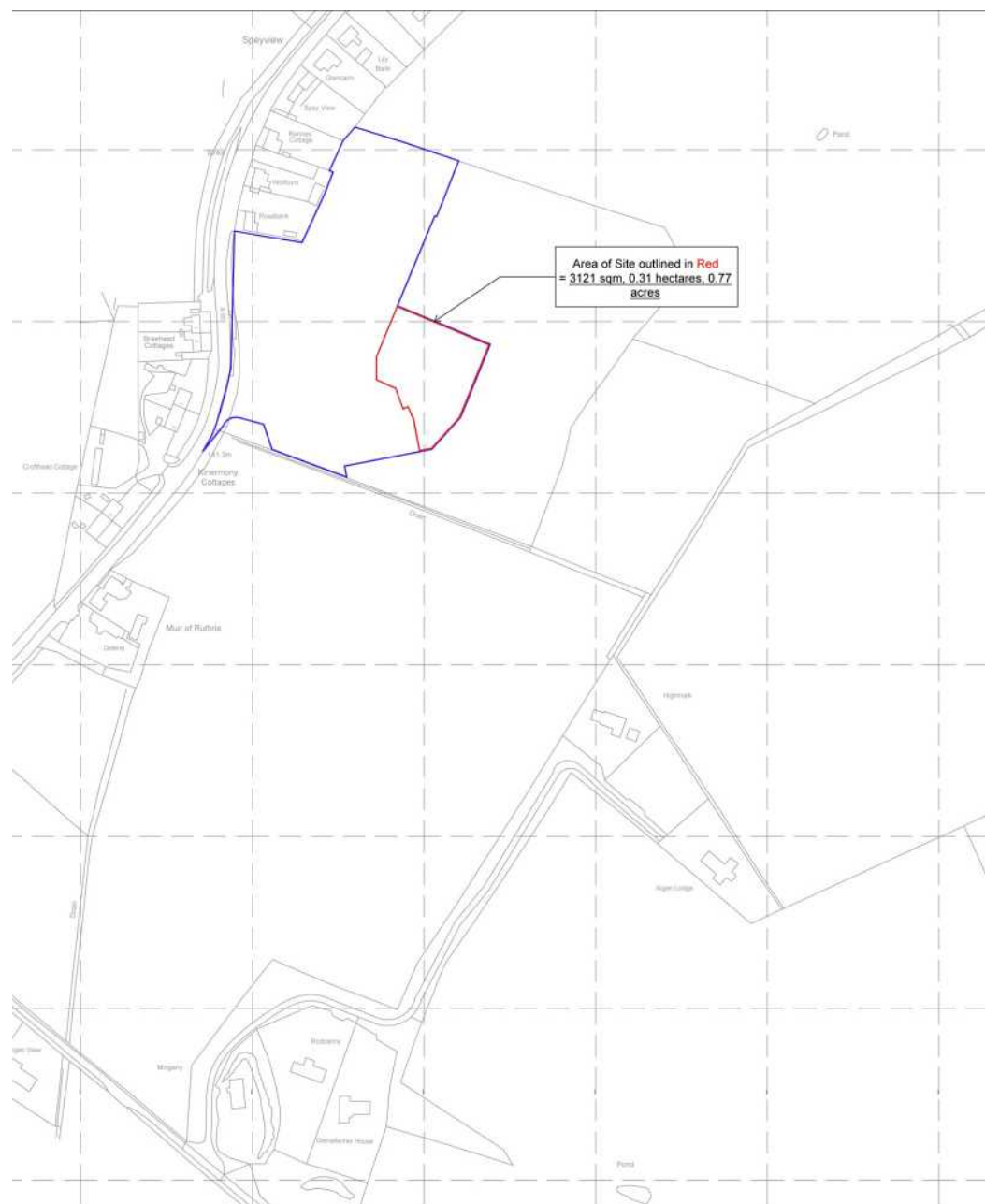
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Location Plan



Site Location



Site layout



Photo location plan

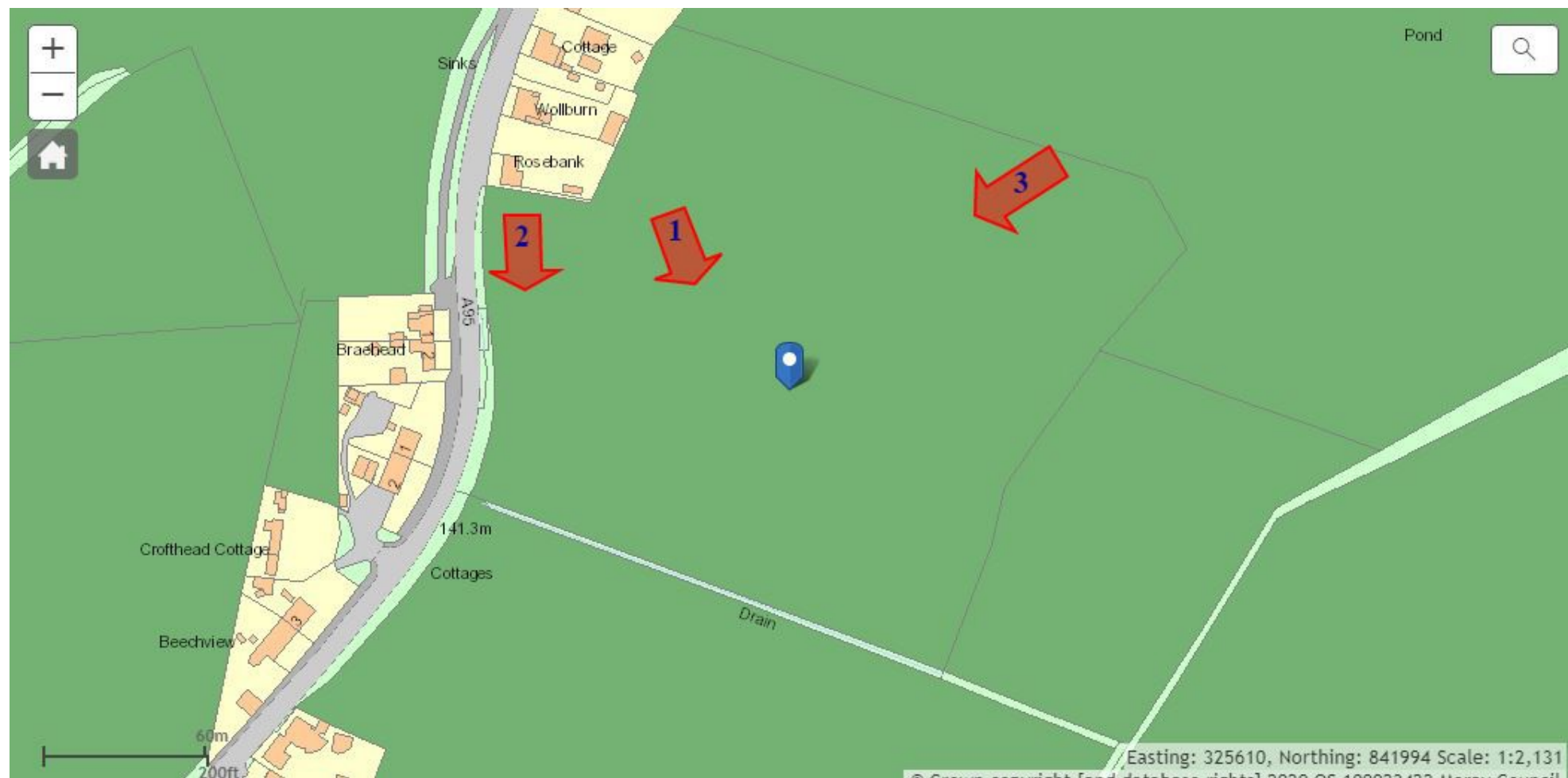


Photo 1



Photo 2



Photo 3



PLANNING APPLICATION: 21/00348/APP

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

THE PROPOSAL

- This planning application seeks to amend 9 houses on plots 31 to 39 on part of the R2 Speyview housing designation at Aberlour.
- The proposed site forms part of a previously approved development for the erection of 39 houses/units 18/01373/APP which was consented on 12 November 2019. This proposal seeks to substitute the private housing element of the scheme previously approved and replace these with further affordable houses, resulting in 100% affordable housing provision across this initial phase of development.
- The applicants have outlined that this change from private to public housing is being made in an attempt to overcome constraints in relation to the existing surface water network, where upgrades required for the wider area render the development unviable without upfront public funding which would only be provided in conjunction with affordable housing.
- The road and plot layout largely remains the same as previously approved, with only minor amendments to accommodate the differing footprints of the new houses.
- As with the previous scheme, the proposed house types (3 - CS, Deanston and K) consist of 8 semi-detached houses and 1 detached house, however, rather than being a mixture of 1¾ and 2 storey houses, the proposals consist of 4 single storey houses and 5 two storey houses.
- The houses have simple pitched roof forms and will be finished with grey concrete tiles, buff render, grey timber cladding, upvc windows, soffits and fascias.

THE SITE

- Formerly known as R4 within the previous local development plan, the site now forms part of the R2 Speyview, designation within the current local development plan.
- Works are yet to commence on the development, however, the existing consent (18/01373/APP) remains extant.
- The portion of the site affected by this proposal lies within the centre of the overall designation, with the remainder of the consented scheme lying between this site and existing neighbouring houses to the west and northwest.

HISTORY

18/01373/APP - granted in November 2019 for a first phase of 39 homes on the site, with later phases shown in an Indicative Masterplan.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Application advertised for neighbour notification purposes.

CONSULTATIONS

Strategic Planning and Development – Requested minor amendments to the proposals in terms of EV charging points, biodiversity enhancements and changes to the material finish of the houses to ensure a distinct character to this character area/street of the development and reflect updated local development plan policy. The applicants amended the proposals to reflect these comments and the Strategic Planning and Development team have now confirmed that the proposals are considered to be compliant with current policy.

Scottish Water – No objection, however have highlighted that they are unable to confirm if there is capacity within the Aberlour waste water treatment works and have advised the applicants to engage with them separately from the planning process to discuss this issue.

Environmental Health, Contaminated Land – No objection.

Environmental Health – No objection.

Transportation Manager – No objection, subject to conditions covering car parking, EV charging, visibility splays, travel information pack and construction traffic management plan.

Housing Strategy and Property – No objection, subject to a condition requiring submission/approval of delivery arrangements for affordable housing. Comments have also been provided highlighting the need for affordable housing in the area, where it is confirmed that as of 1 September 2021 there were 64 households in housing need on the Council's Housing List who had expressed a preference for re-housing in Aberlour; it is estimated that existing social housing stock in Aberlour will result in 4 vacancies per year, based on average re-let rates. This is a ratio of 15:1 and is much higher than the Moray ratio of 9:1.

Developer Obligations – No objections, identified need for amended S75 legal agreement to reflect this application as well as the extant consent.

Transport Scotland – Does not object, subject to conditions and informatives being carried over from the previous consent covering the provision of the new access onto the A95 and new pedestrian access along the A95. Works to the trunk road will require to be subject to a separate regulatory process between the applicant and Transport Scotland.

Moray Flood Risk Management – No objection, subject to conditions being carried over from the extant consent relating to the provision of an acceptable drainage scheme.

Archaeology - No objection, subject to conditions and informatives requiring an archaeological scheme of investigation.

Environmental Health, Private Water Supplies – No objections, subject to condition to protect existing supplies. Advises that where possible houses on existing private water supplies should connect to the public network as there has been a shortage of water on the private supply in past years.

Speyside Community Council - No objection.

Aberlour Community Association – Support the application, however, raise concerns regarding the safety of pedestrians walking along the edge of the A95 to get into the centre of town.

Officer Comments: In response, the consideration of this application is limited to the proposed change of house types. Pedestrian access to the site as a whole was considered as part of the previous application and will be considered in relation to any future phases which come forward. Road safety audits were carried out in relation to the previous application which outlined that the proposals would be in compliance with transportation standards, and following assessment of this information both the Council's Transportation Service and Transport Scotland raised no objection. It is a requirement of policy that future phases of the overall designation will be required to be served via a separate pedestrian/cycle connection which connects into Taylor Court and will help to move pedestrians and cyclist away from the footpath alongside the A95.

OBJECTIONS-REPRESENTATIONS

None Received.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2020. The main issues are considered below.

Principle of Residential Development (Aberlour R2, PP1, PP3, DP1, and DP2)

The principle of housing on these plots has already been established through the approval of the existing consented development on the site. Therefore the primary matters that require to be considered as part of this application are the impact of the house type changes on the overall scheme and any changes in development plan policy requirements since the approval of the original application.

The main elements of this scheme such as drainage, access, open space, landscaping and play areas remain the same as those previously approved, and as such fall outwith the scope of the consideration of this application.

Although the proposal will result in all the housing in this first phase being affordable, policy DP2 and associated guidance allows for this where there is a need for 100% provision, these are acceptable as part of a wider mixed community and all other local plan policies are met. The Housing Strategy and Property Service advise that there is a need for this level of provision in this case based on Council's housing lists for the area.

The development is also acceptable as part of a wider mixed community, and all other local plan policies are met.

Placemaking and Infrastructure (PP1, PP3, DP1, DP2 and EP2)

Given that this proposal is for the amendment of 9 houses, the quality audit process was not applicable in this case, however, aspects of the new development plan policy in relation to placemaking, biodiversity and infrastructure provision still require to be met.

To this end the applicants have made minor amendments to the design of the proposed houses to ensure they are in keeping with those already consented in the remainder of the scheme. A different palette of material finishes has been proposed to ensure this street/character area retains an element of distinctiveness when compared to the remainder of the consented scheme, thereby contributing to the overall character and sense of place of the development.

Longer driveways have been provided to ensure that well over 50% of the car parking spaces will be provided to the sides of the houses, therefore reducing the dominance of parked cars on the streetscape.

Whilst the open space has been accommodated within the wider consented development, the applicants have proposed bird and bat boxes to enhance habitat provision and have also incorporated hedging along the frontage of the plots to assist with greening the streetscene and provide further habitat and these aspects will be secured via condition.

In terms of infrastructure provision the applicants have committed to the provision of fibre-optic broadband and EV chargers for each house as per current policy requirements.

Given the proposed houses are remote for the existing neighbouring houses which bound this overall designation, the changes in house types have no potential to result in any additional privacy or overbearing impact.

Based on the above observations the proposal is considered to be compliant with policies in relation to placemaking and infrastructure provision.

Access and Transport (DP1 and PP3)

Policies DP1 Development Principles and PP3 Infrastructure and Services seek to ensure that any development is served by a suitable access, provide the appropriate parking and are planned/coordinated, and served by adequate infrastructure/services. In this regard the access arrangements remain as before, with adequate parking provision provided within each plot. The Transportation Manager has confirmed they are content with the proposed revisions subject to conditions. The plots all provide the requisite amount of parking for the number of bedrooms.

Transport Scotland have also confirmed that they have no objection to the proposals provided the conditions which it previously recommended in relation to the original approval are carried over to this development.

On the basis of the above the proposal would accord with policies DP1 and PP3 regarding access and transport.

Developer Obligations (PP3)

The proposed changes in house types results in a net reduction in the standard residential unit equivalent (SRUE) and as such the developer obligation sought for this phase of the development will need to be reduced slightly from 34 SRUE to 33.2 SRUE; this will need to be reflected within an updated Section 75 legal agreement to cover both this application and the original application.

Conclusion

Overall the proposed change of house types will result in a minimal impact on the character and appearance of the consented development and will result in a net gain in habitat/biodiversity and infrastructure provision when compared with the extant consent.

Given that this proposal may assist in unlocking a currently constrained site and provide an additional 9 affordable houses for the Speyside area, in which there is a current shortfall in provision, this proposal is considered to comply with policy and is recommended for approval.

As this application is linked to the original consent on this site (18/01373/APP), conditions from this original consent will be re-applied where relevant to the new consent. These conditions cover aspects such as the overall drainage scheme for the site, access onto the trunk road, Construction Environmental Management Plan, Construction Phase Surface Water Management Plan, play area/equipment provision, archaeology investigation, landscaping and private water supplies.

REASON(S) FOR DECISION

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

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

**Author/Contact
Officer:**

Iain T Drummond
Planning Officer

Ext: 01343 563607

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

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

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

v) Biodiversity

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

(vi) Parking

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

- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

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

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

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.

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

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

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

R2 Speyview 14 ha 60 units and 1ha of employment land

- Proposals must comply with key design principles set out in Figure 1.1.
- Masterplan required for the site including provision of 1ha of employment land to the south.
- The site will provide a gateway into the settlement. Proposals must be designed to reflect this.
- 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.
- Woodland creation along the eastern boundary must be provided to create a backdrop for housing and an attractive edge to the town.
- Landscaping on the western edge must be provided to create a buffer between the development and existing housing along the A95.
- Early phase(s) must provide a central greenspace with pocket park.
- Phase 1 Habitat Survey required.
- Later phase(s) must provide a neighbourhood park or a pocket park, depending on the balance of residential and industrial use.
- An active travel connection to Taylor Court must be provided.
- 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.
- Flood Risk Assessment (FRA) may be required.
- Drainage Impact Assessment (DIA) required.

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear – and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;

- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

Piecemeal and individual/ plot development proposals will only be acceptable where details for the comprehensive redevelopment of the site are provided to the satisfaction of the planning authority and proposals comply with the terms of Policy

DP1, other relevant policies including access, affordable and accessible housing, landscaping and open space and where appropriate key design principles and site designation requirements are met.

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

c) Housing density

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

d) Affordable Housing

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

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

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

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

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

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

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

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

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

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

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

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

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

EP2 BIODIVERSITY

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

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

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

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the

probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

- c) Areas of medium to high risk (0.5% or above) may be suitable for:
- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
 - Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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

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

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS

solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

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

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

c) Water Environment

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

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

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

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

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

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

c) Hazardous sites

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

WARD 04_17

21/00279/HHCOMP
25th March 2021

**Application for High Hedge Notice at 12 Charlotte Street
 Fochabers Moray IV32 7EE
 for Ms Sarah Johnson**

Comments:

- A SITE VISIT HAS BEEN CARRIED OUT.
- The application is being reported to Committee because it relates to an application for a High Hedge Notice.
- The neighbouring houses at “Allt na Coille” and 51 South Street, Fochabers, were notified of the application and comments were received from one of the parties. These properties were notified on the basis that they also could be affected by the hedge.

Procedure:

- If Members are minded to agree to serve a High Hedge Notice (and subject to the outcome of any potential appeal) and the owner of the hedge does not comply with its requirements, the Council may undertake direct action and recover costs from the hedge owner. There is currently no budget for this work.

Recommendation

Within Section 8 of The Act provision is given for local authorities to decide that initial and preventative action is to be taken through the service of a high hedge notice.

It is recommended that given the application relates to a high hedge, and that the high hedge is having an adverse impact on the reasonable enjoyment of the applicant's property, a High Hedge Notice should be issued by the Council.

1. The High Hedge Notice should instruct the hedge owner to reduce the height of the hedge (as shown in red in Appendix 1 and comprising 8 Western Red Cedar trees) to 6.5m above ground level adjacent to the trunks, and that these works be carried out within eight weeks of the Notice taking effect.
2. In addition, the Notice should stipulate that the hedge should be maintained on an annual basis to ensure that its height does not exceed 7.25m.
3. The initial reduction in height of tree tops must be conducted out with the bird nesting season which occurs within April, May, June and July. This exclusion period may be relaxed if a detailed nesting survey of the affected area confirming that nests are not present/in use is submitted to and agreed by the Moray Council prior to any lopping or pollarding being carried out.



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

21/00279/HHCOMP

Site Address:

12 Charlotte Street
Fochabers

Applicant Name:

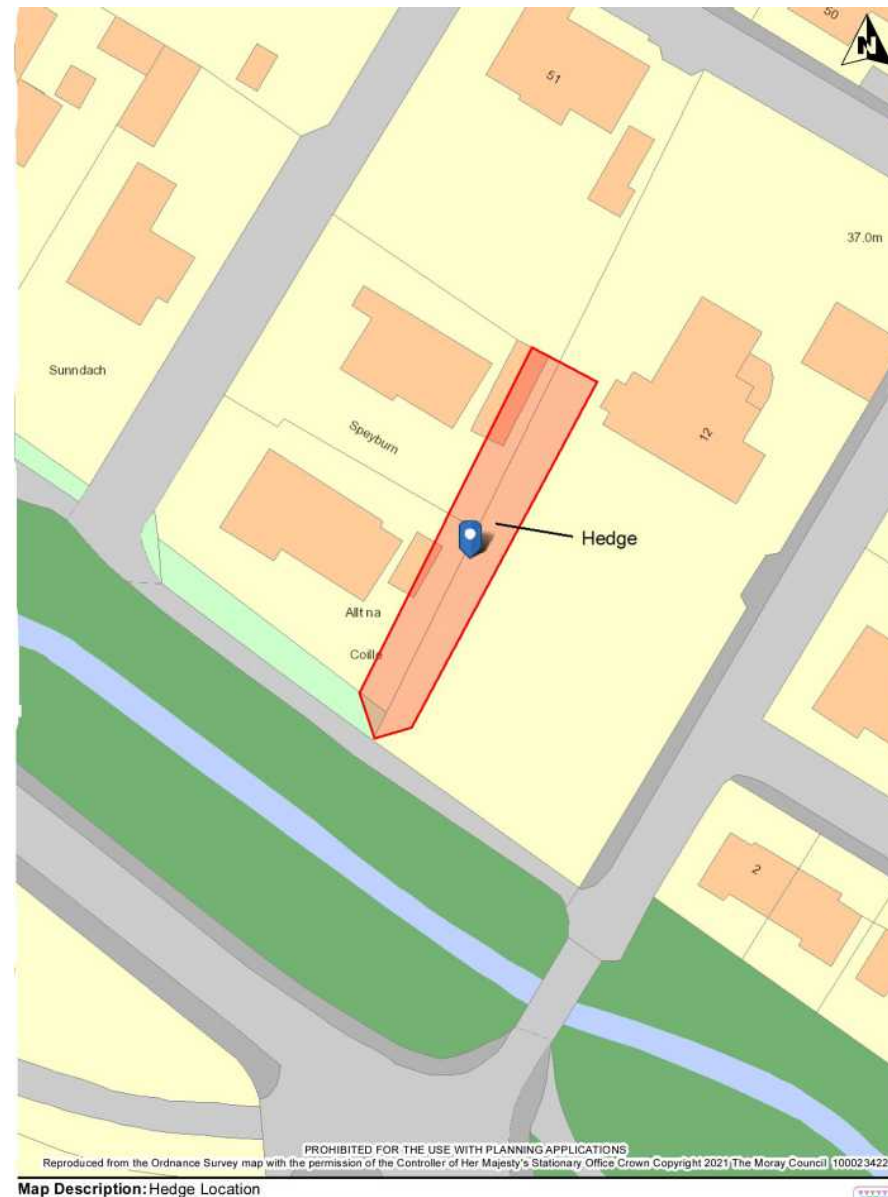
Ms Sarah Johnson

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Location Plan



Site location plan

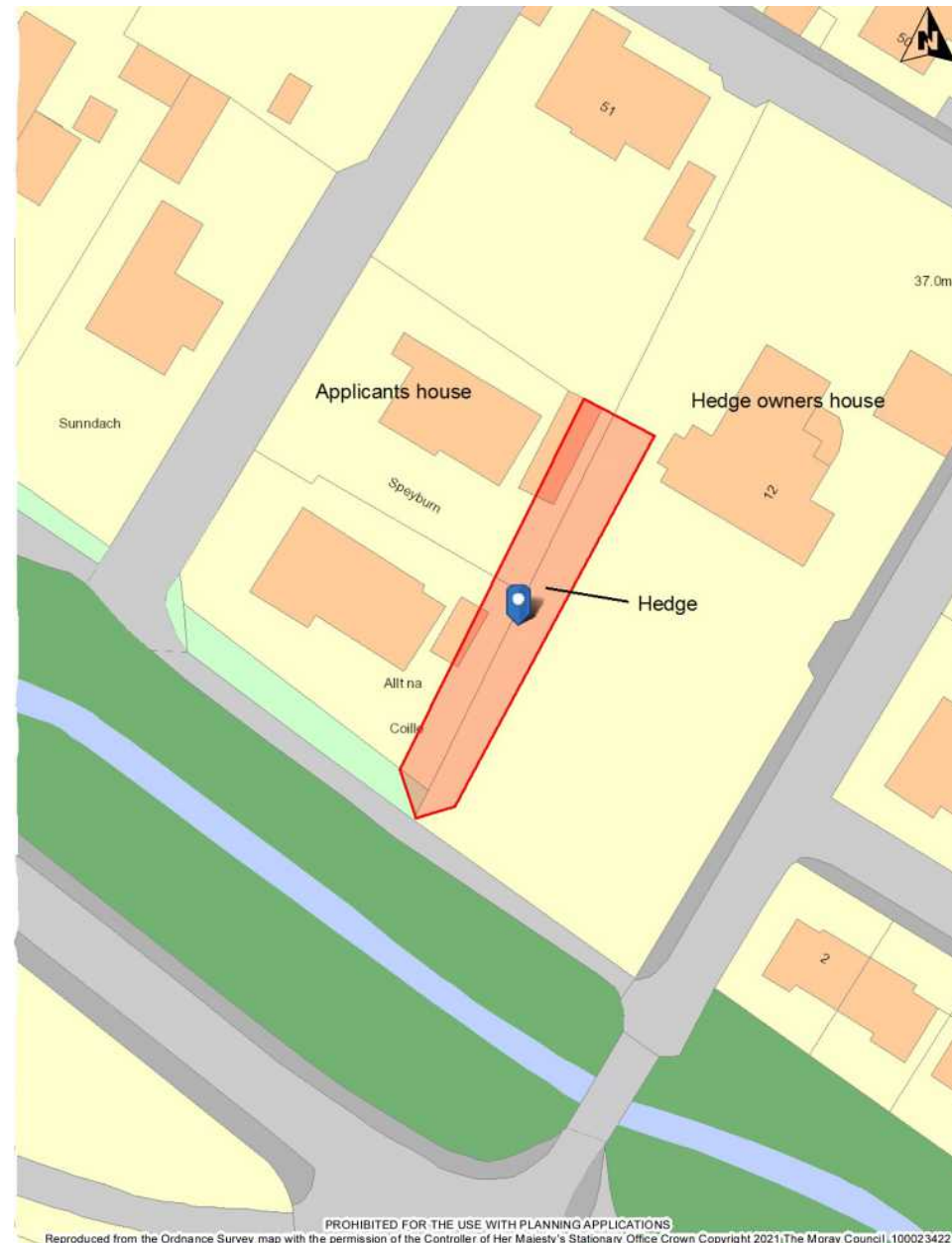


Photo location plan



Photo 1



Photo 2



Photo 3



Photo 4



**APPLICATION FOR HIGH HEDGE NOTICE :
21/00279/HHCOMP**

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

INTRODUCTION

This report relates to an application for a High Hedge Notice which has been submitted by the owners of the house at Speyburn, George Street, Fochabers, IV32 7EG. The hedge which is the subject of this application is located within the grounds of the neighbouring house at 12 Charlotte Street, Fochabers.

The applicant has responded 'yes' to all the criteria listed in Section 3 (Part B) of the High Hedge application form i.e. hedge is made up of a row of two or more trees, exceeds 2 metres in height, forms a barrier to light, is growing on land owned by someone else, is affecting domestic property and the applicant has attempted to resolve the issue with the hedge owner.

The applicant seeks to have all of the hedge identified by them within the area marked on their submitted plan to the east of their house reduced in height to 2m.

The Council note that there has been previous dialogue between the applicant and the owner of the hedge going back to August 2020 in an attempt to reach agreement over a reduction in the hedge height, however, to date no agreement has been reached.

THE SITE

The hedge lies along the western boundary of 12 Charlotte Street, which is a detached traditional house set within extensive garden grounds containing a multitude of mature trees, bushes and hedging. The hedge as identified by the applicant is made up of 8 Western Red Cedar (*Thuja plicata*) trees, the position of which is shown in Appendix 1. The applicant's house, a detached bungalow lies approx. 4.2m to the east of the hedge, with the side elevation of the house facing towards the hedge. There is a separation distance of approx. 7m between the side of the applicant's house and the shared boundary with the hedge owner's property, however, the hedge overhangs this shared boundary by approx. 2.7m. The applicant has a detached single garage with shallow pitched roof which is located between the applicant's house and the hedge and measures 2.8m to ridge. The ground between the applicant's house and the hedge is generally flat.

The site has been inspected as part of the assessment of this application. The location of the hedge is shown outlined in red together with the applicant and hedge owner's houses on the Committee location plan.

The hedge measures approx. 15m in height to tip along its length, with the top 4m of the hedge having an element of separation between the tops of the trees that form the hedge.

Given that the hedge has the potential to affect neighbouring properties, neighbours were notified of the application and comments from one party were received who were supportive of the hedge being reduced in height or removed completely due to the impact that it has on their house.

The applicant lets out the property “Speyburn” which is the subject of this application and the current tenants of the property who have lived there on a long term let basis have also submitted comments in support of the reduction of the height of the hedge.

Legislative Framework **High Hedges (Scotland) Act 2013**

Within the narrative of Section 1 of Act, the meaning of a high hedge is defined as a hedge that is:

- formed wholly or mainly by a row of 2 or more trees or shrubs,
- rises to a height of more than 2 metres above ground level, and
- forms a barrier to light (unless gaps significantly mitigate its overall effect as a barrier at heights of more than 2 metres above ground level).

Scottish Government Guidance **High Hedges (Scotland) Act 2013 Revised Guidance to Local Authorities 2019**

In addition to the Act, Scottish Government Guidance on High Hedges to local authorities states that;

“Although the Act uses the term ‘neighbouring land’ to describe where the hedge is growing, the hedge doesn’t have to be next door to the applicant’s property. This means that a hedge on ‘neighbouring land’ could be several gardens down the road or across the street, as long as the applicant can show that it has a negative effect on their enjoyment of their house.

An application cannot be made under the Act against single trees or shrubs, whatever their size. Two or more trees or shrubs do not have to form a precisely straight line to qualify as a hedge. As long as they are roughly in line, they may be considered as a hedge under the Act.

The Act applies to hedges that, despite any gaps above the 2-metre mark, act as a barrier to light.

An example of a method of measuring light levels is the Hedge Height and Light Loss (Revised edition 2005) guidelines which were developed by the Building Research Establishment (BRE). These guidelines were created to help local authorities in England and Wales make decisions under the Anti-Social Behaviour Act 2003. However, the method set out in the 2004 guidelines was designed to apply only to evergreen hedges, but the High Hedges (Scotland) Act 2013 covers all types of hedges and so that method cannot be applied in all cases. Whichever method the local authority decide to use to help them make their final decision as to whether a hedge is a barrier to light, they must consider the circumstances of each case.”

CONSULTATIONS

Advice was sought from an ecologist/licenced bat worker following concerns raised by the owner of the hedge that it is utilised by nesting birds, bats and red squirrels.

The ecologist identified the hedge as being Western Red Cedar and outlined that there were no squirrel dreys present in the hedge and bat roost potential was low and that any reduction in the hedge height would be unlikely to result in any impact on roosting bats or breeding squirrels. There is however, the potential to impact on nesting birds and therefore, any reduction in height should be done out with the bird breeding season.

SUBMISSIONS

Correspondence has been submitted accompanying the application which includes a number of letter exchanges between the applicant and the owner of the hedge, prior to formal submission of the application. The Act allows for the owner of the hedge to comment on the original application submissions and then for the applicant to respond to the owners comments.

These submissions are summarised below into key points:

Definition of a High Hedge

The Applicant: The applicant has responded 'yes' to all the criteria listed in Section 3 (Part B) of the High Hedge application form i.e. hedge is made up of a row of two or more trees, exceeds 2 metres in height, forms a barrier to light, is growing on land owned by someone else, is affecting domestic property and the applicant has attempted to resolve the issue with the hedge owner.

Hedge owner's response: These are mature trees which are spaced 3m apart and are "notable trees". The trees also sit behind a privet hedge which runs along the true boundary between the properties and the trees are therefore not a hedge running along a boundary between the properties.

Comment (PO): Section 1 of the Act defines a 'high hedge' as:

- being formed completely or mainly by a row of two or more trees or shrubs;
- rising to a height of more than 2 metres above ground level; and
- forming a barrier to light (unless gaps in the hedge significantly reduce its overall effect as a barrier to light at heights of more than 2 metres above ground level).

As per the above definition, the hedge in question is considered to meet these 3 points and is considered to be a high hedge under the terms of the Act for the purposes of this application.

The trees which form the hedge are not recorded as "notable trees", nor are they covered by a tree preservation order.

Sufficient attempt to resolve issue prior to making application

The Applicant: Negotiations were instigated by the applicant in May 2020 and since then letters have been exchanged, however, to date no solution has been agreed.

Hedge owner's response: For a number of reasons it is felt there has not been a meaningful attempt to reach an amicable resolution to the issue and that this high hedge application is of a vexatious nature and instead a mediated solution should be found to the matter.

Comment (PO): The 2019 Scottish Government High Hedge Guidance advises of what can be considered to be reasonable steps prior to applying for a high hedge notice and outlines the following,

"A definition of 'reasonable steps' to try to settle the matter without referring the case to the local authority would be two formal approaches to the neighbour within a six-month period before applying for a high hedge notice."

Given the length of time and number of exchanges between the applicant and the owner, the applicant is considered to have made sufficient attempt to settle the problem amicably and it is reasonable for the Council now to take a role in terms of the legislation.

Since the owner of the hedge mentioned that their preference would be for a mediated solution to be found to the issue, the prospect of using mediation to resolve the matter was raised with both parties. Initially both parties were open to this prospect, before taking this option forward the Planning Service approached both to establish the likelihood of success of taking forward mediation in this case and to agree a baseline case to pass onto a professional mediation service. In response to this request the applicant and the hedge owner outlined their positions once again and it was clear there was still a significant gulf between what each party hoped would be the result of the mediation process. With this in mind the applicant and the hedge owner were informed that mediation in this instance was highly unlikely to be successful and as such the Planning Service had decided not to pursue this as an option and instead proceed with the determination of this high hedge application and report the proposal to the next available meeting of the Planning and Regulatory Services Committee. No further comments have been received from either party following on from this decision.

Overshadowing of garden/house and reasonable expectations

The Applicant: The hedge completely occludes light from the applicant's house during late autumn through to early spring and forms a barrier to light at all times of the year.

Hedge owner's response: The loss of light is not solely due to the height of the trees and is in fact due to the height and position of the winter sun. Even with the trees trimmed to a height of 2m there would still be an obstruction of light due to mature trees which sit beyond the owner's boundary. Speyburn is within direct sunlight for the majority of the day between the months of April and November, with photographic evidence provided of this and site visit encouraged to show how much light is actually being blocked.

Comment (PO): The degree to which the hedge affects the applicant's house and garden is discussed in the observations section of this report, where it is concluded using the

relevant government guidance and calculations that the hedge does form an unacceptable barrier to light.

OBSERVATIONS

In this case the hedge is formed wholly or mainly by a row of 2 or more trees, rises to a height of more than 2 metres above ground level, and forms a barrier to light, and as such falls within the definition of a high hedge and is considered to fall within the terms of the Act.

Assessment of Barrier to Light

The applicant's property is located to the west of the high hedge. It is evident from photographs submitted with the application and observations during the site visit(s) that the hedge is currently obstructing light to the property.

Revised guidance issued by the Scottish Government (SG) to local authorities in 2019 does not specify parameters for light levels and advises that local authorities are free to use any methods that exist if they deem the method reasonable and suitable. An example of such a method is the Hedge Height and Light Loss (March 2005) guidelines developed by the Building Research Establishment (BRE). These guidelines state that these are only applicable to evergreen hedges. As the hedge in question is evergreen this guidance has been utilised in this case.

The guidelines identify a number of measurements and calculations which need to be taken to provide a final 'action hedge height', these include the orientation, hedge length, separation of the applicant's property from the hedge and any changes in ground levels. The action hedge height is the maximum height that the hedge in question can be without resulting in adverse overshadowing of the neighbouring house and garden. To calculate the action hedge height, the loss of light to the applicant's garden and windows in their house must be calculated separately and the lower of these two heights taken as the action hedge height.

In this case the loss of light calculations in relation to the applicant's garden ground concluded an action hedge height of 8m and in relation to the loss of light to windows (bedrooms) in the applicant's house resulted in an action hedge height of 7.25m high. These calculations are shown in Appendix 2 along with a dimension plan which includes the calculations.

The hedge is currently approx. 15m to tip and therefore results in a significant impact on the light levels within the applicant's garden and house. In addition due to the height and position of the hedge and orientation of the affected property it is considered that the hedge creates an unacceptable and overpowering sense of enclosure, not only restricting direct sunlight during the morning but also reducing the general daylight gained from the skyscape.

On this basis it is considered that the hedge has a significant adverse effect on the reasonable enjoyment of the property, which is the test set out in section 6(5)(a) of the Act.

Given that it has been established that action should be taken to lower the hedge, it is also important to consider what length of hedge should be reduced in height. The applicant has asked for the length of the hedge as highlighted in red in Appendix 1 to be reduced in height. The portion of the hedge which directly bounds the applicant's garden and house has the greatest potential to impact on the applicant's property and will need to be reduced to reflect the action hedge height. In addition to this the Hedge Height and Light Loss guidance also provides guidance in terms of what length of hedge from the front face/windows of the affected house should be reduced in height. In these circumstances where the hedge is at right angles to affected windows, the hedge length is calculated by taking the current height of the hedge, subtracting 1m and then doubling this number. The hedge height is 15m and therefore the length of hedge which should be reduced in height from the front face of the applicant's house is 28m. Taking into account the length of hedge which lies directly adjacent to the applicant's house and garden and this additional 28m from the front face of the applicant's house, the hedge should be reduced in height along the length as identified in red in Appendix 1. The reduction in height of the hedge as identified will also impact on the neighbour to the south of the applicant's house "Allt na Coille"; as previously outlined in this report, the owners/occupants of this house have submitted comments in support of the reduction/removal of the hedge.

The Act also requires that where a reduction in hedge height is proposed, consideration be given to the amenity of the property of the owner of the hedge. In this case, whilst it is recommended that the hedge be reduced in height, the reduction recommended will not have any adverse impact on the amenity/privacy levels of the hedge owner's property. If in the worst case scenario, the hedge was to die as a result of the reduction in height, taking into account the presence of the existing privet hedge and detached garage between the properties, the complete loss of the hedge would still not result in an unacceptable amenity impact.

With regard to impact on the character of the area, the hedge does not lie within a conservation area nor is it covered by a tree preservation order. In this instance given the adverse impact of the hedge the recommended reduction in hedge height is considered to be appropriate under the terms of the high hedge legislation.

RECOMMENDATION

Within Section 8 of the Act provision is given for local authorities to decide whether or not initial and preventative action is to be taken through the service of a High Hedge Notice.

It is recommended that given the application relates to a high hedge and that following assessment, taking into account the submissions from both parties the high hedge (as detailed) is having an adverse impact on the reasonable enjoyment of the applicant's property, a High Hedge Notice should be issued.

To ensure there would be minimal impact on nesting birds the works require to be carried out with the nesting period (April to July).

The High Hedge Notice has to contain specific recommendations for the owner to carry out and in this case it is recommended that the hedge, shown in red in Appendix 1 and comprising 8 Western Red Cedar trees should initially be reduced to the height of 6.5m, to then allow for growth to 7.25m which is the action hedge height. These works are to be carried out within eight weeks of the Notice taking effect.

In addition, the Notice should stipulate that the hedge should be maintained on an annual basis to ensure that its height does not exceed 7.25m.

**Author/Contact
Officer:**

Iain T Drummond
Planning Officer

Ext: 01343 563607

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



Map Description: Hedge Location





Map Description: Measurements



Appendix 2

Action hedge height – Garden

Calculated in accordance with page 8 of Hedge Height and Light Loss (2005) guidelines

Effective depth – rectangular garden = 26.7m

Orientation factor – South East = 0.3

Garden action hedge height – $26.7 \times 0.3 = 8.01\text{m}$

.....

Front window action hedge height

Calculated in accordance with page 14 of Hedge Height and Light Loss (2005) guidelines

Hedge at right angles to windows

Distance from centre of the window to the hedge = 6.25m

Action hedge height = distance from centre of window to hedge + 1m

Front window action hedge height = $6.25 + 1 = 7.25$

The centre of the rear window closest to the hedge also measures 6.25m from the hedge and as such the calculations for this window are the same as the front window.

.....

Hedge length

The portion of the hedge which directly bounds the applicant's garden and house has the greatest potential to impact on the applicant's house and will need to be reduced to reflect the action hedge height. In addition to this, page 14 of the Hedge Height and Light Loss (2005) guidelines provided guidance in terms of what length of hedge from the front face/windows of the affected house should be reduced in height.

This hedge length is calculated by taking the current height of the hedge, subtracting 1m and then doubling this number.

The hedge height = 15m

Hedge length = $15\text{m} - 1\text{m} = 14\text{m}$

$14\text{m} \times 2 = 28\text{m}$ from the front face of the applicant's house

Taking both the portion of hedge which runs directly adjacent to the applicant's house and the 28m section of hedge to the front of the house, this results in the need to reduce the whole hedge as identified on Appendix 1 to the action hedge height.



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
16 NOVEMBER 2021**

SUBJECT: ELGIN CITY CENTRE FINAL MASTERPLAN

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To advise the Committee of comments received on the draft Elgin City Centre Masterplan following consultation and to ask Committee to agree the final Masterplan and that a Steering Group is set up to co-ordinate and progress delivery of the Masterplan.
- 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 Committee:

- (i) notes the comments received during the consultation and agrees the proposed responses and changes arising from consultation set out in Appendix 2;
- (ii) notes progress on a number of projects as set out in para 4.4;
- (iii) agrees the final Masterplan in Appendix 3;
- (iv) agrees the Delivery Programme in Appendix 4;
- (v) delegates authority to the Head of Economic Growth and Development to add CGI images to the final Masterplan;
- (vi) agrees that the Masterplan is treated as a material consideration in the development management process;
- (vii) agrees that a Steering Group of key partners and stakeholders is set up to progress and co-ordinate delivery of the Masterplan; and

(viii) notes that Improvement Plans for other Town Centres will be reported to the meeting of this Committee in early 2022.

3. **BACKGROUND**

- 3.1 The draft Masterplan was approved at the 26 January 2021 meeting of this Committee (para 13 of minute refers). The draft was then made available for public consultation between 22 March and 30 July 2021. The consultation was extended from the original deadline to allow for an “in-person” consultation event to take place in Cooper Park on 28 August 2021, with the rest of the consultation on-line.
- 3.2 The online consultation involved developing new ways of working and visual presentations, with an interactive virtual town hall resource developed and a drone regeneration trail, design competition for children, the offer of online 1-2-1 appointments with planning officers and meetings with organisations such as Elgin Community Council, Elgin Museum, Elgin BID and the Chamber of Commerce. **Appendices 1 and 2** summarise the consultation and demonstrates the reach of the engagement.

4. **PROPOSALS**

- 4.1 The draft Masterplan received 114 online responses, with a further 468 comments received on the day of the Cooper Park consultation event. Views of the Transformation trail drone footage and virtual town hall exhibition proved to be very popular with 5,800 and 3,514 views respectively.
- 4.2 **Appendix 2** summarises the comments received and the proposed Council responses. Some key comments expressed include;
- Strong support for regeneration of South Street and Thunderton Place
 - No support expressed for a high quality hotel site at Lossie Green Car Park
 - Strong support for better active travel infrastructure and connectivity between Cooper Park and the High Street
 - Support for improvements to Northport
 - Support for more greening of the Centre
 - Support for proposals within Cooper Park, with many suggested uses, including re-instatement of mini golf and boating
 - No support for proposed angel's share themed artwork within the pond
 - Need to improve St Giles Centre
 - Strong support for proposals to refurbish Grant Lodge, with suggestions that this would be a better hotel site
 - Strong proposals for refurbishment of Elgin Town Hall and wider proposals around the evening economy.
 - Support for inclusion of Elgin Museum within the Masterplan.
- 4.3 As a result of the consultation a number of property owners have come forward regarding proposals around the Centre and these are being considered and supported by Council officers. There has been considerable interest in developing the evening economy in the Centre. A number of key

changes have been made to the Masterplan as a result of the consultation, including;

- The hotel site proposed at Lossie Green has been reworded and amended to allow for a number of possible options to be explored. A number of potential emerging opportunities have been highlighted during the consultation, which are commercially sensitive at this stage. The hotel, along with Grant Lodge, Cooper Park and Elgin Town Hall are part of the Moray Growth Deal Cultural Quarter project and the Outline Business Case for that is still under review.
- The proposed surface level crossing at Northport has been changed to explore the feasibility of a new active travel bridge between Northport and Cooper Park which will become a key route between the refurbished Grant Lodge and the High Street. This would be supported by improvements to Northport with signage and art being used to encourage visitors to Grant Lodge to visit the High Street. The proposed surface level crossing between Grant Lodge and Elgin Museum is retained for further investigation.
- The proposed angel artwork in Cooper Park pond is no longer being proposed. Proposals for art throughout the Centre will be progressed under the Strategy in consultation with the community.
- St Giles shopping centre has been included as a project, aiming to work with the owners and managers to explore opportunities to support the viability of the Centre.
- Elgin Museum has been included as a project, supporting enhanced visitor facilities and potential residential uses.
- Comments relating to Cooper Park are being used to inform the design work currently ongoing for the Park.

4.4 Having projects within a plan which have been subject to public consultation is a key requirement for strategic level funding submissions and officers have been progressing a number of projects towards being shovel ready for inclusion in a possible submission to the UK Levelling Up Fund (subject to further report to Council) second round, which is anticipated to be announced shortly. This includes;

- Supporting property owners to progress feasibility studies for vacant and derelict properties.
- Feasibility study for an active travel bridge connecting over the railway line and options appraisal for the replacement of the existing pedestrian bridge over the A96 at Northport.
- Key road junction improvements to address traffic issues and facilitate development on constrained sites
- Streetscape design work considering options for improvements to a number of streets within the Centre with the introduction of traffic control measures.
- Ongoing design work at Cooper Park, focussing on the outdoor amphitheatre, pond and play area.

4.5 It is proposed to set up a Steering Group in Quarter 1 2022 to co-ordinate and communicate the delivery of projects within the Masterplan. Representation will be invited from Elgin Community Council, Elgin BID, Moray Chamber of

Commerce, Elgin Museum, Parentable, Elgin members, other interested parties and Council officers from Transportation, Economic Growth and Regeneration and Strategic Planning and Development.

- 4.6 The Delivery Plan (**Appendix 4**) for the Masterplan is a starting point, which will evolve and develop as costings and further details of projects become available. Details of possible funding need to be added and officers are currently looking at wider issues and possible funding for vacant and derelict sites and empty properties across Moray.
- 4.7 Delegated authority is requested to add CGI visualisations into the Masterplan when these are become available from ongoing studies.
- 4.8 Climate Change and Biodiversity implications will soon be incorporated into the Council's Committee reporting process. The Masterplan is considered to contribute positively and from the outset has sought to embed carbon conscious thinking into the projects. A number of proposals to reduce carbon and promote biodiversity are worth highlighting;
- A focus on new active travel connections and a more pedestrian friendly environment to promote walking, cycling and wheeling and reduce car journeys
 - Reuse of vacant and derelict buildings and sites
 - Aspiration to achieve net zero emissions at key development opportunities
 - Greening of the Centre, including tree and wildflower planting
 - More facilities and attractions within the centre supporting "localism" and local businesses
 - Green walling to absorb carbon
 - Proposed studies to explore renewable energy opportunities at Cooper Park and the River Lossie

5. SUMMARY OF IMPLICATIONS

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

The proposals are intended to support the economic recovery and diversification of Elgin City Centre as well as support healthy living and climate change mitigation.

(b) Policy and Legal

Progressing a Masterplan for Elgin City Centre is an action within the Moray Local Development Plan Delivery Programme. Once approved the Masterplan will be a material consideration for development management purposes.

(c) Financial implications

The Masterplan includes a Delivery Plan with potential funding sources identified, including external funding such as Town Centre Funds and Capital Regeneration funding. Some of the projects identified are likely to form part of the Council's submission to the UK Levelling Up Fund and some projects will be funded through the Moray Growth Deal Cultural Quarter and Housing Mix Delivery projects.

Improvement Plans are being developed for other Town Centres in Moray and a future report to this Committee will identify potential funding requirements for Town Centre regeneration. The Economic Recovery Plan agreed by the Council includes £200k for Town Centre Improvements 22-23 and 23-24, with 50% contribution from HIE.

(d) Risk Implications

There is a risk that not having an agreed Plan and shovel ready projects will negatively impact upon applications for external funding.

There is a risk of further loss of town centre vitality if a proactive, partnership approach to regeneration is not taken. Vibrant Centres and evening economy are key aspects of economic growth.

(e) Staffing Implications

Progressing delivery of the Masterplan will be challenging within the current staffing resources, particularly for Strategic Planning and Development, Transportation and Legal Services. A review of staffing within Economic Growth and Development is currently ongoing at present.

(f) Property

A number of properties referred to within the Masterplan are owned by the Council.

(g) Equalities

An Equalities Impact Assessment has been carried out. Although the impacts are expected to be positive, more detailed equality impact assessments will be carried out during the design phase to ensure that the benefits are shared fairly.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Corporate Management Team, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Consultancy Manager, the Senior Engineer Transportation, the Housing Strategy and Development Manager and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

6. CONCLUSION

6.1 This report asks Committee to approve the final Elgin City Centre Masterplan following an extensive consultation process which has resulted in a number of changes.

6.2 The Masterplan sets out a range of proposals including redevelopment opportunities, refurbishment of buildings, streetscape works, active travel connections, new facilities within Cooper Park and greening of the

City Centre. It is proposed to set up a Steering Group of key partners to co-ordinate delivery of the Masterplan.

Author of Report: Gary Templeton, Strategic Planning and Development Manager

Background Papers:

Ref:

Elgin City Centre Masterplan Engagement



114

Online
responses



100

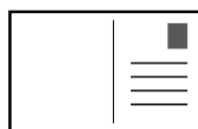
attended Cooper
Park pop up event

145
QR Code responses



468

Comments received
on the day



140

Postcard comments

25%
online reponses from
Moray residents
outwith Elgin



5,800

views of the Transformation
Trail drone footage



3514

views of the virtual
town hall exhibition



213

responses for Skatepark



60

Entries for Cooper Park
Design Competition



17 posts

1 advert

192,708 reach

24,999 engagement

389 posts shared

50 comments



21,000

Competition promo
video views

What you said



75%

Strongly/fairly or support proposals to improve the appearance and attractiveness of Thunderton Place.



85%

Strongly/fairly or support proposals to 'green' the City Centre by planting more trees and shrubs in streets and spaces and creating green walls.



45%

Had no support for a high quality hotel within the City Centre at Lossie Green Car Park.



85%

Strongly/some support for infrastructure to make walking and cycling the preferred choice for short journeys in the City Centre.



100%

Supported proposals to regenerate South Street by bringing empty properties back into use, widening pavements and greening the street with trees and planting.



90%

Strongly support or support the redevelopment of the town hall as a multi-purpose theatre/cinema and performance space.



100%

Supported bringing vacant and derelict sites and properties above shops back into use.

Changes we propose

Lack of support for Lossie Green car park as hotel site

Remove proposed hotel site and replace with a search area for hotel which excludes Lossie Green

Replace mini golf and create splash park

Mini golf and splash park to be fed into design proposals for Cooper Park

Identify measure to address climate change

Explore opportunities for renewable energy creation at Cooper Park

Lack of support for angel fountain in the pond

Revisit public art installation for Cooper Park pond

Enhance connection from Northport to Cooper Park

Explore new active travel bridge connecting Northport and Cooper Park

Appendix 2 Elgin City Centre Masterplan (Draft) – Consultation Responses

Vison & Objectives

Consultee Ref.	Summary of Comment	Response
ECCMP_D001	<i>Sound vision and objectives as part of post Covid recovery and longer term</i>	Noted.
ECCMP_D007	<i>I think this plan is wonderful, if we can retain our Scottish heritage but give Elgin a more Scandinavian and European feel to attract tourists but also locals to a cafe/food culture in town. I do think more provision for teenagers is needed and more affordable housing.</i>	<p>Noted. The Council will continue to pursue projects for a range of age groups, including teenagers. Proposals include spaces at the Town Hall for digital media and music recording and a space for students.</p> <p>One of the key aims of the Plan is to provide more housing opportunities within the City Centre, which will help to support activity beyond 5pm.</p>
ECCMP_D008	<i>Regarding the plans to create a social/educational hub I think it vital to ensure and support that what already exists in Elgin library. Given the fact it was not that long ago announced to be in danger of closing, any vision of Elgin must include supporting the library as a vital community resource for those most vulnerable. Not only to attract new people to Elgin but also support those already here and in need of such support. A future of Elgin must include our Library</i>	Noted. The proposals are considered complementary to Elgin library.
ECCMP_D009	<i>The vision and objectives are a nice concept</i>	Noted.
ECCMP_D010	<i>Waste of time effort and money, an angel fountain really. Try lowering business rates to attract town centre shops as it's dying, no amount of chincy rubbish or connections (that already exists) between park and town centre will help. Untidy side streets and lanes are a part of Elgin charm, modernisation not required just fix the basics first.</i>	Noted. The angel fountain is being reconsidered.
ECCMP_D012	<i>I think the plan is generally forward-thinking and achievable and welcome the amount of thought and consideration that has clearly gone into its production.</i>	Noted.
ECCMP_D013	<i>I do think that overall this will improve the dreary city centre and inject some atmosphere and hopefully more people to</i>	Noted. The angel fountain is being re-considered as part of the work on a Public Art Strategy.

	<i>visit. However I don't see the point of redeveloping the Cooper Park pond with an angel fountain as it will look out of place and using the example of the town centre fountain it will probably hardly be on or will constantly require upkeep.</i>	
ECCMP_D019	<i>It's great to see a vision that will benefit Elgin and the surrounding areas, also the visual views of the plans look very appealing.</i>	Noted.
ECCMP_D020	<i>I think improvement in Elgin centre is desperately needed. A place to socialise, for all ages and tastes, relax, shop and eat. Making affordable housing for people will inject life into town, be good for first time buyers and bring money into the centre. The Europeans use their town centres in this way. It brings life and vibrancy which Elgin is sadly lacking now. We have some beautiful buildings, restoring civic pride (think of batches st) will transform the town. I am embarrassed to bring visitors into our town and would take them out for the day or avoid the central Elgin. Great work let's move forward.</i>	Noted.
ECCMP_D021a	<i>The vision is great. However, it needs more community initiatives. When I look around Elgin on a daily basis whether walking or driving, the lack of trees and hedging is atrocious. The snow drifting onto roads can be eased with hedging. The high winds, especially where we live in Elgin is ridiculous due partly from lack of shelter and obstacles trees provide. On top of that, greenery is proven to increase people's wellbeing. I hand on heart believe Elgin can be just as beautiful and happy with more greenery, shelter and a way for communities to sustain their own food.</i>	Noted. One of the aims of the plan is to “green the Centre” to include more trees, hedges and shrub planting for biodiversity and pollination. Further detail of these proposals will be set out in the final version of the Masterplan.
ECCMP_D021b	<i>After reading and viewing the whole plan again and again, I really like what I read and see. Elgin has been promised so much in the past and many projects have been deceased by previous council members. I love Elgin, I moved here as a child in 1995 and came here for holidays as a toddler every year, twice a year to visit grandparents and relatives. I enjoyed the use of Cooper Park with trampolines, boats, summer and Easter activities etc. It was the best holiday as a child and moving here was exciting. My Dad often says</i>	Noted.

	<i>how he enjoyed working in the tailors on South Street and going around Elgin City centre for entertainment. City. I hardly hear anyone say City of Elgin. A football club is called City, we have a beautiful Cathedral and Elgin is certainly GROWING, so why not implement City more than town' Elgin is a great place often disguised with a rundown thought, it needs promotion and it needs this masterplan to be implemented, especially if my kids and other generations want to still be here.</i>	
ECCMP_D023	<i>I believe Elgin is sorely in need of a facelift however many of the individual projects are pie in the sky and are not going to be beneficial to the town as a whole. The overall project seems to be more worried about improving the town for the tourists rather than the people who live in Elgin. There are unnecessary radical changes that are proposed that could be softened to apply to currently existing parts of Elgin.</i>	<p>The projects are considered to be realistic and achievable. Significant funding opportunities to help transform the Centre are available through the Moray Growth Deal and other funding initiatives which the Council is pursuing.</p> <p>It is unclear what the unnecessary radical changes comment refers to, however, if that is the connections between the Centre and the Park, then these types of radical changes are required to address the longstanding issue of “severance” between Park and Centre and to support objectives relating to cutting carbon and promoting health and wellbeing.</p>
ECCMP_D024	<i>It is great to see that Elgin is being looked at and invested in. Keep up the good work.</i>	Noted.
ECCMP_D025	<i>Absolutely brilliant, Elgin is so beautiful and is in dire need of this upgrade. The public have the money to spend, we definitely need to use the town centre to its full capacity. More restaurants with covered outdoor seating, concerts outside the St. Giles Church etc. I think the plans look great, anything would be better than how it is now. We need to embrace our beautiful architecture and make shop sign vintage instead of the ghastly modern ones that just make the city centre look poor!</i>	Noted.
ECCMP_D027	<i>The Elgin master plan is all well and good. The high street is dirty and unkempt there's no flagship stores to attract shoppers all I can see is cafes/restaurants charity shops beauty salons and phone shops nestled among empty buildings and dirty pub fronts. The front of Wetherspoons is like a job centre hangout it looks dirty with all the folk</i>	Noted. Investing in the proposed projects will attract people and businesses to the town. Elgin is facing the same challenges that Centres across the country are facing in terms of shop closures and declining footfall. Centres are all having to compete with online retailing and changing consumer demands.

	<i>standing outside throwing cigarette butts and swearing loudly. The St. Giles centre has nothing in it apart from cafes and phone shops. The area around farm foods and Northport is outdated and dirty. That area needs a focal point to bring people into it. The dandelion was a waste of money never seen anything so ugly and the seating next to it is ugly. Bus station is dirty and cramped and the town hall is so 1950s . Why don't you allow traffic down one side of the high street.</i>	
ECCMP_D030	<i>The pedestrianisation of the entire city centre is a mistake - the High Street and surrounding streets have suffered greatly since the High Street was pedestrianised</i> <i>The state of our High Street and surrounding shopping areas are an eyesore, especially with the unattractive lion statue erected. Shops have been unable to carry on trading due to high rents and reduced footfall due to pedestrianisation. There are no decent shops left in our town. When I was young there was a multitude of shops to choose from (Luckpenny, Elgar, Arnold's, grocers, sweet shops, sports shops, toy shops shoe shops, clothes shops, gift shops etc) - now it's second hand shops and very little else! Bring back the days when it used to be a joy to spend hours up the town!!</i>	Noted.
ECCMP_D031	<i>The draft master plan addresses the major concerns people have regarding the town centre. I particularly like the plan to tackle the shopfronts and landscaping.</i>	Noted.
ECCMP_D034	<i>It is all very well having vision and objective, however, as a cash strapped council it would be interesting to know how you intend to pay for everything proposed' You advertise it as being for a city but this is very misleading as Elgin is a town, not a city (7 cities in Scotland, Elgin is not one of them). Visitors to Elgin (including my own family when they come to visit) are disappointed by the lack of facilities in the supposed city. The town centre does need major upgrading, however, it is more important in the first instance to attract shops, and shoppers. Stop with the retail parks and start</i>	The aim of investing in the Centre is to attract more people and businesses to Elgin. The Moray Growth Deal will provide significant funding towards the proposals at Elgin Town Hall, Grant Lodge and the proposed Business Enterprise Hub. The Council will investigate and apply for other significant funding available to bring about the regeneration of the Centre.

	<i>lowering rates to get businesses back into town centres. It's the same story everywhere.</i>	
ECCMP_D036	<i>The vision and objectives are contradicting what the council have said before many of them the council have said we can't do that because we don't own the buildings</i>	While the Council don't own all the buildings the Council are working with partners to support the refurbishment of buildings.
ECCMP_D039	<i>Looks VERY nice and like the green aspect of it.</i>	Noted.
ECCMP_D047	<i>It is bold and imaginative</i>	Noted.
ECCMP_D048	<i>Blind vision - blind to the simple fact that the more you try to push the car out, the more people will ignore the high street and continue to use out-of-town retail etc. Who wants a High St full of coffee shops when you can't park' People will drive to somewhere like Brodie or Baxters and go there instead.</i>	The Masterplan does not try to "push the car out". It aims to provide better connections for walking and cycling and improved public transport infrastructure. The only loss of car parking would be through one of the sites being considered for the hotel as part of the Cultural Quarter project, however hotel site options are being explored.
ECCMP_D049	<i>The overall vision is very good. I am excited to see it progress.</i>	Noted.
ECCMP_D050	<i>In my 75 years living in Moray and in Elgin in particular I have read and seen many City Centre plans. Sadly most of them fell through because of lack of public and private funding. I am well aware about the Growth Deal but the time scale of that funding is lengthy and we need action now. Much of this is to be achieved by 2030 or beyond. This is too long a time scale. Grant Lodge restoration needs to start now in 2021 and be completed in two years.</i>	Noted. In addition to the Moray Growth Deal funding, the Council is considering other funding sources to support regeneration of the Centre. The timescales for regeneration will be driven by the availability of finance and the Council will endeavour to bring projects forward as early as possible.
ECCMP_D053	<i>Visions and objectives appear ambitious but very impressive and will certainly benefit residents and visitors to the town</i>	Noted.
ECCMP_D057	<i>It is a really positive and necessary project that will bring the town into the 21st century</i>	Noted.
ECCMP_D058	<i>Will it be good for the whole of moray?</i>	Elgin is considered as the regional centre for Moray and many of the projects will benefit the whole of Moray, including having a regional creative arts centre, regional entertainment venue, improved job and education opportunities and improved retail and leisure experience. Other Centres through Moray are having similar Masterplans prepared and officers are working to secure funding to support their regeneration.

ECCMP_D062b	<i>Who is going to pay for this you cannot even cut grass near where i live</i>	There are a number of regional level funding initiatives such as the Moray Growth Deal and UK Levelling Up Fund which the Council are pursuing to secure funding for the regeneration of the Centre.
ECCMP_D063	<i>Far too little. Sticking plasters always come off! Improve selection of shops, fill empty shops so reduce or better still remove costs for a year then replace with figures shop owners can afford. Bring in larger nationwide stores. Make an outlet like at Gretna- always busy. This will bring people from outside the area into Elgin. Please improve this plan before you start spending ! A town centre needs people and in order for people to go into the town centre they need to have a reason to go and 95% will need to drive there!</i>	The Plan aims to increase the attractiveness of the Centre to people and businesses. Without improving the Centre it is difficult to see how empty shops will be filled and there is also a need to recognise that Elgin is not alone in facing the current challenges.
ECCMP_D066	<i>"...serving Moray and beyond." There may well be 'something for (almost) everyone' in this plan, but I'd like to see this statement fleshed out more, to identify and set targets for key 'populations' and priority projects; otherwise, especially if money is tight, and it will be!, there is a temptation to cherry pick the less challenging and lower cost rather than the most important in terms of the overall scheme. Creative industries. yes, but promote other sectors too eg food & drink, obviously. Active travel, yes, but ambitions need to be tempered by the realities of our climate. To "increase opportunities" for city centre living is too weak an expression of a clear priority.</i>	Agreed. Further detail will be added to ensure the progress and success of the Masterplan projects can be measured. There is no cherry picking of the projects to avoid the most difficult, in fact, quite the opposite, with numerous barriers to overcome to bring some projects forward.
ECCMP_D067	<i>I think its great.</i>	Noted.
ECCMP_D069	<i>I would like to see an open minded approach and a true visionary to the upgrade of Elgin Centre. After living overseas I have seen many great modern innovations that fit with local culture and offer a vision of life that not only supports the local population, businesses but is an attraction to visitors. Give the tourists and locals something that can be enjoyed year long and for years to come.</i>	Noted.
ECCMP_D072a	<i>Some of the visuals are really good, ideas are creative and can very much be implemented as long as the Amphitheatre idea is binned!</i>	Noted. However, the amphitheatre project is seen as providing an attractive outdoor performance space as part of the Cultural Quarter project. Further public consultation will take place as proposals for Cooper Park are worked up.

ECCMP_D072b	<i>Really excited about other areas that the plan is covering. Exciting for the future sustainability of our city centre.</i>	
ECCMP_D077	<i>Congratulations on developing such an ambitious plan. Elgin needs and deserves a vibrant city centre as the area continues to grow. Thank you and good luck turning the plan into reality.</i>	Noted.
ECCMP_D078	<i>I support the plan, in particular the development of music and art, improved cycling and pedestrian pathways and electric charge points.</i>	Noted.
ECCMP_D086	<i>On the whole I absolutely support and looking forward to the investment in what is an amazing town centre - however - if you are to attract more residential investment and living then waste and parking must be addressed as it is currently not working. What additional parking is being introduced' Who is controlling the parking as at the moment neither the council or police are addressing the issue. Waste - currently streets are full of bins both commercial and residential - tying in with being greener what solutions are being looked at before permission is granted. Bins on Batchen Street are currently blocking fire escapes etc and already additional planning has been granted for four more residencies - and although I addressed the waste issue it was deemed as not an issue.</i>	Noted. It is not the intention of the draft Masterplan to introduce additional car parking within the town centre to support residential living. Town centre living enables access to facilities without the need for car ownership. Additional secure parking for cycles would be sought for residential uses and dedicated parking spaces for Car Share providers identified. On the issue of waste and bins, the Council will discuss this further with Elgin BID.
ECCMP_D087	<i>These are really good. Inclusive of all. Carbon conscious - which needs to be taken very seriously, with the net zero carbon target we all need to reach. Making the city centre a good and healthy place to live and be.</i> <i>So many important values and objectives, and so much imagination. It acknowledges heritage and history while looking forward to the needs of a changing world.</i>	Noted.
ECCMP_D089	<i>Excellent vision and objectives which I wholeheartedly support. However, one major aspect of the vision is missing and needs addressing. Car Parking. Car parking is a serious drawback to any visitor or resident in Elgin which is unique within the county using pay to park. This does not go down well with anyone wishing to use the town centre when there are free parking alternatives to the south of the railway.</i>	The Council has an approved Parking Strategy for Elgin City Centre. Charges for parking are reviewed on a regular basis in line with the Strategy, including the regular use of 'Free after Three' promotions in the run up to Christmas. Parking restrictions on streets within the City Centre, including nearby residential streets, are the subject of a

	<p><i>Visitors need encouragement. All pay to park should be terminated and free access promoted. Alternatively, other cities offer the first hour free with subsequent time subject to charge. This scheme deals with office workers clogging the car parks nearest town; these workers would continue to use residential streets. Along with free parking, the use of double yellow lines should be totally reviewed and severely restricted. Moray Street for instance is a very wide thoroughfare but is double yellow lines along the entire length. Why? Where's the logic when narrower streets remain free. Businesses need to be attracted to the town centre with a viable footfall. The current parking arrangements are killing the town centre. I personally am unaffected as I am only a short walk from town.</i></p>	<p>Traffic Regulation Order which has been through a full consultation process at the time of development and prior to its implementation.</p>
ECCMP_D091	<p><i>This section of the Draft Masterplan makes a number of broad visions and objectives for Elgin which the provisions of the Masterplan will seek to support. In summary the objective seeks to make Elgin City Centre a vibrant centre for a number of uses, as a carbon conscious place, an attractive place to live and work amongst other provisions. Overall, our client supports the broad vision for Elgin City Centre and welcomes the emphasis placed on attracting people into the centre, which will in turn increase economic activity. They also support the focus on the evening economy and improved active travel connections between the centre and other areas of Elgin. It is considered that these broad goals are imperative to revitalising the city centre in the wake of on-going changes to traditional centres, online shopping habits and effects caused by the on-going Covid-19 pandemic. It is crucial that the masterplan takes a flexible approach to its designations to ensure that the centre is not constrained by restrictive planning policies. This is a theme which is emerging across Scotland (and the wider UK as seen by the implementation of the new Class E permitted development right in England) and should also be applied to this masterplan document. In this regard it is worth briefly highlighting the Scottish Government's Town Centre Action</i></p>	<p>Noted.</p>

	<p><i>Plan which was first published in 2013 which emphasised the role of town centres and the need to support them. In July 2020 the Scottish Government sought to review the Plan and consider how it could be updated. The report, inter alia, notes that the most successful town centres offer a diverse and mix of uses which are distinct to meet the needs of local communities. They require a sense of community, place and identity which can be used by all members of society. It is also important to highlight how the Covid-19 Pandemic has placed more an emphasis on shopping local and the benefits a vibrant town centre can play. Thus, it is also important to improve the linkages between the City Centre and other areas of Elgin allowing local residents to also easily access the services in the town. Therefore, the Vision and Objectives are supported in so far as they support to ensure the sustainability of the city centre as a place to shop, visit and work in line with modern demands and trends.</i></p>	
ECCMP_D093	<p><i>This is one of multiple references to potential roles for the Elgin Museum contained within the Masterplan. We are actively delivering these Visions and Objectives already but no mention is made anywhere of TMS/ELGNM being an existing or future major contributor that is already long established and with a strong community agenda.</i></p> <ul style="list-style-type: none"> <i>p. 9 Vibrant retail and commercial centre – You quote “fantastic opportunities...to increase number of people visiting the High Street...” The Elgin Museum is not mentioned, yet it showcases “the City’s amazing history”. Otherwise, we agree with this V&O.</i> <i>p. 10 Carbon Conscious – We cannot wait for the present A96 bypass to become responsibility of MC for improvements to through ATRs across Alexandra Road. They should be adequately lit to promote confident 24 hr use. Specific ornamental lighting would be contrary to being Carbon Conscious. Re-use of empty properties – we strongly</i> 	<p>Noted. Council officers have subsequently met with representatives of Elgin Museum to discuss these comments. The Museum will be included as a project within the Masterplan and officers are working with the Museum to explore potential funding sources.</p> <p>In terms of crossing points on the A96, a Transport Assessment will be done to consider connections between the proposed Cultural Quarter project and Cooper Park. All options, including retention of the existing bridge and a new crossing at the east end of Alexandra Road will be considered.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong ‘desire line’ for pedestrians and the location meets design and safety standards. The options will include the</p>

	<p><i>support this as providing an indication of a town centre on the up not down. Otherwise, we agree with this V&O.</i></p> <p><i>p. 11 Green place – beware trees affecting built structures and paved surfaces.</i></p> <p><i>Lighting, interpretation, public art – Elgin Museum has already met with the consultant carrying out the Public Art Strategy and has held positive discussions and made some excellent suggestions. We must not forget Andrew Wright’s 2012 report on the Conservation Area which highlighted existing gems - some of which require conservation work. We would suggest the use of functional lighting, improved to facilitate safe 24 hr perambulation, to showcase architecture as an added value rather than specific ornamental lighting.</i></p> <p><i>p. 12 Inclusive place – Please keep the bridge. But add a surface crossing, at the east end of Alexandra Road.</i></p>	<p>retention/improvement/replacement of the pedestrian bridge as well as removal.</p>
ECCMP_D099	<p><i>The Plan is innovative, imaginative and bold in its ambition which is generally to be commended if meaningful and lasting regeneration is to be achieved. This however needs to be tempered with an element of realism. The Plan gives little detail as to how what are costly projects will be funded other than reference to a partnership approach. Indeed once the projects have been implemented there will be considerable ongoing maintenance costs of new access infrastructure which will need to be met most likely by the Council. This will be most evident particularly with the range of new facilities (CP projects in the masterplan) proposed for Cooper Park How these new facilities can be looked after and sustained in the long term needs to be factored up front in the document.</i></p> <p><i>Whilst a huge uplift to Elgin is much needed and most of what’s proposed should greatly improve the general appearance, upgrade the infrastructure, provide better environment and wildlife habitats; the main concern and point that needs emphasising is this will all need huge</i></p>	<p>The final draft of the Masterplan is accompanied by a Delivery Plan which sets out more detail on partnerships, potential funding and timescales. This will be supported by the creation of a Steering Group to help co-ordinate and communicate progress with the Masterplan.</p>

	<i>amount of additional maintenance budget after its built. We used to have a specific 'park squad' which looked after the park and city centre which might be worth revisiting as a way of sustaining the proposed new infrastructure.</i>	
ECCMP_D100	<p><i>The Archaeology Service supports the overall Vision and Objectives of the Elgin City Centre Masterplan, and the positive impact the proposals could have.</i></p> <p><i>Looking specifically at the vision focussing on heritage ("To respect, embrace and market Elgin's amazing heritage through lighting, interpretation and public art") while again we are generally supportive, we would ask that visual and setting impact on the historic environment is taken into consideration when it comes to the positioning and number of interpretation and public art installations proposed within the historic core and conservation area of Elgin.</i></p>	Noted.
ECCMP_D101	<p><i>We understand that due to the nature of the government funding and private enterprise interest the Moray Council has not been able to publicise much of the workings behind these proposals. However, from what we have seen we have confidence that the work is being progressed in the best interests of the area. The overall objectives of making Elgin town centre vibrant, connected to the wider area of Lossie Green and the Cooper Park, and make it inclusive to the whole population are well received. The funding that the Growth Deal brings across Moray gives confidence that the plans have some chance of becoming reality.</i></p> <p><i>It is important that all age groups are catered for in the end product. We are pleased that younger people becoming involved in the consultations. ECC are supportive of reducing carbon emissions. We and have taken action on this in the past.</i></p>	Noted.
ECCMP_D102	<i>We are generally happy with the Draft Masterplan and its ambitions to "transform Elgin City Centre with a range of projects aiming to support local businesses, attract investment, regenerate vacant and derelict buildings, encourage more people to live and work in the Centre, to</i>	Noted. The retro fitting of SUDs will be investigated as part of the development of public realm improvements. We are aware of several London Boroughs and Local Authorities which have successfully incorporated retro-fitted SUDs into

	<p><i>showcase Elgin's fascinating history and to improve walking and cycling connections."</i></p> <p><i>We ask that the principles of development within the Masterplan should adhere to Policy PP1 of the adopted MLDP. The emphasis should be to ensure a strategic delivery of a city centre which is inviting and a place which enhances health and wellbeing.</i></p> <p><i>Whilst pursuing these proposals, the masterplan should at all times pursue opportunities for environmental enhancement schemes which contribute to the improvement of the city centre areas. Some examples could be using SuDs which accords with the principles of the CIRIA C753 Manual in ensuing water quality and promoting biodiversity and promoting blue green corridors where possible within and where possible beyond the masterplan area.</i></p> <p><i>We are happy to actively engage with you regarding the progress of the delivery of the outcomes of the Masterplan for example the regeneration of the Cooper Park.</i></p>	<p>their urban realm, and will be taking their experiences into consideration.</p>
ECCMP_D103	<p><i>Firstly I'd like to congratulate the team on producing such a modern-thinking draft plan for Elgin City Centre. I really enjoyed reading the plan and was inspired to feel that the objectives are all possible.</i></p> <p><i>I hope that your bold approach to tackling the major issues facing the town centre gets a good response from the public. Fortifying the plan's vision in hearts and minds will be important to maximise the buy-in from all.</i></p> <p><i>We are constantly learning more about successful examples of how to use nature to offer climate resilience and help save our biodiversity. The Masterplan can help persuade developers and investors of the benefits to business of integrating nature-based solutions within their build.</i></p> <p><i>The strong focus on active travel and promoting Elgin as a Carbon Conscious place to live, work and visit is welcomed. Reducing the carbon we produce is a massive challenge and</i></p>	<p>Noted.</p>

	<i>the Masterplan can help create an adaptive and thoughtful urban culture that will be well-placed to make the behavioural changes required.</i>	
ECCMP_D104	<i>We would very much like to understand further, how you will sustain some of the proposed projects in the future once they are completed' Are the objectives set out achievable in the proposed timelines and could some key areas be pulled forward and delivered earlier than proposed' Will the Heritage Trail replace Castle, to Cathedral to Cashmere trail'</i>	Detailed design of projects will set out maintenance costs for the Council to consider. Timescales will be dependent on many factors, especially funding and will be subject to ongoing review. The Heritage Trail is intended to complement the CCC trail.
ECCMP_D105	<i>Somewhere for Elgin and surrounding areas to meet and listen to concerts, plays, performances. There are no music venues to listen to concerts etc. Somewhere to benefit all. No music venues other than Inverness or Aberdeen.</i>	Noted.
ECCMP_D110	<i>Great plans Please can you consider disabled people. There are few disabled parking spots at present. Often they are used by people or work vans, not displaying a disabled user permit. Please consider disabled people using wheelchairs or mobility scooters.</i>	Noted. The Masterplan aims to provide more accessible parking and toilets for disabled people.
ECCMP_D112	<i>I like the look of the new plans especially looking to the future but there are many more things i would add especially for young families</i>	Noted.
ECCMP_D114	<i>This section of the Draft Masterplan does refer to strong leadership being required and that 'The Partnership' meet regularly. This needs some clarification. This isn't the first masterplan to be presented for Elgin town centre - I wonder how exactly the project will be taken forward and actually executed without the slowing and diluting effect of 'government by committee'. Great to produce this. It needs to be delivered (before 2030).</i>	Noted. It is proposed to set up a Steering Group in early 2022 to co-ordinate and communicate delivery of the Masterplan.

CR1 Active Travel Connections

Consultee Ref.	Summary of Comment	Response
ECCMP_D003	<i>It is essential that you have distinct and enforced separation of cyclists and pedestrians. Twice recently as I stepped out of a shop door I have been very narrowly missed by cyclists speeding as fast as they can along the pavement. In one</i>	Noted. The design of Active Travel routes will be taken into account Guidance in the new version of the Scottish Government document 'Cycling by Design' and their

	<i>case the cyclist was so close that he frightened himself, and wobbled along the pavement for 10 metres before recovering his balance. At my age (76) such an incident is likely to end my enjoyment of life by putting me in a care home, and having my life taken over by Social Services.</i>	guidance on designing for vulnerable road users 'Roads for All'.
ECCMP_D009	<i>I understand the want for more walking and cycling areas however you have not addressed where cars would go. By pedestrianising a lot of these areas and creating a hotel on the current car parking site where will people coming into the town park' Also where will driving lessons and tests come and go from and larger vehicles like lorries and campervans park over night' As a non Elgin resident this seems to focus on Elgin residents instead of attracting more people from surrounding areas into the area. Also it doesn't address people who are not on a bus or train route such as rural speyside.</i>	<p>The use of an area or public car park by driving instructors/driving test centres is not a matter for this Masterplan.</p> <p>Areas for overnight parking for heavy goods vehicles will be considered as part of the development of detailed proposals.</p> <p>The retention of the majority of existing city centre public car parks will mean that parking remains available for those visitors for who active travel and/or public transport are not a viable option.</p>
ECCMP_D011	<i>I know a lot is being spent on removing the bridge and underpass and putting in Pelican Crossings but a Pelican Crossing is needed at the bottom of South Guildry Street by the railway station also as there are nurseries there and also college students cross there if travelling over the railway.</i>	Pedestrian islands are already present on Station Road, including in the vicinity of South Guildry Street. This level of crossing provision is appropriate for the levels of road users and the existing road layout.
ECCMP_D021b	<i>The A96 bridge has awful personal memories. It's a place that just invites troubling thoughts and gives off a bad impression these days. Having a crossing needs to happen but, I wonder if that would cause traffic congestion'. Better pedestrian and cycle access is much preferred due to having to always go on the road for passing other people.</i>	Noted.
ECCMP_D023	<i>Removal of the overpass bridge on the A96 and installing a crossing will only cause additional gridlock. By adding another crossing just up the road from and already established crossing will not increase traffic flow, only hinder it. Installation of an island and widening of the road would be a much better and efficient use of the space. This would allow pedestrians to cross one lane at a time safely and allow the traffic to continue to flow without unnecessary hold up. Widening of the overpass to accommodate a cycle lane</i>	Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the retention/improvement/replacement of the pedestrian bridge as well as its removal.

	<i>would be a more efficient use of the space. bypassing the traffic entirely. This would be a much safer option for cyclists and pedestrians rather than crossing a main road.</i>	
ECCMP_D028	<i>Please bear in mind the disabled in this whole project. I completely agree that the High Street/Batchen Street/South Street etc look lovely on your plans but as always, disabled parking is not indicated or I feel has been completely overlooked. This has got gradually worse over the years with designated parking being situated on hills/slopes or away from the main thoroughfare making it so difficult. I'm all for going green but for those who rely on their cars and being able to park close to amenities to allow them to work and contribute to the economy rather than relying on benefits etc and to be able live their lives healthy and safely, then this must be considered and catered for.</i>	One of the aims of the masterplan is to make Elgin and inclusive place where everyone of all ages and mobilities can come to enjoy. All proposals will seek to ensure that all disability and mobility issues are taken into consideration. The masterplan does not seek to entirely remove the car from the City Centre but to improve pedestrian, cycle, and public transport infrastructure.
ECCMP_D033	<i>Please do not remove the footbridge over the A96 from the town centre. It is the safest route into the park by keeping pedestrians and children fully away from the road. I have had more than one close call at the pelican crossing with drivers not paying attention and speeding towards the crossing.</i>	<p>A Transport Assessment will be done to consider improving connections from City Centre to Cooper Park and the Cultural Quarter.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the retention/improvement/replacement of the pedestrian bridge as well as its removal.</p>
ECCMP_D034	<i>Do not remove the footbridge over the A96 or the underpass. They are the only 2 safe crossing places on the A96. Removal of them in favour of further surface pedestrian crossings would frustrate drivers. As a pedestrian I already feel unsafe using the pedestrian crossings in the high volume of traffic on that route, always fearing that someone is not going to stop.</i>	<p>A Transport Assessment will be done to consider improving connections from City Centre to Cooper Park and the Cultural Quarter.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the retention/improvement/replacement of the pedestrian bridge as well as its removal.</p>

ECCMP_D035	<p><i>The whole centre from High St at Kombucha Cafe to the Wee Cross with all roads either side (South St, Commerce St etc) need pedestrianised except for essential traffic.</i></p> <p><i>The town needs more safe places for pedestrians and cyclists to cross (zebra crossings preferred).</i></p>	<p>The masterplan proposes to significantly improve the active travel infrastructure in the City Centre to support the aim of making walking and cycling the preferred choice for people making short journeys in and around Elgin. Improvements to the public realm will also make these key routes more attractive for pedestrians and cyclists. The types of crossing will be determined as the projects are developed.</p>
ECCMP_D036	<p><i>Feel that removing the bridge and underpass isn't a safe option feel they are safer options when walking with younger children.</i></p>	<p>A Transport Assessment will be done to consider improving connections from City Centre to Cooper Park and the Cultural Quarter.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the retention/improvement/replacement of the pedestrian bridge as well as its removal.</p>
ECCMP_D039	<p><i>Unsure if pedestrian crossings would work on the busy roads.</i></p>	<p>Concerns noted. In conjunction the de-trunking of the A96, the nature of the road would be altered to slow cars through planting, paving etc to ensure that it is safe and that pedestrians have priority.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards.</p>
ECCMP_D042	<p><i>More cycle/walk paths.</i></p>	<p>Agreed. One of the key aims of the masterplan is to provide better connections for walking and cycling to make it the preferred choice for people making short journeys in and around Elgin.</p>
ECCMP_D044	<p><i>Getting rid of the underground at bus station is bad idea many people prefer using it than crossing.</i></p>	<p>Noted. Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line'</p>

		for pedestrians and the location meets design and safety standards.
ECCMP_D050	<p><i>All the work proposed on the present A96 has to happen after the new A96 is built as a city by-pass. At the present rate of progress of Scotland road improvements this will not happen until 2050 or later. How will this impact of all your A96 proposals.</i></p> <p><i>Elgin Museum is mentioned twice I think throughout this. I would propose that a pedestrian crossing be created from the present car park beside the museum across to Grant Lodge. Thus encouraging visitors to pass and hope fully enter the Museum.</i></p> <p><i>Why remove the present bridge into the Cooper Park' Why not keep it and add to it with other pedestrian crossings'</i></p>	<p>A Transport Assessment will be done to consider improving connections from City Centre (including Elgin Museum) to Cooper Park and the Cultural Quarter.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the retention/improvement/replacement of the pedestrian bridge as well as its removal.</p>
ECCMP_D057	<i>Think a lot of the plans for the town centre will rely on an elgin bypass. A cycle lane on Alexandra Road will require less cars for this plan to work effectively.</i>	Noted.
ECCMP_D064	<i>There is nothing wrong with the footbridge. Pedestrian crossings will only hold up traffic even more!</i>	<p>A Transport Assessment will be done to consider improving connections from City Centre to Cooper Park and the Cultural Quarter.</p> <p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the retention/improvement/replacement of the pedestrian bridge as well as its removal.</p>
ECCMP_D083	<i>These measures are not effective enough. Adding cycle lanes to existing roads has been proven multiple times to not be an effective method of encouraging cycling especially in this local area. Our planning department have the right idea but it's not applying the right methods. Dutch planning practices are vastly more effective. Promoting dedicated</i>	Elgin City Centre has a historic layout, which influences the available space for roads and footways. The type of infrastructure sought for pedestrians and cyclists will be dependent on the road layout, traffic flows and predicted numbers of cyclists and pedestrians, and will follow the Guidance set out in the Scottish Government document

	<p><i>walk and cycle paths offset from the road with physical barriers and fully pedestrianizing central areas so able bodied drivers are forced to walk farther while encouraging cycling as the more efficient method. Even the example image on slide 20 where there is a dedicated path lacks a key point, the crossing should be raised to reduce car speeds while setting in mind the pedestrian and cyclist have priority. The same should be in place where any junction meets a cycle path, the cyclist should maintain grade and the car should be forced to elevate. Not only encouraging cycling but decreasing accidents through speed reduction and focus grabbing.</i></p> <p><i>I want to say I think we're a decade ahead of Inverness in this endeavour and we need to progress it full steam ahead but if we don't future proof this with other countries methods we'll always be behind them.</i></p>	<p>Cycling by Design. It should be noted that cycle lanes have proved to be effective throughout the United Kingdom, including urban areas throughout Scotland. Raised crossings for pedestrians and cyclists where cycle paths cross side roads are included in Cycling by Design and are a measure being considered (subject to funding) at a number of locations across Moray.</p>
ECCMP_D084	<p><i>As a keen cyclists and bike retailer in the town huge attention must be paid to preventing vehicles parking on bike lanes such as those on lossie wynd. It is infuriating for cyclists to have to cycle either on the pavement posing a danger to people leaving the shops or into oncoming traffic. Physical barriers must be erected as vehicles do not adhere to the solid white line and favour the convenience to block the path to go to the butcher's etc.</i></p>	<p>The infrastructure on Lossie Wynd has been designed to accommodate the specific needs for businesses who have no other options for delivery to their premises. The arrangements are a compromise from the original proposal. Future provision within the city centre will seek to ensure that cycle routes are kept clear wherever possible.</p>
ECCMP_D087	<p><i>This is so important, as part of a network allowing people to connect through Elgin to/from the rest of Moray. I am glad to hear that there is still consideration of those who don't have the option to travel actively because of disability and caring concerns - wherever people can walk or cycle they should, but all areas must still be accessible for those who rely on cars and other vehicles.</i></p>	<p>Noted. All proposals will take into consideration people with disabilities and mobility issues to create an inclusive town centre.</p>
ECCMP_D090	<p><i>I would have serious concerns about taking away the overpass bridge and putting in zebra crossing on the main A96 both there and behind the cinema (which is also a huge eyesore for the road). I have seen many near misses at the traffic lights where people have somehow managed not to be</i></p>	<p>Options for the provision of additional/enhanced pedestrian crossing facilities on the A96 Alexandra Road will be investigated and sited where there is a strong 'desire line' for pedestrians and the location meets design and safety standards. The options will include the</p>

	<i>run over when the lights are red. Please don't risk lives by changing that as it's not going to make Elgin any more attractive.</i>	retention/improvement/replacement of the pedestrian bridge as well as its removal.
ECCMP_D092	<i>Improvements to pedestrian/cyclist circulation (ATRs) should not be predicated on an Elgin Bypass. They must be incorporated into the Elgin Plan at an early stage and assume the continuance either of the A96 as a trunk road or as continuing to need to carry significant local traffic. Alexandra Road crossing from Elgin Museum to Cooper Park/Cathedral etc a high priority and would fit with an effective circular town trail. But unrealistic to set 2032 as the date for completion of effective ATRs across Alexandra Road with the probable timing of A96 dualling ? unlikely even by then. Anyway, the likely continuing traffic use of Alexandra Road even once there is a bypass means no point in delaying improving Elgin's ATRs. Effective 24 hour lighting for safe and confident movement of pedestrians, cyclists, etc. Some of existing ATRs need rethinking ' in line with Cycling by Design. Eg Lossie Wynd ? if its use were encouraged as is, an even more uncomfortable mix of cars, bicycles, pedestrians with poor sight lines. Involve Local Access Officer and Forum. Realistic and clear road markings or other means of traffic separation.</i>	<p>The A96 Alexandra Road is a Trunk Road under the control of Transport Scotland.</p> <p>Whilst Moray Council officers can approach Transport Scotland and seek improvements to pedestrian crossings, active travel routes until Elgin is bypassed and Alexandra Road de-trunked, any such improvements would be at the discretion of Transport Scotland.</p> <p>The new version of Cycling by Design was published in September 2021d will be used, along with the Scottish Government guidance Roads for All, in the detailed development of Active Travel proposals.</p>
ECCMP_D093	<p><i>TMS/ELGNM's concerns here are in relation to the timing of dualling. The potential delay in creating more safe crossings is a major constraint on this plan. There is a real urgent need for a new controlled zebra crossing at the east of Alexandra Parade as a route from High Street past Elgin Museum to the Cathedral and Cooper Park.</i></p> <p><i>Improvements to pedestrian/cyclist circulation (ATRs) should not be predicated on an Elgin Bypass. They should be incorporated into the Elgin Plan at an early stage and assume the continuance either of the A96 as a trunk road or as continuing to need to carry significant local traffic. An Alexandra Road crossing from Elgin Museum to Cooper</i></p>	<p>The A96 Alexandra Road is a Trunk Road under the control of Transport Scotland.</p> <p>Whilst Moray Council officers can approach Transport Scotland and seek improvements to pedestrian crossings, active travel routes until Elgin is bypassed and Alexandra Road de-trunked, any such improvements would be at the discretion of Transport Scotland.</p>

	<i>Park/Cathedral etc is a high priority and would fit with an effective circular town trail. Effective 24-hour lighting for safe and confident movement of pedestrians, cyclists, etc. is an urgent necessity. It is our view that some of existing ATRs need rethinking in line with the "Cycling by Design" Policy. TMS/ELGNM would also like to see realistic and clear road markings or other means of traffic separation</i>	
ECCMP_D094	<i>We are really impressed with the proposals to provide safe, convenient and attractive routes for walkers, wheelers and cyclists in Elgin. The proposals to reduce dominance of vehicle movements in the city centre and create a more attractive environment for pedestrians and cyclists are ambitious, well thought out and will make a huge difference to the experience of spending time in Elgin. This project is very welcome and we will look forward to Elgin's transformation over the next 10 years.</i>	Comments of support are noted.
ECCMP_D096	<i>While I can understand wanting to remove the bridge, I'd rather the underpass stayed as I don't want having to stand and wait and bring traffic to a halt to be the only way to cross the A96, especially since it is a very busy road. I think it would be better if you were to keep the underpass and maybe modernize it instead, but still display some artwork inside.</i>	Noted. The implications of the removal of the underpass will be fully investigated as part of the Transport Assessment for the Cultural Quarter and Cooper Park.
ECCMP_D097	<i>The removal of the pedestrian flyover and underpass on the A96 and the proposal to replace them with pedestrian crossings on Alexandra Road will cause serious traffic congestion and tailbacks similar to what is experienced when travelling through Nairn where there are nine traffic light crossings. This proposal should not be implemented until we have a bypass for Elgin and reduced traffic flow shown to be able to cope with such crossings.</i>	Noted concerns regarding timing of these proposals.
ECCMP_D098	<i>For future development of land bordering Maisondieu Road opening up of the culverted section of the Tyock watercourse and improving drainage in the area to accommodate SUDs systems would help to alleviate some of the surface water flooding of the Maisondieu Road itself.</i>	Noted.

ECCMP_D098	<p><i>We applaud the fact that improving walking and cycling opportunities is a main theme throughout the document including being highlighted from the start in the Foreword. Active travel is a key tenant of the Masterplan which is to be lauded as a main component of tackling climate change; strengthened by being included in the vision and objectives relating to being 'carbon conscious'. Connectivity is also quite rightly a major theme and it is crucial that people can easily move around without needing to use motorised transport which is in line with the governments climate change targets..</i></p> <p><i>The major barriers to connectivity for an active travel network have been addressed to some extent in the masterplan i.e. the Railway and the A96. Providing better connectivity between Cooper Park and the town centre is paramount particularly enhancing links to the major cycle routes linking through Cooper Park and the masterplan highlights this as a priority suggesting several A96 crossing solutions. The railway is currently a major barrier to active travel movement south from the town centre and can only really be resolved through providing a new separate bridge perhaps adjacent to the A941. Whilst the document makes reference to this, provision of a new active travel connection across the railway as identified on page 12 should be prioritised as this is currently the main barrier to effective north /south active travel.</i></p> <p><i>It is crucial that the Town centre and it's immediate environs are not viewed in isolation in terms of active travel. The masterplan should consider how to develop active travel routes that build on the existing network radiating out from the town centre to the fringes of Elgin's built up area. This would encompass a more holistic approach to active travel for the whole town with the town centre at the core. The precedent for considering areas beyond the town centre has</i></p>	Comments of support are noted.
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	<p><i>already been set in OP1 which looks at roundabouts, gateways and entrances to the town.</i></p> <p><i>It is commendable that a number of ambitious and imaginative projects have been identified in the plan several of which encompass active travel. CR1 aims to provide better active travel links between the town centre and Cooper park is fully supported as being key to overall regeneration in a sustainable way with a focus on inverting the current travel hierarchy giving priority to cycling and walking.</i></p> <p><i>Proposed new 'at level' crossing points of the A96 may lead to considerable increased traffic congestion on the A96.</i></p>	
ECCMP_D114	<p><i>Removing barriers to pedestrians and cyclists isn't the only issue. Pedestrians and cyclists need to feel safe. Even near Elgin's schools, where there are regular walking routes which are used well, pedestrians are never given priority (take a look at children trying to cross the road to Bishopmill Primary and Elgin Academy on a weekday morning to see the car culture that pervades in the town). This has to change. Removing barriers is commendable but the reliance on cars for journeys in the town is partly down to people (especially young people and the female population) not feeling safe on foot or bike. Good lighting is also vital. I would question whether it's practical to lose the pedestrian bridge over the A96 by the library' I would worry if all these projects have to wait for the dualling of the A96. Surely some elements can be addressed sooner than that.</i></p>	<p>Noted.</p> <p>The provision of a traffic signal controlled pedestrian crossing on Morriston Road is programmed for 2022 (installation during School holidays to. Avoid disruption to the schools).</p>

CR2 Bringing Vacant Properties Back

Consultee Ref.	Summary of Comment	Response
ECCMP_D001	<p><i>Increasing city centre population vital to reuse property increase footfall and sustain night time economy.</i></p>	<p>Agreed. One of the key aims of the masterplan is to create housing opportunities within the City Centre. This includes developing gap sites and bringing vacant and derelict properties back in use. The masterplan aims to transform</p>

		the city centre to create a vibrant place and in particular improve the night time economy after 5pm. A number of projects have been identified in the masterplan that seek to achieve this.
ECCMP_D002	<i>The buildings in town are all scruffy, even encouraging owners to have a jet wash and a paint would help.</i>	The maintenance of buildings is up to the individual owners.
ECCMP_D023	<i>Vacant properties are due to over zealous rates and astronomical rents. These must be addressed, by either implementing a rental cap or offering financial assistance to pay rates/astronomical rents. Small business in Elgin is suffering due to the greed of landlords and making the establishments of many businesses near on impossible. I understand the need for the properties to be in a suitable condition, this should be encouraged to be done by the landlords rather than Moray Council.</i>	<p>Comments relating to rates and rents are noted but this is not an issue that the masterplan can address.</p> <p>The masterplan seeks to bring vacant buildings within the town centre back into use. The Council will seek to engage and work collaboratively with landlords/property owners on any proposal to bring a vacant property back into use.</p>
ECCMP_D035	<i>Vacant & derelict properties: These properties are not new builds and the standards set out by building control should not treat them as such. The 'white book' does not take into account an age of a property and treating them like new build spec for conversion will put off every property developer.</i>	Noted. The issue raised is a Building Standards issue.
ECCMP_D037b	<i>The high street is a disgrace. The poundland work has all but destroyed trade in the centre. Batchen street and the plain stones should be made available at little cost to cafes, pop up shops etc for outside seating in nice weather. We are the centre of the whisky trade. Elgin centre should be a tourist Mecca. We have such an opportunity for elgin to thrive but our extortionate business rates and falling down buildings drive companies out of town. Low cost short lease for vacant buildings to allow local low income tourist style shops should be afforded. Make the town centre attractive not only financially for small businesses but to families and shoppers.</i>	Noted. The Masterplan sets out a range of proposals aimed at supporting the Centre.
ECCMP_D038	<i>Concern with the state of the High Street and the number of empty units.</i>	Agreed. Elgin City Centre faces the same challenges and pressures that town centres and High Streets are facing nationwide due to changing shopping habits and in particular online retailing. This has led to declining footfall and ultimately shop closures.

ECCMP_D046	<i>Housing – support for refurbishment and use of green technologies. Affordable homes should be for local people.</i>	<p>Making Elgin a carbon conscious town is a key aim of the masterplan and contains many projects aimed to address climate change issues. This includes plans to “green the Centre” to include more trees, hedges and shrub planting to support biodiversity.</p> <p>One of the key aims of the masterplan is to provide more housing opportunities within the City Centre to increase vitality and support economic growth. The Local Development Plan contains policies to ensure that housing proposals provide an element of affordable housing.</p>
ECCMP_D050	<i>Elgin Museum has a derelict building No 3 High Street. Why not use that as an immediate opportunity to help develop a vacant property'</i>	Council officers have subsequently met with representatives of Elgin Museum to discuss these comments. The Museum will be included as a project within the Masterplan and officers are working with the Museum to support a potential funding bid.
ECCMP_D056	<i>Rather than build flats that lock people into collective fees and responsibilities often not thought of, and managed, by Factors, which can financially cripple depending on any issues which arise. Why not look ahead more and demolish some buildings in the town centre which have no historic features pertaining specifically to Elgin and build Town houses in between. This would remove collective responsibility to any roof structures that have a tendency to fail at some point. They could add individual character to the remaining buildings left which still have the ability to support businesses that can thrive in the declining demand for High Street stores. Consider also removing or lowering the top unused parts of larger premises if they have become decayed long term empty. Proper housing, not over heating glass fronted flats above food or entertainment premises which may not survive , could bring in resident custom to the remaining small shops : cafes, hairdressers, gift, jewelers etc and create a nicer environment for the rest of us locals and visitors.</i>	<p>The masterplan has identified a number of vacant properties such as the Jailhouse/Junners but this list is not exhaustive and there are numerous other vacant properties within the City Centre. The majority of properties within the Core Retail Area and the City Centre are covered by a conservation area designation with many of these buildings also being listed.</p> <p>These designations seek to protect the character and built heritage of the City Centre. The comment refers to demolishing buildings and reducing building heights and while the comment about roof structures and collective responsibility is noted these issues will be addressed when individual proposals come forward. All proposals will have to comply with the relevant Local Development Plan policies to ensure that the character of the conservation area and/or listed building is retained.</p>
ECCMP_D074	<i>Could some of the residential considerations include homes for disabled etc to allow them to be central to amenities.</i>	One of the key aims of the masterplan is to create housing opportunities to support the vitality of the City Centre. The

	<i>Might save on giving over so many central parking options and allow more people into the town. Residential development centrally should be encouraged before more developments are approved on our belts</i>	masterplan also seeks to make the City Centre an inclusive place to cater for people of all mobilities which will be embedded in all of the projects as the detail is developed further.
ECCMP_D089	<i>Excellent idea. However the current Gull population in Elgin needs removal before any smartening up of the town. The buildings, pavements and anything out in the open - including pedestrians - are subjected to a hail of bird excrement which is unhealthy and positively revolting. A short walk up the High Street reveals all premises stained with bird droppings, often with the perpetrators perched on buildings creating a public nuisance. Visitors to the town invariably pass comment on this unsightly mess which adds to the impression that our Town Centre is in terminal decay.</i>	The problem of gulls is a recognised problem in Moray and actions are being progressed through other initiatives. The Masterplan proposes to ensure that new buildings and street furniture do not exacerbate the problem and to investigate funding to retrofit measures on existing properties as well as raising awareness among the public.
ECCMP_D092	<i>It will be interesting to see what properties you have identified, and whether the owners are interested in bringing vacant properties back. Will there be financial incentives to owners or lessees to bring vacant properties back into occupancy, including financial assistance to make the properties fit for use? Will parking be facilitated?</i>	<p>The masterplan has identified a number of buildings that could be brought back into use however this is not an exhaustive list. The Council is willing to engage with any property owner seeking to bring it back into use. While no financial assistance is available at the time of writing, town centre grants or other potential funding opportunities such as the levelling up fund may become available that landowners or the Council could apply for. It is therefore important that masterplan is in place so that the redevelopment of the City Centre is done in a cohesive manner.</p> <p>The Council has parking standards set out in the Local Development Plan. The Council's Transportation section will be able to advise or the parking requirements for any future proposal.</p>
ECCMP_D093	<i>We would hope for support to refurbish/repurpose No 3 High Street. There are other plans for Elgin Museum's buildings (which include No 3, the Museum and the Side Hall). These link with several Masterplan developments eg CR2, CR 13, Moray Growth Deal (Housing Mix Delivery), Cultural Quarter. We will share these plans with you and seek your help, advice and guidance.</i>	A key aim of the masterplan is to bring vacant and derelict properties back into use. The Council encourages property owners to come forward to discuss individual proposals with Council Officers at an early stage. Council officers have subsequently met with representatives of Elgin Museum to discuss these comments. The Museum will be included as a project within the Masterplan and officers are working with the Museum to support a potential funding bid.

	<i>No 3 High Street – Our own plans for our property at No 3 High Street are in line with this Objective, and we would support this approach throughout the city centre area. We think that the refurbishment and development of No 3 for town centre accommodation (which will provide additional financial security for the Museum) aligns with the Plan's overall Vision. If a pilot project was wanted, we would offer this as one</i>	
ECCMP_D100	<i>We welcome the encouragement of reusing empty and vacant buildings coupled with sympathetic restoration instead of demolition of buildings within the city centre. The quality and character of historic buildings within the city centre is high, and their retention is seen as a positive addition visually as well as retaining the city's own distinctive personality as expressed through its built environment.</i>	The core retail area is within the Elgin Conservation Area and the Local Development Plan contains policies to ensure that proposals protect and enhance the conservation area by reflecting Elgin's rich built heritage.
ECCMP_D101	<i>ECC has, for some years, commented favourably on planning applications that seek to reduce the number of vacant properties in the town centre. The proposals to transform the larger vacant properties like Junners and Grant Lodge will clearly help.</i>	Support noted. The masterplan supports bringing vacant and derelict properties back into use to create an attractive town centre to attract both people and businesses.
ECCMP_D104	<i>This is an important area that needs to be addressed within the town centre, we would be interested to understand how you are going to engage with the current property owners and get them to invest in their properties, unfortunately, many properties have fallen into disrepair due to lack of investment from the owners who have no interest to spend money upgrading.</i>	The Council aims to make direct contact with property owners to explore options to bring buildings and spaces back into use.
ECCMP_D108	<i>It would be nice to see more shops and restaurants, I see that things will look nicer but rent is so high in town that shops struggle to stay afloat.`</i>	Noted.
ECCMP_D112	<i>more investment into bringing back great shops on the high Street. Listen to the types of shops people want to see.</i>	Noted, however the Centre has to be viable in order to attract the types of shops people want to see.
ECCMP_D114	<i>Please do not continue to allow developers to demolish town centre buildings (as happened opposite Marks and Spencers) to make way for modern, unsympathetic and densely crammed flats. The creation of living accommodation in the city centre is vital but does not need</i>	Noted.

	<i>to be at the expense of the architecture of the town centre. Please improve all lighting in the town centre to make everyone feel safer and encourage active travel even in winter months.</i>	
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CR3 Former Victorian Market between High Street & South Street (Junners/Jailhouse)

Consultee Ref.	Summary of Comment	Response
ECCMP_D005	<i>Brilliant idea. We need to embrace our history and in some cases go back to what was so successful in the previous eras, this being one of those cases. Important to ensure we embrace the historical value of these buildings and return them to their former glory, not necessarily go for modern exteriors.</i>	Support noted.
ECCMP_D021b	<i>The Victorian market is a dream to see. I enjoy the Victoria Market in Inverness, it's inviting and interesting with some amazing local shops. I would love to see a similar thing for the Victorian Market with a lovely wee cafe. My Grandad would have been so chuffed too see that place open up again. The streets surrounding the area are also very welcoming.</i>	Support noted.
ECCMP_D022	<i>The old Victorian market on south street instead of a cafe as in the impression what about be like inverness or merchant square in Glasgow. Local small independent businesses given a chance to have some where permanent on the high street. An entrance on south street another from the old Jailhouse close. In there you could have cafes with indoor and outdoor seating, This would also create more business rates for the council but it would also bring small business into Elgin.</i>	Redevelopment proposals are being explored which will consider different redesign options, including a courtyard for food/drink and incorporation of smaller units for independent businesses to reflect the history of the site. Supporting the growth of independent retailers in the city centre is a key objective of the Masterplan.
ECCMP_D023	<i>The idea of a small marketplace is very appealing however when there is no new business being established in the properties that already exist, how do you expect any to thrive by adding in MORE units to remain empty. If this is a "once a week" market, it is a complete waste of space and money as a larger business or development could take on the area. If it is to be a constant feature then you will require enough small</i>	A key aim of the Masterplan is to bring vacant properties back into use and support the growth of independent businesses in the City Centre, building on the success of Batchen Street and South Street which are in close proximity to the Jailhouse/Victorian Market.

	<i>quality businesses to take up units. This will prove difficult as small business is being crushed by ridiculous rates. I assume they will receive assistant funding to become established in these units. This needs to be looked at from a business perspective rather than an "ideal world" perspective as it is unfeasible. By looking at Inverness' "Victorian Market" you can see it will eventually become a wasteland of empty derelict units.</i>	Comments relating to rates and rents are noted but this is not an issue that the masterplan can address.
ECCMP_D039	<i>Like the idea of it bringing in new businesses and people to the area, as MUCH needed. Especially around the old Junners toy shop area, a cafe there would be nice and doing up the area in general would be lovely for everyone.</i>	Support noted.
ECCMP_D066	<i>Open up the old mart between South Street and High Street with units for small businesses, similar to the Victorian Market in Inverness. This would make a tremendous asset for the town.</i>	Support noted. The Masterplan aims to support the growth of independent businesses in the City Centre.
ECCMP_D097	<i>I was in retail for over 30 years and owned and managed Junner and Company on South Street until my retirement in 2000. I sold the business to George Duncan who unfortunately went into receivership in 2015. I still own the premises at 57-61 South Street and have a keen interest in seeing the town regenerated. The premises have been on the market for five years but contrary to recent press reports it is not derelict and was only once offered at auction. I have spent a lot of money making sure it wind and watertight and it would be available for immediate occupation for retail or redevelopment. In 2016 it was under offer but unfortunately when Brexit came along the funders of the project pulled their offer of finance to the developer due to lack of confidence in the then economic climate. Brexit and Covid have made it a very uncertain market place, but there has been more interest of late in the premises. I have been in discussions with developers over the last few years with a view to redevelopment along the lines that are proposed in your regeneration plan, which I am supportive of.</i>	Support for the reuse/refurbishment of vacant buildings is noted.
ECCMP_D100	<i>We welcome the encouragement of reusing empty and vacant buildings coupled with sympathetic restoration</i>	Support noted.

	<i>instead of demolition of buildings within the city centre. The quality and character of historic buildings within the city centre is high, and their retention is seen as a positive addition visually as well as retaining the city's own distinctive personality as expressed through its built environment.</i>	
ECCMP_D114	<i>Please do not continue to allow developers to demolish town centre buildings (as happened opposite Marks and Spencers) to make way for modern, unsympathetic and densely crammed flats. The creation of living accommodation in the city centre is vital but does not need to be at the expense of the architecture of the town centre. Please improve all lighting in the town centre to make everyone feel safer and encourage active travel even in winter months.</i>	Proposals will seek to safeguard the built heritage of Elgin as the City's architecture is one of its key assets. Any new development proposals will be sympathetically designed to reflect and compliment the built heritage. Comments noted regarding lighting. A lighting strategy which will consider lighting up lanes, etc. forms part of the draft Public Art Strategy.

CR4 Sustainable Travel Interchange & Infrastructure

Consultee Ref.	Summary of Comment	Response
ECCMP_D003	<i>The current bus station area is revolting - it stinks of cigarette smoke (although 'outdoors' it should have a specified smoking area well away from the stances) and is covered with spat-out chewing gum. Because the destination signs are on the end of the stances, the queues that form in front of them are actually for the stance next up the line - how are foreign tourists supposed to know that? They should be replaced with 'Queue here f' signs. Also, the electric 'departures' sign needs to be able to say 'delayed by x minutes' and not list a bus as 'departed' when it hasn't actually arrived.</i>	The masterplan seeks to develop a Sustainable Travel Interchange which would involve rethinking the existing bus station. Part of this would be make this more welcoming and it is acknowledged that the current configuration is visually attractive.
ECCMP_D038	<i>Need to ensure that there is adequate EV infrastructure within car parks so people can come and go and use them as they please and are not waiting in a queues to use them.</i>	The masterplan seeks to promote active travel and create a carbon conscious City Centre. Part of this is to support the use of electric vehicles for longer journeys to the City Centre which will require the necessary vehicle charging infrastructure to be provided. This will be embedded in all proposals as they are progressed. The current Local Development Plan also contains policies that requires proposals to provide this infrastructure.

ECCMP_D066	<i>In my travels, I have come across (although all too occasionally!) some excellent Travel Interchanges. Business Elgin has already advised of the need for a rail/bus link. But for public transport ever to work well (including being affordable and covering the right routes and time periods) is the availability of safe, warm & dry, clean & comfortable, accessible waiting accommodation for prospective users. This means extended opening (say 20/7), and provision of services - travel info, wi-fi, toilet, vending machines and security. This costs, and is ongoing, and so not easy, but the plan must address this.</i>	Support for a travel interchange are noted.
ECCMP_D074	<i>We are not London! We are a small town really and we need easy access to town, the rest of the town does not lend itself to residents to adopt cycle as the norm. Don?t waste money on fanciful ideas.</i>	Elgin is the largest settlement within Moray and providing the necessary active travel infrastructure is important so that people have the choice to travel into the City Centre by other means other than by using a car. Providing this infrastructure will help to encourage more walking and cycling which will contribute to the masterplans aims of the City Centre being carbon conscious. It will also help to encourage healthier lifestyles and improve mental well-being.
ECCMP_D078	<i>Please ensure that electric vehicle charge points are charged by electricity provided with no minimum charge. Having a minimum charge discourages drivers from charging hybrid vehicles since the cost per mile is prohibitive at the current rates.</i>	The masterplan acknowledges that to meet demand for charging facilities a network of EV charging points will be required. Having a good network of charge points in the right location will be important to encourage drivers to visit the City Centre and use them. This will be as important as the costs to use the chargers. While this point is noted the detail regarding costs will be determined once the projects fully developed.
ECCMP_D092	<i>Bus station urgently needs improvements. It gives a very sad impression of the town at the moment. Given the empty shop premises downstairs in the St Giles Centre, are there opportunities to expand into that space eg waiting room and information/ticketing desk? Electric vehicle charging points ? again concerned at suggested time scale if we are serious about electric vehicles. Electric buses? A more obvious bus service between High Street and railway station?</i>	The masterplan seeks to develop a Sustainable Travel Interchange which would involve rethinking the existing bus station. Part of this would be make this more welcoming. As the comment suggested this could potentially involve expanding into the downstairs area of the St Giles Centre if necessary but no details with regards to the project have been developed thus far.

		<p>The masterplan seeks to provide a network of EV charge points across the City Centre to meet the projected demand.</p> <p>Comments regarding a bus connection between the High Street and the train station are noted.</p>
ECCMP_D094	<p><i>This proposal is welcomed. There is much scope for improvement of the bus station area, which could be a key mobility hub for Moray. Clear walking and cycling links to the centre of Elgin and also to connect with the railway station are key to changing travel behaviour to more sustainable modes. The proposal for high quality cycle parking facilities and provision of e-bikes is welcomed - an ebike link between bus and rail stations would be fantastic. Good information on public transport services and cycle and pedestrian routes to key destinations in the city centre are vital.</i></p>	<p>Support noted.</p>
ECCMP_D114	<p><i>Please create cycle networks that feel safe and take a priority.</i></p>	

CR5 Properties Above M&Co.

Consultee Ref.	Summary of Comment	Response
ECCMP_D003	<p><i>I couldn't find a 'project' for the Plainstones area - what do you mean by 'natural surveillance'? Some kind of Neighbourhood watch? You can't rely on that to protect people from yobs and muggers.</i></p>	<p>No specific project has been identified for the plainstones area. However, as the plainstones are within the City Centre they may indirectly feature in other projects that have been identified in the masterplan such as the public art and public realm strategies.</p> <p>The term “natural surveillance” is used when a building fronts onto an area or open space with its principal elevation. While it is not possible for it to completely stop crime it can help to deter antisocial behaviour.</p>
ECCMP_D013	<p><i>I do think that these properties could be converted to residential use or back to a hotel, however if working from home is the future norm we could look at converting an empty building into a homeworking hub similar to something in Inverness where workers can book a office space (table etc) and work from there. It would also possibly generate</i></p>	<p>Comment supporting returning the property back to a hotel or for residential use is noted. The masterplan acknowledges that providing flexible working space is likely to be in demand due to working habits changing following the pandemic. As the masterplan progresses looking at providing this flexible space will be looked at.</p>

	<i>more spend for these workers having lunch breaks in local cafes</i>	
ECCMP_D070	<i>With additional residential plans for the town centre what waste solutions will be put in place? At the moment there are far too many bins on the street - pointless making it look attractive to be blighted with bins.</i>	It is acknowledged that bins can be unsightly however they are necessary. The public realm project seeks to provide consistency to all elements of the public realm which could include providing better bins or bin storage facilities so that they are consistent across the City Centre.
ECCMP_092	<i>Reuse as hotel accommodation would tick a number of boxes including evening use of town centre including patronage of food and drink premises, reuse of derelict buildings and maintenance of and showcasing of architectural features. It is hoped a stand will be made against the demolition of listed and conservation area buildings and swifter and realistic development agreements to prevent decay and a rationale for demolition on economic and safety grounds.</i>	Support for return to the building as a hotel is noted. The City Centre is covered by a conservation area designation with many buildings being listed. The nature of these designations means that any planning application proposing alterations to building covered by these designations must comply with the relevant Local Development Plan policies to ensure that the integrity of the character of the conservation area and/or listed building is retained. The Local Development Plan has an individual listed building policy which contains a set of policy criteria which must be met if a listed building is to be permitted for demolition.
ECCMP_D100	<i>We welcome the encouragement of reusing empty and vacant buildings coupled with sympathetic restoration instead of demolition of buildings within the city centre. The quality and character of historic buildings within the city centre is high, and their retention is seen as a positive addition visually as well as retaining the city's own distinctive personality as expressed through its built environment.</i>	Support noted.

CR6 A96 Frontage

Consultee Ref.	Summary of Comment	Response
ECCMP_D050	<i>My concern here is that all the work proposed on the present A96 has to happen after the new A96 is built as a city by-pass. At the present rate of progress of Scotland road improvements this will not happen until 2050 or later. How will this impact of all your A96 proposals.</i>	The de-trunking of the current A96 will be taken into consideration in the proposals for the frontage. A staged approach can be taken to the redesign/redevelopment which will allow some elements to come forward such as wall art, greening and redeveloping vacant sites prior to the opening of the new A96.

ECCMP_D066	<i>Sorry, but tarting up the A96 frontage is neither here nor there. The fracture between centre and park/cultural quarter still looms.</i>	The A96 frontage is a key gateway into Elgin and improving its appearance is important in attracting people into the City Centre. The redesign of the frontage through art and lighting will form part of a cohesive and comprehensive public art strategy. Providing better pedestrian and cyclist connections across the current A96 will remove barriers and make it easier for people to move between the Core Retail Area, Cooper Park and the Cultural Quarter.
ECCMP_D087	<i>Green/living walls of appropriate plants are a particularly good idea, as they will also improve air quality, cool the city centre in the summer, and provide some carbon sink. The whole emphasis on inverting the travel hierarchy is great.</i>	Support noted.
ECCMP_D091	<i>This objective aims to improve the relationship between the A96 and the city centre through improved aesthetics/public art and active travel connections. Firstly, our client supports the aim to improve the public realm and visual impact of the blank facades which front the A96 (a key arterial route through Elgin). It is agreed that new public art/murals, illumination/lighting and such ideas as ?living walls? would improve the townscape inviting people into the city centre. This would indeed create a more inviting environment for people to be attracted towards. However, in order to achieve the 2030 target of redesigning blank facades and 2032 removal of the pedestrian bridge/underpass there needs to be a level of support from the Council (and other Government sources) to make this a success. Our client would happily work with the Council to achieve these aims but it is clear that financial support would be required, especially in light of the challenging retailing environment. It is considered that the masterplan should include, as a ?Proposal? for CR6, that ways of providing financial support will be investigated and clarified by a certain date.</i>	Support noted. The Council welcome the opportunity to work with businesses to achieve the aims and objectives of the Masterplan. Further public consultation will take place on a Delivery Plan for the Masterplan which will set out funding mechanisms, key parties/lead, and timescales for delivery of the proposals.
ECCMP_D092	<i>Obviously there are residual challenges from the creation of Alexandra Road that are not easy to address. CR6 links with CR1 and ATRs across Alexandra Road. For these to happen, we cannot wait for an Elgin By-pass and must accept that Alexandra Road will continue to be a busy road</i>	Support for active travel and redevelopment of brownfield sites is noted. The A96 Alexandra Road is a Trunk Road under the control of Transport Scotland.

	<p><i>for vehicular traffic. Meanwhile, opportunities should be taken to provide an ATR alongside the vehicular lanes to make it ?a less hostile environment for walking and cycling? but being realistic that adequate provision has to be made for all if the intention is to prioritise active travel over the car. It will not help active travellers if provision for vehicular traffic is reduced causing traffic jams ? and this applies whatever the timing of the bypass. It may be this could involve road widening taking space from Cooper Park ? and given the history of the road itself, this could surely be made to fit the deed of gift. And again, keep the bridge but yes please, a level crossing at the east end of Alexandra Road to restore the route from the High Street, past the Museum and into Cooper Park, the Cathedral and also Johnstons Mills. A place for investigating brown field sites along the frontage that could be developed and finished with a more attractive A96 frontage. In general, please be wary of schemes where maintenance costs and responsibility long outlast capital costs eg ?living walls? ? and are they even carbon neutral?</i></p>	<p>Whilst Moray Council officers can approach Transport Scotland and seek improvements to pedestrian crossings, active travel routes until Elgin is bypassed and Alexandra Road de-trunked, any such improvements would be at the discretion of Transport Scotland.</p>
ECCMP_D093	<p><i>Obviously, there are residual challenges from the creation of Alexandra Road that are not easy to address. CR6 links with CR1 and ATRs across Alexandra Road. For these to happen, we cannot wait for an Elgin By-pass and must accept that Alexandra Road will continue to be a busy road for vehicular traffic.</i></p> <p><i>Meanwhile, opportunities should be taken to provide an ATR alongside the vehicular lanes to make it “a less hostile environment for walking and cycling” but being realistic that adequate provision has to be made for all, if the intention is to prioritise active travel over the car.</i></p> <p><i>It will not help active travellers if provision for vehicular traffic is reduced causing traffic jams – and this applies whatever the timing of the bypass. It may be this could involve road widening taking space from Cooper Park – and given the history of the road itself, this could surely be made to fit the Deed of Gift.</i></p>	<p>Support for active travel and redevelopment of brownfield sites is noted.</p> <p>The A96 Alexandra Road is a Trunk Road under the control of Transport Scotland.</p> <p>Whilst Moray Council officers can approach Transport Scotland and seek improvements to pedestrian crossings, active travel routes until Elgin is bypassed and Alexandra Road de-trunked, any such improvements would be at the discretion of Transport Scotland.</p>

	<p><i>And again, keep the bridge but please, we would like to see a pedestrian crossing at the east end of Alexandra Road to restore the route from the High Street, past the Museum and into Cooper Park, the Cathedral and also Johnston's Mills. A place for investigating brown field sites along the frontage that could be developed and finished with a more attractive A96 frontage.</i></p> <p><i>In general, please be wary of schemes where maintenance costs and responsibility long outlast capital costs eg "living walls".</i></p>	
ECCMP_D094	<p><i>Concept drawings for transforming the A96 are very impressive and most welcome. The A96 dualling project presents an excellent opportunity to re-think use of space on the existing A96. This would transform an existing barrier to active travel into an active travel corridor.</i></p>	Support noted.

CR7 South Street

Consultee Ref.	Summary of Comment	Response
ECCMP_D029	<p><i>Why' Have you learnt nothing from the mistakes made by the pedestrianisation of the High Street. Empty shops, litter, run-down buildings, Unsightly and ridiculous statues, chewing gum embedded in the pavements. Nothing here to attract or welcome visitors or shoppers because you cannot drive through the town to see what is on offer. Pedestrianise South Street!, what a joke You might as well put signs up at the 4 entrances to Elgin saying Town centre is Closed (you already have the gates for 2 of the entrances) another waste of taxpayers money, would have been better spent on cleaning up the town centre to make it more attractive. Might I suggest you pedestrianise Edgar Road and see what response you get from that! A City the size of Elgin needs traffic flowing through the centre to let people see what is on offer, then they can find somewhere to park and hopefully enjoy a bustling town centre not the Dustbowl we have at present. Have a look at Linlithgow near Edinburgh, a town with a thriving town centre and still has traffic flowing through</i></p>	<p>It is not proposed to pedestrianise South Street. The proposal is to make South Street more 'pedestrian friendly'. This means redesigning the street by using hard and soft landscaping, public art and street furniture to make it a safer environment for pedestrians and cyclists and a more attractive place to spend time which will benefit businesses. Access for vehicles will be retained.</p>

	<p><i>it on a daily basis! There would be no benefit in the Pedestrianisation of South Street which would only restrict visitors and access for deliveries, collections and the disabled also. This is not Barcelona or Madrid, with vast open squares, Plazas and the weather to encourage pedestrians. In general people are lazy and want to park as close as possible to their choice of business that is why Edgar road is so popular but the more out of town facilities with easy parking are available the worse it will become for the centre of Elgin. Having been a business owner in the Centre of Elgin for over 40 Years and seen many changes, unfortunately I feel that when the town centre was Pedestrianised it cut off access for a lot of people and the result is many empty properties. It would not be too difficult to open up even one side of the high street (the south side would lend itself better) to allow traffic one way at a restricted 15mph speed limit, this would at least allow visitors who would find it difficult to find the centre otherwise the chance to see how beautiful our town really is or could be. Please open your minds and give every suggestion serious thought before you close the gates forever!</i></p>	
ECCMP_D061	<p><i>I have had a business on South Street for nearly 6 years. We recently moved property and actively chose to stay on South Street because it is not pedestrianised. As a UPS Access Point, and as a service provider where people need to use vehicles to drop off machines, it would seriously impact our business in a negative way to have the area pedestrianised. Generally the vehicles on South Street are driven at a reasonable speed, although there are issues with people parking in loading bays and on double yellow lines who are not loading from shops on South Street. These are often people who are accessing the High Street shops and some who live on South Street itself. I think there is scope to improve the appearance of the area, and potentially making it access only to prevent some of the issues.</i></p>	<p>It is not proposed to pedestrianise South Street. The proposal is to make South Street more 'pedestrian friendly'. This means redesigning the street by using hard and soft landscaping, public art and street furniture to make it a safer environment for pedestrians and cyclists and a more attractive place to spend time which will benefit businesses. Access for vehicles will be retained.</p>
ECCMP_D070	<p><i>Is pedestrianisation of South Street a good idea? Businesses will suffer from no cars passing by and being able to park</i></p>	<p>It is not proposed to pedestrianise South Street. The proposal is to make South Street more 'pedestrian friendly'.</p>

	<i>outside. is there a plan for access for deliveries for these businesses? Consultation with businesses in this area will be paramount.</i>	This means redesigning the street by using hard and soft landscaping, public art and street furniture to make it a safer environment for pedestrians and cyclists and a more attractive place to spend time which will benefit businesses. Access for vehicles will be retained.
ECCMP_D074	<i>Don't pedestrianise this, we need to be able to drive around town</i>	Comments noted. It is not proposed to pedestrianise South Street. The proposal is to make South Street more 'pedestrian friendly'. This means redesigning the street by using hard and soft landscaping, public art and street furniture to make it a safer environment for pedestrians and cyclists and a more attractive place to spend time which will benefit businesses. Access for vehicles will be retained.
ECCMP_D092	<i>Pedestrianisation beware tree roots and leaves, unexpected street furniture (what is the point of the stone balls in the photo?) affecting free movement of visually and physically impaired people, and uneven surfaces as trip hazards and awkward for people with poor walking ability; first ensure what is there is adequately maintained ? seagulls, Buddleia, chewing gum.</i>	The images in the ECCMP are conceptual. Detailed proposals will be designed to ensure ease of movement for all pedestrians, including those with mobility issues.
ECCMP_D094	<i>Again, we welcome plans to redesign streets to make them more attractive for pedestrians and cycles, reducing car dominance. There is plenty of evidence now supporting the economic benefits to local businesses of reduced vehicle movements and increased pedestrian and cycle flows.</i>	Support noted.
ECCMP_D100	<i>We welcome the encouragement of reusing empty and vacant buildings coupled with sympathetic restoration instead of demolition of buildings within the city centre. The quality and character of historic buildings within the city centre is high, and their retention is seen as a positive addition visually as well as retaining the city's own distinctive personality as expressed through its built environment.</i>	Support noted.
ECCMP_D104	<i>The proposed works on South Street sound great, and it is also positive to understand that it will be pedestrian-friendly and still allow access for vehicles, as this will be extremely important for businesses.</i>	Support noted.

CR8 Poundland

Consultee Ref.	Summary of Comment	Response
ECCMP_D081	<i>The biggest eyesore in Elgin High St. is the is the ongoing scaffolding and repair work taking place at the poundland store. This has been going on for years now, and doesn't seem to be getting anywhere. It is taking up a lot of space and is just an absolute monstrosity. Local people are having to live with this, but to visitors it must be a complete and utter mess. High time this job was completed and get the street back to looking somewhat decent again.</i>	Works are currently on going at the Poundland building to demolish and reinstate the existing building and provide new residential accommodation to the rear. The Council has no control over when these will be completed. While the scaffolding may be unsightly, the long term benefits of the proposed mixed use development far outweigh these particularly with the residential element which will help to support the vitality of the City Centre.
ECCMP_D090	<i>Elgin has certainly become a sorry state and needs a makeover for sure. I meet many people in the course of life and this includes tourists to the area. The most common complaint about Elgin is the eyesore that is Poundland in Elgin. The scaffolding taking up what is half the road and covers what little view there is of the high street. This in itself being taken down, would improve the high street immediately as would make it look huge!</i>	Works are currently on going at the Poundland building to demolish and reinstate the existing building and provide new residential accommodation to the rear. The Council has no control over when these will be completed. While the scaffolding may be unsightly, the long term benefits of the proposed mixed use development far outweigh these particularly with the residential element which will help to support the vitality of the City Centre.
ECCMP_D092	<i>To be hoped that the best remaining features relating to its listing can be retained and the building repurposed in line with the aspirations of the Master Plan, however, as with other proposals in the Master Plan how is cooperation of individual owners and lessees to be obtained?</i>	The Poundland building fronting the High Street is category B listed. The original building was in poor condition with severe damage to the historic fabric and internal structure. The approved consent currently under construction will fully reinstate the building with all of its original historic features. The Council is willing to engage with any property owner and would encourage anybody with a proposal regarding a vacant or derelict buildings to engage with Council officers and it is hoped that the masterplan will help to stimulate further discussions.
ECCMP_D100	<i>We welcome the encouragement of reusing empty and vacant buildings coupled with sympathetic restoration instead of demolition of buildings within the city centre. The quality and character of historic buildings within the city centre is high, and their retention is seen as a positive addition visually as well as retaining the city's own distinctive personality as expressed through its built environment.</i>	The City Centre is covered by a conservation area designation and contains a number of listed buildings all of which ensures that they are protected from inappropriate development. Embracing Elgin's rich built heritage is a key element of the masterplan and its projects.

CR9 Shopfronts

Consultee Ref.	Summary of Comment	Response
ECCMP_D021b	<i>Better shop fronts would also be welcoming.</i>	Agreed. The masterplan acknowledges the role that traditional shopfronts have to the character of the City Centre and creating an attractive place for visitors and business to invest. The proposed design guide would help to ensure proposals are done sensitively in addition to the Council's built heritage policies in the Local Development Plan.
ECCMP_D046	<i>Shopfronts – support for improving shopfronts and need to ensure national chains have more attractive signage too.</i>	Agreed. The core retail area is covered is within a conservation area and the Local Development Plan contains policies that ensure that development, including signage, is done sensitively to respect the traditional character.
ECCMP_D070	<i>Will the criteria be based on similar CARS? What is proposed to ensure buildings benefitting will maintain the standards? We have seen the standards fall after the CARS project and buildings go back to the same previous state. This is a much needed scheme and sooner rather than later would be better to maintain the businesses we have here and encourage locals to shop in Elgin through and improved appearance in the city centre.</i>	The support for the project is welcomed and the masterplan seeks to embrace Elgin's built heritage through many of the identified projects. The project has not been developed yet so it is not possible to say at this stage if it would be in a similar vein to the previous CARS scheme. The comment regarding on-going maintenance is acknowledged and is an issue. While the Council has no control over how individuals maintain their properties, it is hoped through the various projects (public realm, public art etc) identified in the masterplan which seek to improve the overall attractiveness of the City Centre that it will encourage owners to maintain their buildings to a high standard.
ECCMP_D086	<i>I love this project idea as I believe it is certainly a town asset to have such wonderful shop fronts however like many building improvement schemes - what will be put in place for maintaining the standards as the CARS project standard has already dropped and some of the buildings which benefitted from such a scheme are back to looking neglected</i>	The support for the project is welcomed and the masterplan seeks to embrace Elgin's built heritage through many of the identified projects. The comment regarding on-going maintenance is acknowledged and is an issue. While the Council has no control over how individuals maintain their properties, it is hoped through the various projects (public realm, public art etc) identified in the masterplan which seek to improve the overall attractiveness of the City Centre that it will encourage owners to maintain their buildings to a high standard.

ECCMP_D091	<p><i>Similarly, this is a positive proposal for Elgin City Centre which will be of benefit to all users. It is crucial that the core retail area provides a welcoming and quality environment for users to enjoy and be encouraged to re-visit. The St Giles Centre entrance occupies a prominent frontage on to High Street with key retailers occupying this frontage including WHSmith and Vodafone. The frontage of the St Giles Centre is category listed and plays a part in contribution to the historic nature of Elgin Town Centre (as aforementioned, the Centre is located within a designated conservation area and there is an abundance of other listed buildings in close proximity). The unique heritage of Elgin should be recognised in the document. However, the improvements to shopfronts may be limited by legislative listed building restrictions. This is an area that the Masterplan should address in further detail to explain how the historic built environment can be modernised/updated in a way which respects its heritage. It is promising that the Masterplan wishes to implement such a scheme by 2025. However, as noted above, it is considered that further details are required on how this will work with regards to funding and other regulatory procedures including planning permission/listed building consent. The proposal currently lacks this detail but it is important to understand if public funding will be made available and if regulatory tools will be relaxed to ensure improved shopfronts are implemented in a timely manner.</i></p>	<p>The importance of Elgin's built heritage to the regeneration of the City Centre is reflected in the vision and aims of the masterplan. It is also acknowledged in many of the individual projects which state the importance that the historic environment plays to the character and attractiveness of Elgin.</p> <p>As acknowledged in the comment, the proposal has not been worked up in detail and so no further information can be provided at this stage. The City Centre is covered by conservation area status with many buildings, including those with shopfronts, being listed. The nature of these designations means that any planning application proposing alterations to a shopfront must comply with the relevant Local Development Plan policies to ensure that the integrity of the character of the conservation area and/or listed building is retained. Having a design guide and improvement scheme in place could potentially help with any funding applications at a later date should one become available.</p>
ECCMP_D092	<p><i>Refer to Andrew Wright's Conservation Area Report 2012, especially where renovations and repairs already required. Be aware of Elgin's crumbling sandstone fabric, public safety and aesthetics! We already have demolition of listed buildings as precedents. Plan should aim to facilitate prompt redevelopment before developers can claim essential demolition is the only answer.</i></p>	<p>The Local Development Plan has an individual listed building policy which contains a set of policy criteria which must be met if a listed building is to be permitted for demolition.</p>
ECCMP_D100	<p><i>The proposals to enhance shop frontages, through retention of original features and reinstatement of more traditional signage and proportions, is welcomed.</i></p>	<p>Support noted.</p>

CR10 North Port

Consultee Ref.	Summary of Comment	Response
ECCMP_D038	<i>Glad to see North Port identified as development opportunity as it is currently dated and a wasted opportunity.</i>	Support noted.
ECCMP_D046	<i>Opportunity for arts and crafts businesses/hub/workshops with low rent and regular turnover (e.g. 6 monthly) to create more activity in this area.</i>	The area has been identified in the masterplan as an opportunity to positively transform this area which is currently dated and not visually attractive. Details of the potential uses that could be accommodated as part of the redevelopment will be discussed as the project progress. Comments on the potential uses are noted and the concept of providing hubs or flexible working space is a concept that the Council is willing to explore
ECCMP_D066	<i>North Port is a ghastly reminder of just how bad cheap & nasty development can be. It must be obliterated without trace ie comprehensively redeveloped sympathetically.</i>	Comments noted.
ECCMP_D074	<i>This may be a good option for a cafe culture rather than Grant Lodge ideas. Short route from Park and help encourage footfall between town centre and park</i>	One of the key elements of the project would be to provide better connections towards Cooper Park and the Cathedral through public realm improvements. It is proposed to introduce high quality public realm improvements which could help to facilitate outdoor eating/seating which would improve the vitality of the City Centre which is a key aim of the masterplan.
ECCMP_D076	<i>I feel as though removing the bridge beside the library will be a great change</i>	Noted.
ECCMP_D092	<i>Links with CR6 and CR2 as a good example of potential for improvement of the space. However, parking is still essential for access to the town centre. This and other developments should not decrease the availability of parking if the intention is to revitalise the town centre and bring back custom that has defected to the Edgar Road shopping area with its free and easy parking. Linear park an interesting idea but again not if it takes out the parking. And the bridge and also the underpass should remain at least until the bypass is a reality, even if they are meanwhile supplemented by level crossings.</i>	The Masterplan does not try to remove parking entirely from the City Centre but provide better connections for walking and cycling and improving public transport infrastructure. The detailed transportation issues mentioned in the comment will be addressed as the detail of the project develops.

ECCMP_D093	<p><i>We think that Links with CR6 and CR2 are a good example of potential for improvement of the space. However, parking is still essential for access to the town centre. This and other developments should not decrease the availability of parking if the intention is to revitalise the town centre and bring back custom that has defected to the Edgar Road shopping area (which has free and easy parking).</i></p> <p><i>A Linear park is an interesting idea but again not if it takes out the parking. We think that the bridge and underpass should remain at least until the bypass is a reality, even if they are meanwhile supplemented by pedestrian crossings.</i></p>	<p>The Masterplan does not try to remove parking entirely from the City Centre but provide better connections for walking and cycling and improving public transport infrastructure. The detailed transportation issues mentioned in the comment will be addressed as the detail of the project develops.</p>
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CR11 Moss Street

Consultee Ref.	Summary of Comment	Response
ECCMP_D064	<i>Making Moss Street one-way is another daft idea!</i>	Noted.
ECCMP_D074	<i>One way seems ok, care to determine which way to keep a flow through town</i>	Noted.
ECCMP_D077	<i>I often walk along Moss street and agree improvements are needed to make it more welcoming, particularly for pedestrians and cyclists. A one-way system would help but can I please ask where the southbound traffic is expected to go? There was considerable traffic increase on Duff Avenue when Moss street was closed recently. With two primary schools nearby, it would not be adequate to send traffic down Abbey Street, Institution Road and Duff Avenue. I am sure you have considered this. It just wasn't clear what the solution is when I read the master plan.</i>	<p>Comments of support are noted.</p> <p>There will be a review of the potential re-routing of traffic as part of the detailed development of any proposed changes to Moss Street.</p>
ECCMP_D092	<i>Improvements to ATR opportunities would be welcomed but residents parking and south bound route are not mentioned.</i>	There will be a review of the potential re-routing of traffic as part of the detailed development of any proposed changes to Moss Street.
ECCMP_D094	<i>We welcome plans to redesign streets to make them more attractive for pedestrians and cycles, reducing car dominance. There is plenty of evidence now supporting the economic benefits to local businesses of reduced vehicle movements and increased pedestrian and cycle flows.</i>	Comments of support are noted.

ECCMP_D114	<i>The impact of making Moss Street one way is going to have a significant impact on neighbouring streets, which are already impacted by Council staff and others parking on both sides of the road. Duff Ave and Seafield Street will be particularly affected. A clear assessment needs to be undertaken.</i>	There will be a review of the potential re-routing of traffic as part of the detailed development of any proposed changes to Moss Street.
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CR12 Batchen Land (Northfield Terrace Car Park to Thunderton Place) & Thunderton Place

Consultee Ref.	Summary of Comment	Response
ECCMP_D005	<i>Thunderton Place is a main access to the High Street and is under-utilised at present. The proposed changes are very welcome by the businesses on this street. The proposal for changes to surfaces, added greenery and supporting a cafe culture will be integral to the continuation of the high street. The traffic entering this area at present is the main problem, I wonder if this could be addressed sooner than 2023, and therefore start the progression to having this a pedestrian friendly zone around the High Street.</i>	The proposal seeks to improve this area to create a more visually attractive space on what is a busy through route. The project has not been worked up in detail at this stage and it is therefore not possible to comment on the proposed timescale mentioned in the comment at this stage.
ECCMP_D070	<i>How will traffic control on Batchen Street be managed? What will this entail as something will need to be done to stop the traffic going up Batchen Street once Poundland is completed. With street works proposed, what measures will be put in place to reduce interference with businesses?</i>	Rise and Fall bollards would be installed at each end of Batchen Street to control access. Authorised vehicles would be provided with a transponder or a key fob which would be read and trigger the bollards to go down. When it was safe for the authorised vehicle to proceed the warning lights would shine green. After the vehicle has passed the bollards would automatically return their original raised position.
ECCMP_D092	<i>Same caveats as for other pedestrianised areas - maintenance to be budgeted for, unwanted effects of trees on buildings, uneven surfaces and unnecessary street ornaments and their effects on the easy passage of the less-able bodied and with Covid distancing, lighting effective for safe and confident passage rather than wasteful ornamental lighting.</i>	The masterplan identifies three key projects in the public art, lighting, and public realm strategies. While each is an individual strategy they are all linked. These projects seek to bring a consistency to the public realm which is currently lacking to make the City Centre and attractive and safe place. The comment refers to “wasteful ornamental lighting”. However, good quality street lighting can play two roles in providing the primary function for light and security but also

		creating attractive features in the street. This could be in the form of individual pieces of lighting or simply lighting up historic buildings which is in abundance in Elgin. All proposals in the masterplan will consider people of all mobilities to ensure that Elgin City Centre is inclusive for everybody.
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CR13 Public Realm Action Plan

Consultee Ref.	Summary of Comment	Response
ECCMP_D002	<i>Get rid of the ugly lion and big chunky seating areas that are in the way next to Poundland, especially as we're squeezing past scaffolding.</i>	The location of the Dandy Lion will be considered through a draft Public Art Strategy which will be subject to public consultation. The seating area in the Plainstones has recently been replaced with attractive parklets.
ECCMP_D003	<i>There seems to be an awful lot of 'illuminated panels' and 'lighting' proposed. I thought I saw constant 'green' labelling when reading the proposals - what is 'green' or 'energy saving' about so much electricity use? Especially as most of the time when the weather is suitable for outdoor 'cafe culture' we have such long daylight that extra illumination is unnecessary?</i>	A comprehensive approach to lighting will be considered through the draft Public Art Strategy that will be subject to public consultation. The energy efficiency of lighting will be taken into consideration in the development of proposals.
ECCMP_D012	<i>I must disagree with the idea of placing a metal angel fountain in the middle of the pond. It is utterly out of keeping with the gentle, green surroundings and would stand out like a hideous carbuncle. The pond is lovely because of its natural, gentle, calming appearance, so in tune with nature and bird life. A gross, metal angel spurting water into the middle of this peaceful scene is not a good fit.</i>	The angel in the pond is being reconsidered through the draft Public Art Strategy which will be subject to public consultation.
ECCMP_D013	<i>I don't see the point of redeveloping the Cooper Park pond with an angel fountain as it will look out of place and using the example of the town centre fountain it will probably hardly be on or will constantly require upkeep. I am also not sure what an angel has to do with Elgin'</i>	The angel in the pond is being reconsidered through the draft Public Art Strategy which will be subject to public consultation.
ECCMP_D015	<i>Changes should be subtle and architecturally pleasing - an angel in the pond brings nothing!</i>	The angel in the pond is being reconsidered through the draft Public Art Strategy which will be subject to public consultation.

ECCMP_D016	<i>I like everything proposed except for the horrible angel statue in the Cooper Park. The dandelion in the town is absolutely disgusting and embarrassing and that isn't too much better. Just ruins the aesthetic of Elgin.</i>	The angel in the pond and location of the Dandy Lion is being reconsidered through the draft Public Art Strategy which will be subject to public consultation.
ECCMP_D022	<i>I think that everything looks fantastic apart from the statue in the pond.</i>	Support noted. The angel in the pond is being reconsidered through the draft Public Art Strategy which will be subject to public consultation.
ECCMP_D023	<i>With regard to the public arts section. The installation of the "statues" in town have been met with mockery and disdain by the public, especially the "Dandy Lion" and the apparently polio riddled Wolf of Badenoch. removal of these "statues" and replacement with sentiments more fitting for the town would be a better use of the space. By having a statue of a man who burned and destroyed the town as a public draw is beyond my belief. Establishing memorial statues of people who have done important things for the town such as Dr Gray's for his establishment of the hospital or other notable figures from Elgin and Moray who were of benefit to the town. These can again be used for educational purposes and draw in tourism via interest in history rather than to post social media posts about the slightly melted Dandy Lion.</i>	Comments noted. The contribution of existing public art is being considered through the draft Public Art Strategy. Focusing on people who have contributed positively to Elgin (and Moray as a whole) is also being considered through the draft Public Art Strategy. The draft strategy will be subject to public consultation.
ECCMP_D031	<i>Concerned that we will end up with more disjointed, unattractive street art, such as the dandelion and the seating area next to it. The high street is a mish mash of bins, picnic tables and poor quality "art" and the depressing appearance deters me from shopping there. I am also concerned about maintenance and upkeep, street cleaning needs and will need to be increased. I do not understand why we need a massive statue of an angel in the Cooper park pond, it sounds like another dandelion and the money could probably be better spent on bins or flowers or play equipment (anything really!).</i>	A draft Public Art Strategy is being prepared that will provide a comprehensive, consistent approach to public art and realm in the City Centre. The draft strategy will reconsider the location of the Dandy Lion and angel in the pond, and will be the subject of public consultation.
ECCMP_D034	<i>Get rid of that ridiculous seating in the high street, and also that ridiculous looking lion statue thing. It makes a mockery</i>	The existing seating in the Plainstones has recently been replaced with attractive parklets which are in keeping with the natural materials of Elgin City Centre. The location of the

	<i>of the high street and the town centre would look so much better without it there.</i>	Dandy Lion is being reconsidered through the draft Public Art Strategy that will be the subject of public consultation.
ECCMP_D035	<p><i>Switch the fountain on!! Get rid of the hideous Dandy Lion Statue.</i></p> <p><i>Planting of planters: Elgin needs a designated action group (maybe attached to the horticultural college) to grow their own plants for planters, plant them in baskets around town and most important of all, to water them (buy a bowser and small towing vehicle and rota volunteers to water) Every year they get planted and within 4 weeks they are a dead mess as nobody looks after them, what a waste.</i></p>	Comments regarding the fountain and maintenance of planting are noted and will be taken into consideration in the development of proposals for the City Centre. The location of the Dandy Lion will be reconsidered through a draft Public Art Strategy that is currently being prepared which will be subject to public consultation.
ECCMP_D038	<p><i>Very supportive of the public art strategy especially as local artists would be involved but was did not want to see generic bits of art that are straight out of a catalogue.</i></p> <p><i>Get rid of the dandy lion and move the wolf of badenoch statue to Cooper Park.</i></p>	Support noted. The relocation of existing public art is being considered through the draft Public Art Strategy which will be the subject of public consultation.
ECCMP_D042	<i>Please do not put any type of statue in the middle of the pond! Removal of "The Dandy Lion" in the high street, the other statues are lovely and in keeping with the local area however this is awful, please look at Trip Advisor comments if there is any doubt!</i>	The relocation of the Dandy Lion is being considered through the draft Public Art Strategy which will be the subject of public consultation.
ECCMP_D046	<i>Angel's share - scale is too big and scary. Utrecht example of involving local community – mural of books where local people chose their favourite book and this was included in art work. Liked pencils bench – opportunity to involve young people.</i>	The angel in the pond is being reconsidered through the draft Public Art Strategy which will be the subject of public consultation. Further work on developing public art proposals will involve the local community, including young people.
ECCMP_D050	<i>Why not include Elgin Museum in the list of buildings you wish to light up at night'</i>	Comments noted. The lighting up of key buildings such as Elgin Museum will be further considered through the draft Public Art Strategy which will be subject to public consultation.
ECCMP_DO56	<i>How many people will connect with an Angel that covers people in seagull and litter contaminated water'</i>	The angel in the pond is being reconsidered through the draft Public Art Strategy which will be subject to public

	<i>If a sculpture is required can it be kept to something relevant to nature. We have otters local to the pond, sadly one lost its life last year by becoming too close to people but at least it gave joy to those who treated it responsibly. No cones on its head.</i>	consultation when there will be further opportunities to contribute to the form that public art could take.
ECCMP_D057	<i>Hopefully further sculptures in town are relevant and tasteful in comparison to the dandylion.</i>	Concepts and themes for public art are being considered through the draft Public Art Strategy that will be subject to public consultation.
ECCMP_D066	<p><i>Tricky!; I've seen good, bad and indifferent. But if done well... Identify and be guided by locals who know (and understand the brief and their role), not the 'usual suspects', and involve them from the start. Use professional landscape architects, artists etc. that understand Elgin/Moray/the NE. I recognise that 'Highlands' chimes with external audiences, but Moray/Elgin has a Doric Scots culture that must not be lost. Nor should whisky over dominate. Is Moray's Great Places really such a success (as your document claims, without any reference to targets delivered!)? For me, it was not bottom up enough, with too much 'travel' behind the scenes before the local voice was invited in.</i></p> <p><i>The Angel's Share etc. is at best a difficult concept to communicate in sculpture. This requires a LOT more thought. (Incidentally, however, and I'm not suggesting it here [Cooper Park Pond] but in a more appropriate location, I have always thought - and it would be relatively inexpensive, further there is evidence for this from around the world - that a strategically placed 'giant' Moray Speyside Malt Whisky bottle would both attract attention and divert visitors to the area and open up the 'whisky market' to a much broader audience. bigpineapple.com.au)</i></p>	Comments noted. A draft Public Art Strategy is being prepared which will develop themes that reflect Elgin's heritage further. The draft strategy will be subject to public consultation and further engagement with communities will be sought by artists in the development of public art works.
ECCMP_D070	<i>Are the project deadlines in place realistic? For example the Jailhouse and Grant Lodge to be completed by 2026? Could certain projects be pulled forward such as the buildings above M&Co and the Green walls and illuminated panels through the Public Art Strategy? Overall feel the Public</i>	Support for public realm action plan is noted. The timescales proposed within the ECCMP are primarily related to funding and resources. The draft Public Art Strategy is currently being prepared and will be consulted on to gauge the public's views on the concepts and themes proposed.

	<p><i>Realm Action Plan is brilliant and feel is very important to have implemented sooner rather than later to publicise to the public and businesses what the set in stone plans are. Will the Angel Share not be too similar to the Angel of the North and cause confusion?</i></p> <p><i>The Heritage Trail needs to really be considered what is to be achieved as the current Castle to Cathedral to Cashmere is not well publicised or used and information is incorrect on it. Proper research needs to be undertaken and if there is a need for it. Could an all singing all dancing app be created that is really a one stop shop which can offer restaurant bookings, information on shops, attractions and events and even event bookings through Town Hall' Elgin BID would be happy to help facilitate in any way.</i></p>	Further research and community engagement will take place to inform the development of the public art works
ECCMP_D084	<p><i>Angel fountain screams tacky and will date very quickly. A plain, timeless item will be much better placed. Don't let this become the Dandy Lion of cooper park!</i></p>	A draft Public Art Strategy is being prepared and will be consulted on to further gauge the public's views on concepts and themes for public art works.
ECCMP_D086	<p><i>Develop a Visit Elgin app. by 2023 An app already exists so surely it would save money and time to utilise the existing. Project. Develop a heritage trail by 2023 It needs to be a lot more effective and present - the CCC project doesn't work. Locals and visitors are unable to distinguish what the statues relate to and they are not coherent.</i></p> <p><i>Project. Current seating around the Plainstones - both the temporary and around the trees do not work as they are not sociable. Seating facing each other makes it more sociable and people would be more inclined to utilise it. There was an Italian architect who did this as part of a town redevelopment in Ireland a few years ago and she spoke at the Scottish Towns Partnership meeting in Aberdeen in 2019. Any seating should also be long lasting and fitting to the town whether is be stone or metal.</i></p>	Comments noted. The seating within the Plainstones has recently been replaced with parklets that are more reflective of Elgin's built heritage and materials. The ECCMP includes an action to build upon the current heritage trail.
ECCMP_D087	<p><i>This is very interesting stuff. There are so many factors to weigh up. Lighting needs to be good for visibility and safety for people at night, not just atmospheric or creating shadow spaces - including in lanes. Public art and signage needs to</i></p>	Support noted. A Public Art Strategy is currently being prepared which will address lighting and signage/street furniture and will be publically consulted on.

	<i>be accessible and also not add too much clutter for those with sight issues. This will need significant ongoing budget if it is to avoid stuff getting out of date - which is crucial to be useful and trusted. Again natural materials, including materials and planting that can act as a carbon sink, and planting that can improve air quality and absorb heat, will all be good.</i>	
ECCMP_D091	<i>This objective aims to specifically improve the attractiveness of the city centre. This is a key component of any successful town and city centre and helps people feel welcomes as they move around; whilst also providing spaces to relax and eat, lengthening the time spent in the town and the associated economic benefits that brings. This initiative will be very important in the context of the historic nature of Elgin City Centre which contains an abundance of category listed buildings and is a designated conservation area (Elgin High Street Reference CA183). It is welcomed that this action point provides a clear route forward on how this will be achieved i.e. commissioning an independent artists to work with the public and key stakeholders. This consultation process will be very important to ensure that any new Public Art Strategy understands the current weaknesses and needs of the city centre. As the development of this strategy progresses, it would be wise to review other such schemes or examples from Scottish Town Centres. Such an analysis would highlight early issues which would need to be overcomes and examples of best practice, for example. A central information hub in the area surrounding St Giles Church is also considered sensible and welcomed allowing shoppers and visitors to find their bearings in a central and attractive location. Perhaps there is opportunity here for the information hub(s) to be located in other prominent areas of the centre and wider city which will guarantee consistency and ensure visitors/tourists can regularly find information for the location they are in.</i>	Support noted. A draft Public Art Strategy is currently being prepared and will be publically consulted on. Other examples of how public art has contributed to the success of a town centre will be researched as part of this strategy.
ECCMP_D092	<i>Has LBC been considered, and also possible development consents involving archaeological assessments? And the</i>	All the necessary consents and assessments will be undertaken/put in place for any development proposals. The

Council's Conservation Area Policy Agree with identified problems and aims of the project but would question the time scale (ref. 2022) ? sooner is necessary for decisions in principle. A coordinated design policy and concept needs to be considered and introduced before the public realm AP is finalised or rolled out. If the value of history is a key in the Masterplan development, as acknowledged in the Introduction, it makes sense to be cautious in the introduction of modern art which may not be in keeping with Elgin's townscape and can soon become dated and tacky. Local public opinion alone may not be the best arbiter for what is attractive to visitors. Covid in whatever variant is going to continue to be an issue for consideration in public space management. This is relevant to new street art contributing to over cluttering of the streetscape and lanes. Lighting strategy - Comments already made about functional lighting which can be used also to have value-added highlighting important structures. Public Art Strategy - What is the reason for the ballerina on p.42? This is not a dignified prolonged pose for a young woman in a public place. Also consider long term maintenance and vulnerability to neglect and vandalism as exemplified by existing street art. Way-marking, etc - Signage ? font and contrast must be selected as suitable for all users. Plenty of advice on the internet. Any images should be captioned for example with name of building, species of bird or plant ? then they are educational as well as ?art?. QR codes only of use if there is internet coverage. Suggest specific consultation with representatives and individuals who are less able, for design hazards that may not be apparent to the planners and designers. The angel statue shown in the picture is completely out of scale, vulgar and insensitive. There is no need for such a man-made structure to compete with the nature ? leave the pond to be enhanced by the trees and birds. Maximise space for the boaters and birds, and let nature be light-touch managed. Just because you've got the money to fund a sculpture doesn't mean it is right in this case to have a

public will be able to make comments on any planning applications pertaining to the development proposals in the ECCMP. The draft Public Art Strategy will provided a consistent approach to public realm and art works. The draft strategy is currently being prepared and will be the subject of public consultation. The images contained within the ECCMP are to conceptualise ideas. Bodies such as Parent Able and the Moray Disability Forum have been consulted on the draft ECCMP and will be consulted on any further consultations pertaining to the proposals and the draft Public Art Strategy.

	<i>sculpture in the pond. Don't overplay whisky. How about an otter?</i>	
ECCMP_D093	<p><i>Could consideration and due care be given to what impact there will be on (A) the Conservation Area streetscape and (B) the setting of listed buildings before new public art, interpretation, etc. is installed.</i></p> <p><i>We agree with the identified problems and aims of the project but would question the time scale (ref. 2022) – sooner is necessary for decisions in principle. A coordinated design policy and concept needs to be considered and introduced before the public realm Action Plan is finalised or rolled out.</i></p> <p><i>Elgin Museum would be very interested to work in partnership in connection with all the elements of CR 13 – among the Moray Society members, volunteers and Trustees there is a broad and detailed knowledge of Elgin's architecture, history and heritage and an awareness of previous town centre changes extending back over many years.</i></p> <p><i>The value of history is a key principle throughout the Masterplan and is clearly acknowledged in the Introduction. It makes sense to be cautious in the introduction of modern art which may not be in keeping with Elgin's townscape and can soon become dated and tacky. Local public opinion alone may not be the best arbiter for what is attractive to visitors. However greater involvement of younger generations and communities in the creation of public art is encouraged, as well as working with local groups of all ages/abilities/interest in order to better understand how the local community use the space currently and in the future. This is especially important for the younger generations. Their "buy in" is essential to securing a sense of care, ownership and place.</i></p> <p><i>Covid (in whatever variant or permutation that may be) will continue to be an issue for consideration in public space</i></p>	<p>Welcome Elgin Museum's support to work with the Council on the public realm action plan. The draft Public Art Strategy is currently being prepared and will be the subject of public consultation. The draft strategy will include proposals for lighting. Further community engagement with a wide range of groups including young people and specialist needs will take place in both the preparation of the strategy and development of public art proposals. As set out in the draft ECCMP public art will reflect Elgin's rich heritage.</p>

	<p><i>management. This should be taken into account when planning new street art which may contribute to the over-cluttering of streetscapes and lanes.</i></p> <p><i>Lighting strategy – We have already made comments about functional lighting, which can be used also to highlight important structures. The C2C2C lighting project was never put in place, and the buildings selected were expected to pay for installation and maintenance.</i></p> <p><i>Way-marking, etc. - Signage – font and contrast must be selected as suitable for all users. Any images should, where possible, be described/captioned – i.e. with the name of the building, (or whatever the case may be) creating something informative/engaging beyond just a piece of art</i></p>	
ECCMP_D100	<p><i>The proposals to improve cohesion in signage and street furniture is noted. Materials which take their cues from the historic streetscape is encouraged. Although there is a place for further interpretation and public art within the city centre, these should complement the existing historic streetscape and care should be taken that the conservation area does not begin to appear cluttered and difficult to navigate as a result of further additions.</i></p>	<p>Support noted. It is intended that public art will reflect and complement the historic environment.</p>
ECCMP_D101	<p><i>The proposal for a piece of public art may not be popular. We all know of the mixed reactions to the Dandy Lion! The other art works in the High Street the Drummer, and the Wolf of Badenoch seem to be received better. The Duke of Gordon works because of its scale and location and offers a measuring stick for any other art piece. Any public art should be of a timeless quality and possibly relate to our history. Contemporary doesn't seem to fit with Elgin because it detracts from our history and erodes our uniqueness. The features highlighted in the documentation are entirely appropriate and we have some confidence that the planning department will get this right.</i></p>	<p>Support noted. As set out in the draft ECCMP public art is to reflect the rich heritage of Elgin.</p> <p>Grant Lodge is proposed as a food and drink heritage experience which will act as an information service for Elgin and the whole of Moray.</p>

	<p><i>The location of tourist information services has been of interest to us in the past. Information is the key to getting around Elgin and finding what you need and whilst digital solutions are needed they are not the end of the story. Not everyone is connected, some can't afford data, batteries can go flat, etc etc. It is important that reliable navigation information is provided and the challenge is to do that without a forest of street signs and without using paper leaflets that become litter.</i></p>	
ECCMP_D103	<p><i>It's clear from the draft plan that there is ample opportunity to use soft landscaping to enhance the experience of Elgin and that will have added benefits for nature/biodiversity. The plan gives several examples of when and where planting and other 'bio-friendly' techniques can be used to enhance buildings/streetscapes etc. There is also the commitment to CR13, the Public Realm Action Plan where the aim is</i></p> <p><i>'to improve the attractiveness and vitality of the city centre by taking a comprehensive approach to improving the public realm, which is defined for this purpose as the pedestrian areas, street furniture (such as benches and bins), signage, public art and lighting.'</i></p> <p><i>A small point is that soft landscaping is referred to in the highlighted project outcomes but missed from the paragraph above. It is however likely inferred.</i></p> <p><i>This is an important project to ensure that the soft, or natural, landscaping elements are truly embedded into any future improvements and developments. This project should explore the real evidence to ensure that biodiversity does gain from actions taken. For example getting the right planting in the right places, making sure that lighting doesn't create problems for wildlife, future proofing and selecting options that really are low maintenance will be essential to ensure their longevity and that we are able to capitalise on the nature-based solutions they offer (air cleaning and</i></p>	<p>Making Elgin a green and healthy, and carbon conscious place are key objectives of the ECCMP. The proposals seek to embrace this through improving the public realm and incorporating soft landscaping and green walls, where possible.</p>

	<i>cooling, shelter from elements, surface water attenuation etc.).</i>	
ECCMP_D104	<i>Lighting Strategy- It would be beneficial to include some areas like the Lido Close Lane and Harrow Inn Close.</i>	Comments noted.
ECCMP_D111	<i>I am not sure that the Angel statue come fountain in the pond is in keeping with the area.</i>	Comments noted. The draft Public Art Strategy which will develop the themes and concepts for Elgin is currently being prepared and will be the subject of public consultation.
ECCMP_D112	<i>Less money spent on statues etc and more investment into bringing back great shops on the high Street.</i>	All proposals contribute to the aims and objectives of the Masterplan, individually and holistically. An attractive public realm, which incorporates public art, will encourage people to visit and spend time in the City Centre which in turn, support shops and services.
ECCMP_D114	<i>Lighting to make people feel safe throughout the town centre and in the cooper park is desperately needed. With short winter days and significant issues relating to people not being active enough, lighting along footpaths (along the flood scheme route and other paths) pavements and roads needs to be looked at carefully to ensure no-one - especially the older population, women and girls - feels vulnerable.</i>	Comments noted.

CR14 Lanes

Consultee Ref.	Summary of Comment	Response
ECCMP_D003	<i>The first thing you need to do is get rid of the pigeons. Apart from their droppings messing the area on a daily basis, such droppings are a major health hazard - especially in an area where you want to encourage outdoor food and drink.</i>	This is an Environmental Health issue and not a planning matter.
ECCMP_D070	<i>It would be good to add in some lighting or artwork down Harrow Inn Close, Lido Close and the next lane along from Lido Close as these are very dark and untidy looking lanes.</i>	Comments noted. Lighting will form part of the draft public art strategy which will be publically consulted upon.
ECCMP_D092	<i>Covid remaining endemic ? open up Lanes rather than obstructing them with new ornamental features; encourage natural ?distancing?. In general, facilitation of natural social distancing will be a great help to our adapting to the need not</i>	The lanes are a distinctive characteristic of Elgin and improving these will encourage people to use them and offer direct routes to/from the High Street to Cooper Park and the Cultural Quarter.

	<i>to share expired breath without feeling we are being bullied by a nanny state.</i>	
ECCMP_D100	<i>The historic lanes are a distinctive feature of the city centre, and their enhancement is seen as having a positive benefit on the historic environment as well on the experience of those using these spaces.</i>	Support noted.
ECCMP_D114	<i>Improve lighting on all lanes and do everything to prevent them becoming ashtrays and covered with bird poo. The photos in this masterplan document make them look much cleaner and tidier than they actually are.</i>	Comments noted.

CR15 Batchen Street

Consultee Ref.	Summary of Comment	Response
ECCMP_D074	<i>Happy to see this pedestrianised provided access to west end of high street via North Street remains. Town must be accessible for so many reasons</i>	Comments of support noted.
ECCMP_D086	<i>Seating needs to be equally spaced without blocking access to windows and doorways. Canopies could darken some businesses which are often already dark depending on what side of the street they are on.</i>	The masterplan identifies that a public realm action plan will be undertaken for the City Centre which seeks to improve the vitality and attractiveness of the city centre. Part of this project will involve creating good seating opportunities so that people can use the City Centre to meet and socialise and well and use shops and other amenities. Comments relating to seating blocking access and windows are noted.
ECCMP_D092	<i>Close it completely to vehicular traffic a good idea as currently confusing to pedestrians.</i>	Measures are to enforce existing pedestrianisation order which has no access for unauthorised vehicles at any time of the day. Access for authorised vehicles will be maintained and businesses encouraged limit access to start and end of day.

CQ1 Elgin Town Hall

Consultee Ref.	Summary of Comment	Response
ECCMP_D047	<i>Know it is a listed building but still consider that the future would be much better served by demolition and rebuild as per Elgin's two secondary schools Extension and</i>	The proposals and initial concept schemes show that the existing building can be refurbished and extended to create a modern, multi- purpose Town Hall, while respecting the listed status of the building.

	<i>modification will still not give us the modern, multi purpose town hall required for the future</i>	Demolition of the building is unlikely to be supported by Historic Environment Scotland and is not an option being pursued by the Council.
ECCMP_D049	<i>Hope a proper visual art gallery capable of taking national touring exhibitions as well as local exhibitions will be included and, as with the rest of the facilities, on going revenue costs will need to be considered.</i>	A visual art gallery is being considered as an option within the Town Hall, however, it is also being considered at another location within the City Centre, with the aim of attracting national and international touring exhibitions, which will complement the Cultural Quarter and support the evening economy in Elgin.
ECCMP_D064	<i>We have a cinema and don't need another one.</i>	The cinema is not seen as directly competing with the main cinema in Elgin, it is seen as a multi- functional space which could be used in a similar way to the cinema at Eden Court, showing a range of alternative and possibly foreign language films, also doubling as a lecture/ learning space.
ECCMP_D074	<i>Are your proposals good use of money, any extensions and redesign of existing will be massive and I feel so much money has been spent on this ailing building that is limited in its use. Would it not be better starting again. Thousands have been spent on heating and lighting and year after year we seem to be able to have smaller occupancy for one reason or another.</i>	<p>The proposals and initial concept schemes show that the existing building can be refurbished and extended to create a modern, multi- purpose Town Hall, while respecting the listed status of the building.</p> <p>Demolition of the building is unlikely to be supported by Historic Environment Scotland and is not an option being pursued by the Council.</p> <p>The refurbishment and extension will aim to reduce the buildings carbon footprint and create an inspiring space for learning and entertainment purposes.</p>
ECCMP_D087	<i>While I understand hard landscaping/paved surfaces are important for accessibility, the images around the Town Hall are very grey with little green for absorbing heat or carbon, or providing the acknowledged health benefits of green space. Particularly if the park is behind a new hotel.</i>	Noted. This will be addressed in the brief for the design of the Town Hall. While the intention is to create a “grand plaza” type approach to the Town Hall, it should incorporate additional greening.
ECCMP_D092	<i>General points on Cultural Quarter - not sure how set in stone the elements are, even though Cultural Quarter appears in this consultation. Given the intention stated in the Introduction, it is disappointing that Elgin Museum and the Library and Heritage Centre are not included in the key</i>	Noted. During the consultation on the draft Masterplan, meetings have been held with the Elgin Museum who have shared their proposals for enhancements to the Museum and some diversification of uses. This will be included as a standalone project in the Masterplan. Council officers are

	<i>elements, or at all as possible contributors to a Cultural Quarter. Hopefully, the concept of a Cultural Quarter means a return of Moray Council's recognition of history, both as a culture and beneficial to Moray's economic development through education and tourism. There is no reference even to the Museum's being A listed and designed by Elgin architects, Thomas Mackenzie and his son. CQ1 Elgin Town Hall The development of the open space links with CR13. Potential negative effect on the existing town centre cinema? Water features again Carbon Conscious? Wetting pedestrians? Remember we still need parking space for commuters, lorries, shoppers, visitors to the attractions you seek to develop</i>	<p>working with the Museum to consider potential funding sources to support the proposals.</p> <p>Moray Council has always recognised the value of history and culture, which feature throughout the Masterplan's proposals.</p>
ECCMP_D095	<i>I feel that there is no need to add on to the town hall as there isn't exactly the space at the back due to the SSE bit just behind and seems like a unnecessary expansion to a recently refurbished building.</i>	<p>Noted. However additional space is required to provide learning and entertainment spaces which have been identified through earlier consultation exercises.</p> <p>Options for how that space is provided will be explored through the detailed design stage.</p>
ECCMP_D096	<i>Of all the projects that are included in the draft masterplan, the plans for the town hall to become a creative arts centre is the project that I am most excited about as I have always wanted Elgin to have an arts centre. I am interested in the arts and this will encourage me to visit the city centre more often. As someone who is interested in film, I was really happy to hear that an arts cinema is part of the plan as the Moray Playhouse misses out on a lot of films that I want to see which is annoying since I don't have the time to go to Inverness that often (where they are shown at Eden Court) and I end up missing these films as a result. I also look forward to seeing bigger events and shows coming to Elgin as a result of the arts centre, so I hope the plans go ahead.</i>	Noted.
ECCMP_D101	<i>Improvements to the Town Hall are welcomed. We have been impressed at how well the Town Hall has been run following the Community Asset Transfer. As we have said before, it is important that the enthusiasm of the current management team is maintained and that they continue to</i>	Noted. The chair of the Elgin Town Hall for the Community Group is represented on the Cultural Quarter Project Board and has been involved in the concept design work.

	<i>operate the facility. It is essential that the Town Hall team have an active role in defining the implementing of the various options because they will have the best insight into how well the options will work and how likely they are to be resourced.</i>	
ECCMP_D114	<i>How can you include a section about a 'cultural quarter' in Elgin and omit Elgin Museum? This comes across as not just an accidental omission, but a decision not to include it. This is absolutely shameful. I am astounded that the Elgin Museum does not feature in this masterplan. This is a valuable and precious asset of the town and should be included in the travel connections and the 'cultural quarter' aspirations of this masterplan.</i>	The cultural quarter reference was included to reflect the Moray Growth Deal Cultural Quarter project. However, in response to comments received the Cultural Quarter aspects of the Masterplan include additional projects, some labelled as "CQ" projects and others throughout the Masterplan such as heritage trail, regeneration of historic buildings and public art.

CQ2 Grant Lodge

Consultee Ref.	Summary of Comment	Response
ECCMP_D005	<i>Brilliant to see the plans to transform grant lodge. Important to ensure that the cafe culture proposed will be supported by a local business not a franchise such as Cobbs, costa, Starbucks etc. This should be a chance for local business people to invest and be involved rather than offered to nationals. This will be key in the success of Grant lodge as a café. National chains will not ensure that visitors are given fresh local produce, therefore showcasing what we have in this area.</i>	The proposal is to create a high quality food and drink heritage visitor experience. The main aim of which is to showcase the diverse range of food and drink that is produced throughout Moray and the heritage behind it. The intention is for the café/bar to complement this using local food and drink including tasting experiences.
ECCMP_D007	<i>If done properly this could be a wonderful attraction.</i>	Noted.
ECCMP_D035	<i>Grant Lodge should have been made into a great family friendly restaurant/bar.</i>	Grant Lodge is located at a key point of the proposed cultural corridor and is also well placed close to key tourist destinations including the Cathedral. This position and the setting within Cooper Park make it a good location for a visitor attraction. There are opportunities for family friendly restaurant/bars within vacant properties in the Core Retail Area of Elgin or the proposed extension to the café at the library.
ECCMP_D050	<i>The time scale needs shortened. The restoration should commence now in 2021 and be completed more quickly.</i>	The refurbishment and extension of Grant Lodge is a key part of the Moray Growth Deal Cultural Quarter project and

	<i>Agree with removing the fencing on the A96 and letting us see Grant Lodge.</i>	therefore the timing of work commencing is dependent on funding streams for this. Noted regarding removing fencing and opening up views to Grant Lodge.
ECCMP_D066	<i>Want to see Grant Lodge revived but doubts the proposed use. A public case should be made for the proposed new use.</i>	The refurbishment and extension of Grant Lodge is a key part of the Moray Growth Deal Cultural Quarter.
ECCMP_D074	<i>This would be better converted as a hostel offering low cost stay options for tourists. Plenty local businesses promoting our local food, drinks etc. This building will run away with masses of money due to its current state of repair</i>	Grant Lodge is located in a key point of the proposed cultural corridor and is also well placed close to key tourist destinations including the Cathedral. This position and the setting within Cooper Park make it a good location for a visitor attraction. There are opportunities for a hostel to provide low cost options for tourists within vacant properties in the Core Retail Area of Elgin. The refurbishment and extension of Grant Lodge is a key part of the Moray Growth Deal Cultural Quarter project.
ECCMP_D092	<i>The overwhelming need to get something done to restore Grant Lodge from dereliction is understood and if the Moray Food and Drink Heritage Experience has already been agreed, then disappointing as this is, perhaps there is little point in making representations at this stage. BUT. Whisky and food are somewhat niche subjects and how will this focus benefit local life and sit with the Cooper bequest? or is precedent the answer? The Cathedral has already lost some of its immediate relevance to local people with its pricing structure managed by HES. Any restoration work should have the outcome of a building that is adaptive in case there is a need for repurposing. Is it intended to be an income generator?</i>	The focus of the visitor attraction will not solely be whisky. The broad range of food and drink produced in Moray would be showcased. The visitor attraction would also have a heritage element to bring Moray's history alive through interactive exhibits. The centre would also be used to signpost other Moray attractions. Visitor numbers have been derived from advice from consultants advising the Council which has informed the outline business case for the proposal.

	<p><i>Who are the expected 50k visitors and where did this figure come from? How will this number of visitors be managed e.g. with Covid distancing?</i></p> <p><i>Will there be further loss of the Park as a green space to car parking?</i></p> <p><i>It will be interesting to see what support there is from the community, businesses prepared to invest in it or visitors to visit. As a heritage tourism and community centre (along the lines of the Council funded archive centre and Moray hub design produced by LDN) it might have ticked more boxes both for local and young people's inclusion; it would be good to see promotion of heritage tourism as an alternative to whisky and golf as tourism foci for Moray. The distilleries and for example Baxters and Dufftown Whisky Museum, already provide whisky and food visitor experiences and extend Moray's heritage offering outwith Elgin (plus we have Glen Moray in Elgin); competition for Elgin Town Centre hospitality businesses and even the Council's library café would seem counter-intuitive.</i></p>	
ECCMP_D093	<p><i>The overwhelming need to do something to restore Grant Lodge from dereliction is understood and has TMS/ELGNM's full support. Indeed, we look on it as a near neighbour in desperate need of help. We would be happy to discuss/co-operate with the Masterplan to see if we could be involved with exhibitions/displays to "link" us to tourists attending Grant Lodge</i></p>	<p>Noted.</p> <p>The masterplan sets out the programme of projects to help achieve the masterplan vision. Detailed design work, including the design of exhibition/displays within Grant Lodge, would be undertaken on an individual project basis. This detailed design work would involve input from key stakeholders including commercial, tourism and cultural and heritage groups.</p>
ECCMP_D100	<p><i>Welcome the encouragement of reusing empty and vacant buildings coupled with sympathetic restoration instead of demolition of buildings within the city centre. The quality and character of historic buildings within the city centre is high, and their retention is seen as a positive addition visually as well as retaining the city's own distinctive personality as expressed through its built environment.</i></p>	<p>Noted.</p>

CQ3 Proposed Hotel

Consultee Ref.	Summary of Comment	Response
ECCMP_D021b	<i>Also, having the hotel nearby [Cooper Park] is fantastic for tourism, if done right.</i>	Noted.
ECCMP_D023	<i>I am assuming this will be replacing the vacant community centre however by adding additional competition to already struggling hotels in Elgin you are just going to create more vacant empty properties and reduce visitor choice. The funding of this would be better used as a grant to help hotels in elgin raise their star level into the brackets you required rather than create unnecessary competition. I am also assuming it will mean the loss of some of the car parking in front of said area. By it being privately funded it comes across as someone using the council to push an agenda to establish their business and monopolise the market in the centre of town.</i>	<p>This is not replacing the Community Centre.</p> <p>There is no end user pushing this agenda. The need for a high quality, centrally located hotel has been identified by key stakeholders and forms part of the aspirations in the Moray Growth Deal Cultural Quarter project.</p> <p>Yes, parking spaces would be lost, however, this is just one option being explored for the proposed hotel and if the car park was to be developed, the Transport Assessment for the Cultural Quarter and Cooper Park will identify any requirement for replacement parking provision in this area.</p>
ECCMP_D056	<i>Its counter productive to create a hotel if one is no longer required. We had one in the centre its no longer there.</i>	Noted.
ECCMP_D064	<i>It would be a stupid mistake to take away Lossie Green Car Park. It is well used by people working, shopping, going to the football and lorries park there. As a lady, I do not like the multi-storey car parks. There are plenty of hotels in Elgin and again you are closing in open space! These so called investors should buy their own private land and get their own place!.</i>	Noted, Discussion during the consultation period has identified a number of possible alternative locations for the proposed hotel and for the purposes of the Masterplan, a wider search area has been identified rather than a specific location. Officers will continue to explore options with landowners and potential investors.
ECCMP_D070	<i>Is the location for the hotel the right location? Would it not benefit from being in a more central location for example where the St Giles Shopping Centre is if there was discussions with the centre owner, parking is already there too? The centre will not recover from this and better to be converted into something instead of potentially closing and leaving a big whole in Elgin High Street. Would a unique boutique hotel or a worldwide branded hotel work well as it would then get Elgin on the map if people are searching for worldwide brands.</i>	Noted, Discussion during the consultation period has identified a number of possible alternative locations for the proposed hotel and for the purposes of the Masterplan, a wider search area has been identified rather than a specific location. Officers will continue to explore options with landowners and potential investors.

ECCMP_D087	<i>I don't understand the need for this, when within reasonable city centre walking distance there are the Mansion House, the Mansefield and Sunninghill hotels. Adding another building in this area - reducing access to park-side space for people and reducing flood plain - seems unnecessary and potentially damaging to other aspects of the vision and objectives.</i>	Noted.
ECCMP_D092	<i>It is to be hoped this will be strongly linked with CR2. There are plenty of brown field? opportunities in or accessible to the Town Centre. Although it is understood the new hotel project would only proceed if seen as practicable by a developer, it would be interesting to know where the apparent need was arrived at for the Plan. What about support for the Mansion House which had a prestigious reputation for excellence? Some of the distilleries are also developing high end hospitality already. A new build on the sight line between Castle and Cathedral, taking further ground from the Cooper Park and from Elgin?s already poor parking resource would be particularly disappointing. Has any thought been given to hostel/backpacking accommodation to extend the range of visitor accommodation, especially to increase town centre evening activity and visits by younger people?</i>	Noted, Discussion during the consultation period has identified a number of possible alternative locations for the proposed hotel and for the purposes of the Masterplan, a wider search area has been identified rather than a specific location. Officers will continue to explore options with landowners and potential investors.
ECCMP_D099	<i>The proposed hotel will do away with well used car parking spaces for visitors to the Cooper Park. Surely this would better be accommodated up the town centre where there are many empty buildings.</i>	Noted, Discussion during the consultation period has identified a number of possible alternative locations for the proposed hotel and for the purposes of the Masterplan, a wider search area has been identified rather than a specific location. Officers will continue to explore options with landowners and potential investors.
ECCMP_D101	<i>The proposed hotel raises some concern. There would need to be some certainty that it is going to be popular otherwise it may become another unused building. Furthermore, the potential visitor and service traffic would be at odds with the decarbonizing objective. There are also concerns about how much of the Cooper Park or other open space it could occupy. On the other hand, if the hotel works it will be an asset. It is difficult to see how a hotel of the size and</i>	Noted, Discussion during the consultation period has identified a number of possible alternative locations for the proposed hotel and for the purposes of the Masterplan, a wider search area has been identified rather than a specific location. Officers will continue to explore options with landowners and potential investors.

	<i>standard proposed would work in the town centre location. The hotel feels like a make or break item and we recommend that it's viability should be thoroughly verified before allowing anyone to go ahead with it.</i>	
ECCMP_D104	<i>Could a more suitable location be suggested for the proposed hotel, there is a real demand for more rooms in the local area, and this would be beneficial but situated in another location but still allowing for it to support the Cultural Quarter.</i>	
ECCMP_D111	<i>The current Lossie Wynd car park is to become a Hotel - where are all the people who currently use that car park going to park? Lossie Green is quite often full to capacity, it is used as a lorry park so will not have the capacity to take the the parking from Lossie Wynd. Does the hotel have a car park? People are clearly being discouraged from using their cars in city centres but where are you expecting them to park to use these amazing facilities?</i>	

CP1 Gateways

Consultee Ref.	Summary of Comment	Response
ECCMP_D021b	States that having better and appealing access to the park is a refreshing thought.	Support is noted.
ECCMP_D092	Clarification regarding timescales and ability to achieve is required over the concept of active travel connections across Alexandra Road if the Council has to wait until responsibility for the A96 is passed to them. Precipitate removal of existing crossings, including the bridge, would be reckless. Whilst active travel connections are a very good idea, there is a need for adequate lighting to engender public confidence for use, especially during winter. Hopes that a circular route from the High Street to the Cathedral and Johnstons, with a Cooper Park Gateway could link to Elgin Museum.	Noted. Elgin Museum will be included as a project within the Masterplan, which will include consideration of improved connectivity opportunities.
ECCMP_D093	Clarification regarding timescales and ability to achieve is required over the concept of active travel connections across Alexandra Road if the Council has to wait until responsibility for the A96 is passed to them. Precipitate removal of existing	Noted.

	crossings, including the bridge, would be reckless. Whilst active travel connections are a very good idea, there is a need for adequate lighting to engender public confidence for use, especially during winter. Hopes that a circular route from the High Street to the Cathedral and Johnstons, with a Cooper Park Gateway could link to Elgin Museum.	Elgin Museum will be included as a project within the Masterplan, which will include consideration of improved connectivity opportunities.
ECCMP_D114	Lighting in and around Cooper Park should be looked at as everyone should feel safe and included, including during winters' evening. Footpath surfaces need to be improved for safe active use.	<p>The Public Art Strategy will include proposals to address lighting in order to provide pleasant safe environments across the City Centre.</p> <p>The Masterplan seeks to upgrade the path network throughout the park to encourage use, making the park more inclusive and accessible for all.</p>

CP2 Education, Health & the Environment

Consultee Ref.	Summary of Comment	Response
ECCMP_D002	Need for Cooper Park to be improved, with planting throughout to brighten it up.	The Masterplan aims to refresh Cooper Park and make it a green, vibrant and inclusive place for everyone. This will include soft landscaping which will improve the attractiveness as well as enhancing biodiversity value across the park.
ECCMP_D021b	Cooper Park needs to be the place to go to for entertainment, relaxation, socialising and exercise. Cooper Park looks like a field with areas for cricket, skaters, dog walkers and play park. By making it attractive and inviting, Cooper Park would feel like a day out for people and place to play and watch sports, performances and wildlife. Surprised the bird aviary is not included – Council should advertise for a small committee to look after it, alongside UHI students.	<p>The vision for Cooper Park is “a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise.” The projects set out in the Masterplan have been identified to achieve this vision and provide a varied offer that attracts people to Cooper Park.</p> <p>The bird aviary has not been used for that purpose for a number of years and has fallen into a poor state and is therefore not fit for purpose. Alternative proposals for aviary have been incorporated into the Masterplan in order to make full use of the area.</p>
ECCMP_D092	The need for education about nature and responsible access to the great outdoors is becoming even more important and urgent. Covid has increased the public's realisation of the	The Masterplan will seek to create an educational resource within the park which will promote a better understanding of the environment. Appropriate bins will be located throughout the park in accordance with the Public Realm Action Plan.

	attraction of being outdoors but new users would benefit from a greater awareness of care for the environment. Management of Cooper Park could include strategies for teaching responsible access, supported by dog poo and recycling bins as notices alone will not prompt responsible behaviour. Will there be support for the Biblical Garden and UHI nursery, as well as the Park Run and Tennis Courts?	Projects such as improved path networks and a replacement Sports Hub are included in the Masterplan which will support sports users in the park.
ECCMP_D093	Elgin Museum has, for many decades, hosted educational resource for all ages, in the museum, community and schools. Multiple and extensive work experience/apprenticeships/volunteering opportunities are provided by the Museum.	Elgin Museum will be included as a project within the Masterplan and officers are working with the Museum to support their aspirations.
ECCMP_D099	The proposed boardwalks on the flood plain will have no chance against the river when in full flood.	Flood Risk Management (Moray Council) have been consulted on the draft Masterplan and have raised no objection to the proposal for boardwalks. Further consultation will be undertaken as the project develops.

CP3 Play & Recreation

Consultee Ref.	Summary of Comment	Response
ECCMP_017	<p>While it's admirable to encourage a greener approach to Elgin with increased access for walking and cycling paths throughout the town, we also have an aging population and facilities need to reflect that. There needs to be enough car parking spaces as folk over 60 are not going to be walking or cycling to the park. Projected modifications to the park, such as the reopening of Grant Park, a new sports pavilion and open air concert area will require an increase in the number of car parking spaces – whether driving an electric car or not. It is difficult enough to find car parking spaces in the afternoon during the summer months and the expected increase in visitors to new attractions makes using the existing facilities even harder for older people.</p> <p>Only a small number of members of Cooper Park Bowling Club live within walking distance of the club and most drive to Cooper Park to use the facilities. Will the Bowling Club</p>	<p>The majority of parking within the City Centre will remain unaffected by the proposals. Consideration of the parking demand for the Cultural Quarter and Cooper Park will form part of the Transport Assessment for the developments in these areas, with provision made where any shortfall is identified.</p> <p>There are no proposals for dedicated spaces for particular users within public parking areas.</p>

	have designated parking facilities or will it still be a free-for-all?	
ECCMP_D018	Please do not spoil the beauty of Cooper Park – it is full of rubbish as it is and definitely does not need any sculptures. The debris that gathers at the river end should be cleared daily and could be incorporated with the cleaning of the skate park.	<p>The vision for Cooper Park is “a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise.” The projects set out in the Masterplan have been identified to achieve this vision and provide a varied offer that attracts people to Cooper Park.</p> <p>The dredging of the River Lossie is carried out in accordance with the relevant maintenance programmes.</p>
ECCMP_D021b	Own children barely go to Cooper Park because there is nothing to do and it can be quite a boring place to be nowadays. The vision for the park is fantastic and would like to see more outdoor local bands performing.	<p>The vision for Cooper Park is “a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise.” The projects set out in the Masterplan have been identified to achieve this vision and provide a varied offer that attracts people to Cooper Park. Support for the vision is noted.</p> <p>The proposed amphitheatre seeks to provide an attractive outdoor performance space as part of the Cultural Quarter project.</p>
ECCMP_D034	Cooper Park already has an amazing facility with the existing play park, with many people from surrounding area going there to play. Instead of looking to upgrade an already great facility, spend the money in surrounding towns and villages that are desperately needing new play park facilities but are having to raise their own money to replace equipment that was removed and never replaced.	<p>The life expectancy of existing play equipment is due to expire within the Masterplan period and currently does not cater for all abilities. The project therefore aims to transform play and recreation in Cooper Park into an all-inclusive and welcoming area that promotes health and wellbeing for all ages and abilities.</p> <p>The Masterplan is specific to Elgin City Centre and the upgrading of play parks in other towns is carried out in accordance with relevant maintenance/investment programmes. This does not prevent community groups fundraising for replacement play parks in consultation with the Council, as has been seen in towns like Dufftown and Rothes.</p>
ECCMP_D035	Cooper Park needs extra-large litter bins that can't be knocked over, similar to the new ones installed onto High Street.	Appropriate bins will be located throughout the park in accordance with the Public Realm Action Plan.

ECCMP_D042	A Park Warden is need to police issues such as dog fouling, littering and anti-social behaviour. More security cameras are required in park areas.	It is the responsibility of everyone to manage and dispose of their litter, including dog waste, and behave correctly. Anti-social behaviour, including dog fouling and litter, can be reported online at https://online.moray.gov.uk/form/auto/asb_ext or by calling 01343 563074. Complaints of a more serious nature should be referred to Police Scotland by calling 101.
ECCMP_D038	<p>There needs to be a recognition that a design competition cannot give people carte blanche to do almost anything. Suggest that HES are included on any judging panel.</p> <p>Projects such as wild meadows and additional play equipment will involve increased maintenance every year – can the Council afford this?</p>	<p>Whilst there is an acceptance that some ideas may be unrealistic to implement, the Cooper Park design competition was an important youth engagement mechanism to help inform future design work at the park by indicating the things they like and don't like about Cooper Park.</p> <p>The judging panel for the competition is made up of a representative from Elgin Community Council and 2 Moray Councillors. Historic Environment Scotland (HES) will be a consultee in relevant projects as they develop in more detail.</p> <p>Wildflower meadows are considered to reduce maintenance and the Council will consider any increased maintenance costs as part of the consideration of designs for additional play equipment.</p>
ECCMP_D044	The play park has not long been done up and people still chose to avoid it unless really sunny.	The life expectancy of existing play equipment is due to expire within the Masterplan period and currently does not cater for all abilities. The project therefore aims to transform play and recreation in Cooper Park into an all-inclusive and welcoming area that promotes health and wellbeing for all ages and abilities.
ECCMP_D046	Support proposals for boulders but considering must be given to colours for visually impaired users. There is a good example of a children's play park at Ambler Primary School in Islington. Could consideration be given to a science and engineering zone in the park, based on Moray industries?	<p>Support for the boulders is noted. Consideration will be given to the impact of colours to ensure the facility remains inclusive as far as possible.</p> <p>The good example at Islington and suggestion of a science and engineering zone will be passed to the design team for consideration.</p>
ECCMP_D054	Elgin and Moray could take advantage of the growth in mountain biking and expand opportunities in these areas.	The popularity of cycling in Cooper Park is acknowledged in the Masterplan and its vision seeks to make improvements

	Suggest that a mountain/cycle bike pump track could be included in the area where the expansion of the skate park is proposed. This would encourage bikes of all categories to head to the park, use the facilities and attract others to the area.	to the park to create a cycle-friendly destination. Along with upgrades to the path network and a basic skills circuit, a pump track is being considered as part of future phases of the implementation of the Masterplan.
ECCMP_D056	<p>Litter destroys and relying on people to ensure its safe disposal is not working, especially with poor quality bins which get emptied by birds and wind.</p> <p>Look at the park in Dundee as example of a vandalised mess which has been transformed and being enjoyed by many generations and abilities. Keep things simple, relevant, acceptable and not too tempting to vandals.</p>	<p>Appropriate bins will be located throughout the park in accordance with the Public Realm Action Plan.</p> <p>It is the responsibility of everyone to manage and dispose of their litter, including dog waste, and behave correctly. Anti-social behaviour, including dog fouling and litter, can be reported online at https://online.moray.gov.uk/form/auto/asb_ext or by calling 01343 563074. Complaints of a more serious nature should be referred to Police Scotland by calling 101.</p>
ECCMP_D064	<p>The extension of the skate park will again close in the park and take away recreational space. The litter is bad enough there and this will make it twice as bad.</p> <p>Better paths are needed around the park, along with some flowers. The river banks need maintained and all the dead trees removed.</p>	<p>There is an identified need for an extension to the skate park due to its extreme popularity. An expansion will allow for separate spaces to be created in order to cater for difference ages/abilities. It is the responsibility of everyone to manage and dispose of their litter, including dog waste, and behave correctly. Anti-social behaviour, including dog fouling and litter, can be reported online at https://online.moray.gov.uk/form/auto/asb_ext or by calling 01343 563074. Complaints of a more serious nature should be referred to Police Scotland by calling 101.</p> <p>The Masterplan seeks to upgrade the path network throughout the park to encourage use, making the park more inclusive and accessible for all. The maintenance of the river banks and trees are carried out in accordance with the relevant maintenance programmes.</p>
ECCMP_D070	It would be good to bring back something like all the birds.	The bird aviary has not been used for that purpose for a number of years and has fallen into a poor state and is therefore not fit for purpose. Alternative proposals for aviary have been incorporated into the Masterplan in order to make full use of the area.

ECCMP_D071	<p>Paths must be suitable for all abilities and the state of these just now are an absolute disgrace. Persistent flooding and uneven surfaces results in restricted access for less able bodied citizens, making it difficult for all to use the paths safely and cleanly. Elgin needs to promote exercise for physical and mental health benefits but this is currently limited in Cooper Park for some members of the community.</p> <p>Benches are currently focused around children's areas and more benches in the quieter areas of the park could aide rest for those less mobile and provide spots for quiet reflection for all.</p> <p>Cooper Park is a fantastic resource, so close to the High Street, and the proposed improvements are very welcomed.</p>	<p>The Masterplan seeks to upgrade the path network throughout the park to encourage use, making the park more inclusive and accessible for all. The vision for the park recognises that valuable resource that it is and seeks to promote health and wellbeing opportunities across the park.</p> <p>The provision of benches will be carefully considered in accordance with the Public Realm Action Plan to provide a variety of uses and locations.</p> <p>Support for the vision is noted.</p>
ECCMP_D073	<p>Pedal boats in the pond, the trampolines and the pitch and putt should be brought back. Suggest that weekly or fortnightly events should be held in the park during the summer involving dancing, gymnastics, beer tents, BBQs, raffle stalls etc. Cooper Park should be a social hub that everyone attends during the summer. Christmas and summer gala/parades always brings communities together.</p> <p>Proposed a water fountain for the kids to run through and play in during the summer.</p>	<p>The Masterplan proposes a small scale water sports facility in the Pond, with activities such as boating and stand-up paddle boarding. The area that previously housed the Pitch and Putt Course and trampolines has not been used for that purpose for a number of years and alternative proposals have been incorporated into the Masterplan in order to make full use of the area. However, the 'Play & Recreation' project will incorporate a replacement Crazy Golf zone.</p> <p>The inclusion of a 'Splash Pad' feature is being investigated as part of the design process and the Masterplan will be updated to reflect this.</p>
ECCMP_D075	Reintroduce the Pitch and Putt and trampolines.	<p>The area that previously housed the Pitch and Putt Course and trampolines has not been used for that purpose for a number of years and alternative proposals have been incorporated into the Masterplan in order to make full use of the area. However, the 'Play & Recreation' project will incorporate a replacement Crazy Golf zone.</p>
ECCMP_D079	Do not consider coming to Cooper Park as there are more superior parks in the region such as Whitehills, Duff House, Aden Country Park and Whin Park. As the biggest park in the authority, there is not enough content to keep children	<p>The vision for Cooper Park is "a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise." The projects set out in the</p>

	amused. Something along the lines of Aden Country Park, which is a 'destination park', should be pursued to make it appealing for a day out. Good examples at the Playful Garden (Brodie Castle) and the Splash Pad (Nairn).	<p>Masterplan have been identified to achieve this vision and provide a varied offer that attracts people to Cooper Park.</p> <p>During the design process, various good examples – such as the Playful Garden and the Splash Pad – will be used to inspire the final outcome for a unique and vibrant destination park.</p>
ECCMP_D080	During busy periods, particularly over summer evenings, the skate park is full to capacity or over. Due to the nature of the sports taking place in the facility, the busy periods effectively render the place useless for any serious use due to the increased danger. Time has come for an extension to be built.	The Masterplan recognises the popularity of the skate park and proposes an extension. This will allow for separate areas to be created in order to cater for different ages/abilities.
ECCMP_D082	Would love to see a Pitch and Putt Course reinstated as it is a great activity for all the family and would encourage more people to come and use the area.	<p>The vision for Cooper Park is “a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise.” The projects set out in the Masterplan have been identified to achieve this vision and provide a varied offer that attracts people to Cooper Park.</p> <p>The area that previously housed the Pitch and Putt Course has not been used for that purpose for a number of years and alternative proposals have been incorporated into the Masterplan in order to make full use of the area. However, the 'Play & Recreation' project will incorporate a replacement Crazy Golf zone.</p>
ECCMP_D085	Difficult to exercise with a young baby so would love to see outdoor fitness equipment in Cooper Park. Covered seating areas would also help to allow for outdoor meet-ups.	<p>Outdoor gym equipment is proposed as part of distance marked trails which aims to promote health and wellbeing opportunities across the park and wider area.</p> <p>The provision of seating areas will be carefully considered in accordance with the Public Realm Action Plan to provide a variety of uses and locations.</p>
ECCMP_D087	All sounds brilliant.	Support is noted.
ECCMP_D092	Queries whether the introduction of BBQ areas accords with a Climate Change Strategy and carbon conscious approach when disposable barbeques are not recyclable and are a well-known source of litter.	<p>Noted, reference to BBQ areas will be removed.</p> <p>Maintenance costs will be considered as part of the design options.</p>

	Questions how ongoing maintenance of additional infrastructure, along with litter collection and toilet cleaning, will be funded and whether wardens or rangers will be budgeted for. Improved management of the existing park should be prioritised over extras	
ECCMP_D099	<p>Whilst a range of climbing boulders will introduce new people to the sport whilst providing opportunities for experienced climbers, the inclusion of features to allow for para-climbing sounds problematic as the Council does not have the skills and resources necessary to maintain/inspect/supervise/run such a facility. It is not considered appropriate to have such specialist equipment unsupervised so only worth pursuing if a private company were to separately operate and manage the facility.</p> <p>Inclusivity is a very welcome idea but care must be taken that what is provided has an equal mix of inclusive and traditional equipment. Some inclusive equipment is designed specifically for use by those utilising mobility aids and by its very nature excludes conventional users.</p> <p>Any gym equipment should be kept separate from the play equipment.</p>	<p>The climbing boulders do not require any management or supervision of the facility, as is the case at Cuningar Loop and Treverlen Park, as there is no equipment involved. Maintenance and inspections would be carried out in accordance with relevant maintenance programmes.</p> <p>The redesign of Cooper Park seeks to address the current imbalance of inclusivity. The play park currently excludes all users with any sort of mobility issues as play equipment is contained within raised areas. There are no play equipment available to those with accessibility issues. The play park equipment will be replaced to create an inclusive and accessible play park that caters for all abilities at the same time. The equipment will be vibrant and sustainable, making it an attractive and engaging area for children to play.</p> <p>Outdoor gym equipment is proposed as part of distance marked trails which aims to promote health and wellbeing opportunities across the park and wider area.</p>
ECCMP_D101a	A welcoming and functional attractive park with inclusive activities will be a joy to see. Public toilets will be required for the park to become popular and usable.	Support is noted.
ECCMP_D101b	Consider the inclusion of a Splash Pool, similar to Nairn.	The inclusion of a 'Splash Pad' feature is being investigated as part of the design process and the Masterplan will be updated to reflect this.
ECCMP_D107	Look at Aden Country Park as an example of a brilliant park in one centre suitable for all ages, lots of seating and picnic tables and places for blankets for picnics. Walks and sensory garden along with big green spaces with nature walks too. Cooper park could have similar set out encouraging families to visit for the day rather than just a small limited time.	The vision for Cooper Park is "a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise." The projects set out in the Masterplan have been identified to achieve this vision and provide a varied offer that attracts people to Cooper Park.

		During the design process, various good examples such as Aden Country Park will be used to inspire the final outcome for a unique and vibrant destination park.
ECCMP_D109	Would be great to have something like Nairn's Splash Park, where all children have fun in a safe environment. A beach sand play park with running water that could be used most of the year (like in Bury St Edmunds) would be a hit for parents and children.	The inclusion of a 'Splash Pad' feature is being investigated as part of the design process and the Masterplan will be updated to reflect this. The good example at Bury St Edmund will be passed to the design team for consideration during the design process.
ECCMP_D112	Believe Elgin would benefit from a splash pad like Nairn. Parks all around Elgin should be upgraded.	<p>The inclusion of a 'Splash Pad' feature is being investigated as part of the design process and the Masterplan will be updated to reflect this.</p> <p>The Masterplan is specific to Elgin City Centre and the upgrading of parks in Elgin is carried out in accordance with relevant maintenance/investment programmes.</p>
ECCMP_D113	It would be helpful to not only have a more specific vision and objectives laid out, but also the strategy and implementation process - will this be made available? There is not enough information for each project provided.	The timescales for regeneration will be driven by the availability of finance and the Council will endeavour to bring projects forward as early as possible. The final draft of the Masterplan will be accompanied by a Delivery Plan which sets out more detail on partnerships, potential funding and timescales. This will be supported by the creation of a Steering Group to help co-ordinate and communicate progress with the Masterplan. Specific detail regarding individual project will be publicised as it progresses through the design process and will be subject to further consultation at the appropriate stage(s).

CP4 Sports Hub

Consultee Ref.	Summary of Comment	Response
ECCMP_D074	Do we really need this – certainly not all the madness of toilets, showers and changing for every contagion imaginable? Will it not just be a target for vandalism? If it needs to go ahead then keep these facilities simple, there is hardly going to have a major bust up between cricket clubs.	The existing pavilion is no longer fit for purpose and does not meet the needs of all users of sports facilities, not just cricket, across Cooper Park. The project aims to transform the sports pavilion into a modern, multi-use sports hub with changing rooms, showers, storage, bike parking and hire and flexible space to increase the attractiveness of the area as a sports venue.

ECCMP_D088	Any replacement of the current pavilion welcomed as it's not fit for purpose in these modern times. We have female players who have no specific changing or toilet facilities.	Support is noted.
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CP5 Pond

Consultee Ref.	Summary of Comment	Response
ECCMP_D023	The removal of one of the "islands" in the pond to replace it with a completely irrelevant fountain will prove to be more of a hindrance than a help to the park, especially when we have a fountain in the centre of town which could be rejuvenated or even replaced. Hopefully the choice of an angel is a place holder as it seems very irrelevant. Keeping the island and adapting it to be more appealing to wildlife would be a much better use of it, encouraging people to go down to the pond to see what they can spot and can be used as an educational tool for younger children. It was shown in previous years that otters frequent the area so why not engage that rather than driving away the wildlife.	<p>The project does not propose to remove any of the islands in the pond. The bushes and trees on the islands will be pruned and maintained to enhance the biodiversity value and appearance of the area whilst preserving them as important habitats.</p> <p>The angel fountain is being reconsidered through the draft Public Art Strategy, which will be subject to public consultation.</p>
ECCMP_D042	Leave the pond as it is and please do not have boats in the shape of swans.	<p>The pond is an important attraction in Cooper Park and requires to be transformed to enhance the biodiversity value and appearance of the area, whilst preserving it as an important habitat.</p> <p>All CGI images in the Masterplan are illustrative only and do not represent detailed technical specifications.</p>
ECCMP_D040	Strongly advise to avoid water features unless there is capacity to maintain them very regularly. Almost always end up not working, such as the feature at the Town Hall. The pond is full of leaves, weed and feathers which are all the enemy of water features. Would be very sad to see the trees cut down or the birds kept away in order to keep the water clean.	The angel fountain is being reconsidered through the draft Public Art Strategy, which will be subject to public consultation.
ECCMP_D056	The swan boats look like they belong in the beautiful Moffat Park. Elgin had rowing and paddle boats why not modern quality rowing boats.	All CGI images in the Masterplan are illustrative only and do not represent detailed technical specifications.

ECCMP_D070	Who will maintain the pond? This will need to be cleaned on a regular basis so it doesn't become mouldy and dirty.	The cleaning of the pond will be carried out in accordance with the relevant maintenance programmes.
ECCMP_D074	Love it.	Support is noted.
ECCMP_D087	It sounds like a lot of different uses & boats/boards in quite a confined space (plus the fountain). Glad it's being done, glad it'll be accessible to all, but doesn't sound entirely practically possible.	The various aspects of the project will complement each other and will not compromise the overarching aim to transform the pond to provide an attractive setting for Cooper Park.
ECCMP_D092	Good idea to return boating, but keep it simple. It is a pond and additions must be to scale. A fountain would consume energy and drench the boaters. What is the reason for pedalos rather than rowing boats? The swan pedalos do not look practical for safe pilotage nor for easy maintenance. Has consideration been given to Rules of the Road will different water users on a relatively small pond?	<p>The various aspects of the project will complement each other and will not compromise the overarching aim to transform the pond to provide an attractive setting for Cooper Park. No decision has been made as to what form the boating will take. All CGI images in the Masterplan are illustrative only and do not represent detailed technical specifications.</p> <p>The angel fountain is being reconsidered through the draft Public Art Strategy, which will be subject to public consultation.</p>
ECCMP_D099	<p>Major investment is required for the water inlet supply and outlet to the pond; the current outlet pipe on average blocks several times a year and sometimes the river is lower than the pond inlet. Sorting this is crucial if the rest of the planned improvements at the pond are to be a success. Specific investment would be needed to improve the manageability of the water flow/levels in the pond before any fountain is erected. Regular water testing for legionella and monitoring for water quality will be required, especially if people are to be encouraged into the water.</p> <p>Suggest that an angel type statue would encourage anti-social behaviour elements, such as traffic cones on head.</p>	<p>Flood Risk Management (Moray Council) have been consulted on the draft Masterplan and have raised no objection to the proposal. Further consultation will be undertaken as the project develops. As part of the design process, appropriate investigations to determine the capabilities of the pond have been undertaken.</p> <p>The angel fountain is being reconsidered through the draft Public Art Strategy, which will be subject to public consultation.</p> <p>It is the responsibility of everyone to behave correctly. Anti-social behaviour, including dog fouling and litter, can be reported online at https://online.moray.gov.uk/form/auto/asb_ext or by calling 01343 563074. Complaints of a more serious nature should be referred to Police Scotland by calling 101.</p>

ECCMP_D101	Experiences with the existing pond are known. Any such feature would have to come with a proper maintenance budget to ensure it remains functional and safe.	Noted regarding maintenance. Flood Risk Management (Moray Council) have been consulted on the draft Masterplan and have raised no objection to the proposal. Further consultation will be undertaken as the project develops. As part of the design process, appropriate investigations to determine the capabilities of the pond have been undertaken.
ECCMP_D111	There has always been in previous years boats in the pond and reinstating this is an excellent idea. Do not agree with paddle boarding. Has any consideration been given to the wildlife in the pond - the ducks and swans that breed here every year? Not sure how conducive paddle boarding would be to their environment. The plan will make the pond very busy and not the quite the peaceful place it currently is.	Support is noted. The various aspects of the project will complement each other and will not compromise the overarching aim to transform the pond to enhance the biodiversity value and appearance of the areas, whilst preserving it as an important habitat.
ECCMP_D114	The islands need an overhaul and replanted. Maintenance around and in the pond has been very poor in recent years and it shows. No fountain required. Encourage biodiversity and use the islands for that purpose. Control gulls so other wildlife (and those using the library cafe to eat) can thrive and enjoy the park.	<p>The bushes and trees on the islands will be pruned and maintained to enhance the biodiversity value and appearance of the area whilst preserving them as important habitats.</p> <p>The angel fountain is being reconsidered through the draft Public Art Strategy, which will be subject to public consultation.</p> <p>The problem of gulls is a recognised problem in Moray and is currently being actioned through other Council initiatives.</p>

CP6 Outdoor Performance Area

Consultee Ref.	Summary of Comment	Response
ECCMP_D038	Cathedral and its Precincts are designated as Ancient Monuments and therefore the setting of the Cathedral would be a paramount consideration. Suggest that delignating the precincts with the re-siting of the Wolf of Badenoch sculpture at the entrance would be a great addition, preferably with the development of further parking for the Cathedral. HES and possibly the Elgin Fund might be interested in assisting this as part of the Cultural Quarter.	<p>Proposals for Cooper Park will respect the setting of designated features such as Grant Lodge and the Cathedral. Historic Environment Scotland (HES) will be a consultee in relevant projects as they develop in more detail.</p> <p>The relocation of existing public art is being considered through the draft Public Art Strategy, which will be the subject of public consultation.</p>

	Cooper Park is designated as a Planned Landscape and provides the setting for Grant Lodge. HES should be consulted over any changes that might affect the setting.	
ECCMP_D044	A performing area in Elgin is pointless – there is one in Lossiemouth that is barely used. Moray Council sold off the Town Hall which under them was barely used and when it was, certain members of Council complained.	<p>An outdoor performance facility of this nature, as part of the Cultural Quarter project, would enhance Elgin's arts and culture offer by hosting a variety of different events, creating a community asset and a destination for families and visitors.</p> <p>The Town Hall has not been sold and is currently leased to Elgin Town Hall for the Community, the chair of which sits on the Cultural Quarter Project Board.</p>
ECCMP_D064	The proposed 100 seat outdoor performance area will close in the park and take away recreational space.	The proposed area for the amphitheatre is an underutilised space, separate from the main recreational area of the park.
ECCMP_D070	This will need to be managed by someone so people can make bookings and make it work well and not a free for all and just become ruined by graffiti and run down. Would a band stand or covered area not be more suitable for more use?	<p>An outdoor performance facility of this nature, as part of the Cultural Quarter project, would enhance Elgin's arts and culture offer by hosting a variety of different events, creating a community asset and a destination for families and visitors.</p> <p>Whilst the form in which the amphitheatre takes is yet to be determined, a bandstand is likely to restrict the potential uses of the space. A removable canopy is also proposed to ensure a flexible venue that is not inhibited by poor weather.</p>
ECCMP_D072a	After discussion with over 80 residents of Moray during a short consultation, almost everyone was against the amphitheatre idea. From a personal perspective, it is a ridiculous idea considering there is an unused amphitheatre in the grounds of Elgin Academy.	<p>The Council are not aware of the short consultation referred to.</p> <p>The facility at Elgin Academy is a secluded and protected terraced inner courtyard used to support delivery of the curriculum.</p>
ECCMP_D072b	The Amphitheatre idea is not viable for the area and there is already a perfectly good one situated at Elgin Academy, which is used due to health and safety regulations. Another within such a short geographical space is ludicrous. Was a bandstand idea considered? A sheltered powered area will be far more sustainable.	<p>The facility at Elgin Academy is a secluded and protected terraced inner courtyard used to support delivery of the curriculum.</p> <p>Whilst the form in which the amphitheatre takes is yet to be determined, a bandstand is likely to restrict the potential uses of the space. The facility will have access to electricity</p>

		and a removable canopy is also proposed to ensure a flexible venue that is not inhibited by poor weather.
ECCMP_D074	Love this idea.	Support is noted
ECCMP_D087	Another venue as a partner to the rest of the city centre venues is good, when it is so different. Hope it will have plenty accessible space, not all up steps. An easily installed cover shading from sun or rain will be essential.	Support is noted. The facility will be inclusive and accessible for all abilities. A removable canopy is proposed to ensure a flexible venue regardless of the weather.
ECCMP_D092	How visually intrusive and easy to maintain would the removable canopy be? Has consideration been given to a traditional bandstand?	<p>The removable canopy, which will be a temporary feature during performances if required, will be easily maintained and respect the setting of Cooper Park.</p> <p>Whilst the form in which the amphitheatre takes is yet to be determined, a bandstand is likely to restrict the potential uses of the space.</p>
ECCMP_D104	How will this be managed and will there be a reservation system implemented to manage the events.	<p>Options are being explored for the management of new facilities being proposed within the Park and their possible relationship to Grant Lodge and Elgin Town Hall.</p> <p>A reservation system will be essential to plan and manage events.</p>

CP7 Elgin Library Café Extension

Consultee Ref.	Summary of Comment	Response
ECCMP_D023	Expanding the café in the park will not improve attendance in the town and will in fact drive business away from the eateries in the centre of town. I appreciate the small café aids in the funding to the library however by opening businesses away from the town centre (where they are desperately needed), the Council are crippling an already damaged industry.	<p>Expanded café provision at Elgin Library would enhance an existing community hub by increasing capacity and providing an attractive setting with a fully glazed extension providing views towards the Cathedral and across the pond.</p> <p>The café currently provides a function alongside other cafes in the City Centre, not in place of them. The Masterplan proposes projects within other areas of the City Centre which will support the existing café businesses in those area.</p>
ECCMP_D050	Will the Elgin Library Extension not end up competing with Grant Lodge?	There is no competing conflicts as Grant Lodge is proposed to be refurbished into a high quality food and drink heritage visitor experience.

ECCMP_D070	Would be good to have it glass frontage, maybe an area that you can sit outside too. How about the toilets/changing rooms being converted into an ice cream kiosk run by an independent. Toilets need to be more visible and maintained.	Support is noted. The toilet block referred to is proposed to be repurposed as a ticket office, food and beverage outlet and storage for the Outdoor Performance Area project. Whilst there are toilets within the Library, further provision will be considered as part of the wider developments of the Cooper Park transformation.
ECCMP_D071	The extension to the library café is a good idea.	Support is noted.
ECCMP_D074	Isn't there enough cafes around town? Don't risk pulling away business from these people trying so hard to earn a crust.	The Masterplan proposes projects within other areas of the City Centre which will support the existing café businesses in those area.
ECCMP_D087	The current cafe is so well used, this is a very good idea, and will also encourage the use of the library, which is a crucial resource. Hope it will not provide too much competition to existing businesses around the High St.	Support is noted. The Masterplan proposes projects within other areas of the City Centre which will support the existing café businesses in those area.
ECCMP_D092	It is notable that no mention is made of the existence of the Library and its Heritage Centre as being relevant to the development of a Cultural Quarter. A library and a museum have traditionally been the foundations of the culture of a town, along with a theatre and cinema. The addition of innovations such as those proposed in the Masterplan should not be at the expense of support for and recognition of the existing cultural provision such as Elgin Museum and Elgin Library with its Heritage Centre. Bringing back the archive into the Cultural Quarter would be a tremendous gain for local research and heritage tourism. If effectively managed this could help conserve archive that is currently held in less than archival conditions and bring its storage nearer the point of usage. If the library café is to be extended, toilet facilities in the Library will need to be upgraded.	Noted, however this may not be an issue to be addressed through a land use masterplanning exercise, but will be discussed further internally within Moray Council. Toilet provision will be reflective of the scale of redevelopment. More widely, further provision will be considered as part of the wider developments of the Cooper Park transformation.
ECCMP_D093	It is notable that no mention is made of the existence of the Library and its Heritage Centre as being relevant to the development of a Cultural Quarter. A library and a museum	Noted, however this may not be an issue to be addressed through a land use masterplanning exercise, but will be discussed further internally within Moray Council.

	<p>have traditionally been the foundations of the culture of a town, along with a theatre and cinema. The addition of innovations such as those proposed in the Masterplan should not be at the expense of support for and recognition of the existing cultural provision such as Elgin Museum and Elgin Library with its Heritage Centre. Bringing back the archive into the Cultural Quarter would be a tremendous gain for local research and heritage tourism. If effectively managed this could help conserve archive that is currently held in less than archival conditions and bring its storage nearer the point of usage.</p> <p>If the library café is to be extended, toilet facilities in the Library will need to be upgraded.</p>	<p>Toilet provision will be reflective of the scale of redevelopment. More widely, further provision will be considered as part of the wider developments of the Cooper Park transformation.</p>
ECCMP_D111	<p>The extended café looks fantastic. Query about plans to relocate the disabled parking of 6/7 bays which are currently available for use of the park and in particular library patrons. Removing the disabled parking from this location will have a big impact on the library users who will clearly have to walk considerably further. There is clearly an assumption that people are all fit and able and to walk distances to the park.</p>	<p>Support is noted.</p> <p>Disabled parking spaces to support the Library users may be relocated but there is still a requirement to ensure that this building remains accessible. The need for and location of additional disabled parking spaces within the park area will be considered as part of the Transport Assessment for the Cultural Quarter and Cooper Park.</p> <p>It is unclear where the Masterplan indicates an assumption that all people are fit and able to walk distances to the park. A key vision and objective is to make the City Centre as inclusive and accessible as possible for all ages and abilities.</p>

OP1 Roundabouts, Gateways & Entrances

Consultee Ref.	Summary of Comment	Response
ECCMP_D021b	<i>The gateways into Elgin would be a lovely thought. The roundabouts are like Milton Keynes, dull and not welcoming. They need jazzed up, flowers, artwork just something to invite people to into the City.</i>	Support noted.
ECCMP_D023	<i>By making "attractive" roundabouts, it is diminishing the visibility of drivers and thus reducing the efficient flow of</i>	The inclusion of planting and signage which obstructs the 'through' sightlines at a roundabout seeks to reduce the

	<i>traffic. Several roundabouts in Elgin already suffer from this, many times the foliage or sign markers blocking views of the adjacent lanes meaning traffic cannot see what is potentially coming around. Low level roundabouts with simple basic design, non-cluttered by advertisements or unkempt plants would mean it would be appealing, require little upkeep and allow traffic to flow efficiently.</i>	speed of vehicles as they approach the roundabout – thus improving safety.
ECCMP_D066	<i>MC seems to have an obsession about tarting up roundabouts. I haven't!</i>	Noted.
ECCMP_D099	<i>The roundabouts are currently fairly unattractive looking and need major upgrade. This needs to be designed for low maintenance as access provisions required to carry out routine work are problematic i.e. lane closures, traffic control etc.</i>	Noted.
ECCMP_D100	<i>We welcome proposals to enhance the entrances and gateways to the city centre, and to use these spaces to further opportunity to highlight the heritage of the city.</i>	Noted.

OP2 Former Sawmill and Auction Mart Sites, Linkwood Road

Consultee Ref.	Summary of Comment	Response
ECCMP_D051	<i>This is located next to the railway line. The railway line is never going to move but the location of the bus station is being looked at. Why not relocate the bus station here. With the A96 bypass proposal going to the south of Elgin and one of three junctions from this bypass leading directly to this site via the A941/ Main Street New Elgin, you would have two major travel hubs closer together and have something similar to Inverness. Could Gleaner oils and other businesses be relocated to a new business park/industry area where explosives risks are not preventing future development of the inner city. Homes and infrastructure could then be developed with a blank canvas and the relocated businesses get new premises. It's a win win'</i>	The majority of users of buses in Elgin are accessing city centre facilities. Relocating the bus station to a position near the rail station will have an adverse impact on those users and may discourage use of public transport (buses).
ECCMP_D053	<i>The Mart is a problematic site due to flooding issues - although the Tyock burn now drains well into the Lossie, the underground water flow , less than 2 metres below the</i>	Noted.

	<i>surface would be easily blocked by further development which would result in substantial flooding to the adjacent residential area - again. N.B. flooding in my property was not initially due to surface water, but to water rising up from the underground water table. The current drainage system for this area of New Elgin is barely adequate - during flood events water also rises up from the drains. New properties would put even higher demands on the current system. Could I suggest a good use for the Mart would be either allotments, a market garden or a tourist caravan/motorhome site run by an accredited organisation such as the Caravan Club. This would need very little extra infrastructure and would encourage visitors to the nearby city centre, whilst green screening could shield the site from adjoining houses and provide some natural environmental advantages for the wildlife in this area.</i>	
ECCMP_D066	<i>Not city centre. Active travel component seems doable without it. Remove.</i>	These sites are considered to be adjacent to the Centre and as large vacant/ derelict brownfield sites, their development can positively support the Centre.
ECCMP_D074	<i>The auction mart etc do have the space to improve transport connections and link to the railway station but it's still so far from the town and all you wish to improve. It may still be a better option than using existing bus station. Can you have a shuttle bus going between these'</i>	<p>The majority of users of buses in Elgin are accessing city centre facilities. Relocating the bus station to a position near the rail station will have an adverse impact on those users and may discourage use of public transport (buses).</p> <p>Any provision of a shuttle bus between the bus and rail station would need to be commercially viable. There are however existing bus services which connect these two locations.</p>
ECCMP_D087	<i>This is fairly vague, but hints at options of rewilding these spaces to support water management, biodiversity and more natural habitats - which may be a better future investment than further infrastructure to be protected from floods and taking up resources. Wild spaces could be created that could be very attractive gateways from rail and road.</i>	There is an opportunity through redevelopment of these sites to improve drainage and provide a wetland habitat to enhance biodiversity.

Other Comments

Consultee Ref.	Summary of Comment	Response
ECCMP_D002	<i>Add recycling bins please. Especially high street and at lossie ice cream shops. Sort out public toilets. Free parking for first half hour as paying for parking is pointless just now when you can go everywhere within 15 minutes. Seagulls need sorted out.</i>	Noted. Projects have been included which will explore recycling, improve the public toilets in Cooper Park and actions on gulls.
ECCMP_D004	<i>Elgin Museum is not specifically mentioned in the context of the cultural quarter. I do not have any role in the Museum (though I have in the past been one of the volunteers who provide most of the staffing for the Museum) and so do not speak for the Museum -- these are my own personal thoughts. The museum is a major cultural asset for the town but one that I fear is insufficiently recognised, and it would be good if the "cultural quarter" concept made allowances for it and for its potential further use. One issue for the Museum is its location on the tail of the High Street hard up against Alexandra Road. Until Alexandra Road was built it had direct connectivity into Cooper Park and thus to Grant Lodge (and indeed to the Cathedral). Alexandra Road is a considerable barrier now. The proposal to replace the current bridge at North Port with a flat crossing does not necessarily help integrate the Museum -- a crossing from the car park beside the Museum would potentially make the Museum more visible. The red K6 phone box beside the Museum. BT want to decommission this, and therefore would offer it for a peppercorn sum under their "adopt a phone box" scheme" to any appropriate organisation that would look after it. K6 phone boxes were introduced in the mid 1930s and large numbers were produced into the 1950s. It is one of the most distinctive features of British street architecture/furniture. I think the one by the Museum is the only K6 box left in Elgin. If no-one takes it on, the risk is that it may be a target for repeat vandalism and will be an eye-sore. Even though it is listed, if it is too badly damaged it may in due course be lost. Ideally the Council would take it on as an important aspect of</i>	<p>The Museum has been included in the Masterplan and the Council has been in discussion with representatives of the Museum regarding plans for refurbishment of the building.</p> <p>Proposals also include consideration of a new surface level crossing to Grant Lodge to re-instate the historic access and this is one of a number of options which will be assessed.</p> <p>Comments noted regarding the red phone box and this will be explored further.</p>

	<i>the Elgin street scene. HES and the Council have both in the past indicated that it could be relocated to a position across the road, in the wider section of pavement near the staff bike racks at the Council office building. In that location it would be visible from down the High Street and would attract people to come to look at it, and being so much more visible it would be more protected from vandalism. It would provide a useful place for providing some information about that part of Elgin for visitors.</i>	
ECCMP_D006	<i>This sounds exactly what Elgin needs especially for children and teenagers.</i>	Noted.
ECCMP_D009	<i>By building new homes and businesses how do you aim to provide the amenities needed for these people/ families. There's no mention of expanding schools or doctors surgeries. Also without a consultant led maternity unit in Moray surveys have shown couples are choosing to not have children or to postpone having children until those services are up and running should hospital services not be addressed also'</i>	Details of new schools and extensions to existing schools, new health facilities and road improvements are all set out in the Moray Local Development Plan 2020.
ECCMP_D014	<i>This plan is utterly ridiculous when the council can't even get the basics right like, emptying of street bins, filthy pot holes riddled streets. Cooper park is a disgrace- again get the basics right! Good quality foot paths, proper bins installed etc. closes of the high street are disgusting and so is the underpass due to them not being cleaned/ weeded. Elgin town Centre is an utter mess, a total embarrassment. I can't believe the people who are in charge don't see it themselves!', how much would it cost to employ/ hire someone with a van and power washer to work the high street- weeding and power washing the closes'</i>	Noted.
ECCMP_D017	<i>To encourage people back into the town centre, you're going to need to tackle the seagull problem in the town - the unspeakable mess and stench these birds make to the pavements on High Street and South Street has to be addressed. What's the point of spending money on the town only for the existing parts to still be no-go areas during the breeding season '</i>	Noted. Actions are being progressed to tackle the gull issue.

ECCMP_D021a	<p><i>I would like to see a community initiative whereby I'm sure a load of volunteers would plant trees strategically around Elgin. I live in a social housing street and I have thought about asking for permission to organise a community vegetable garden for nearby streets run by volunteers. With the restrictions and lack of quality food and finances, this could be a great way for local social housing complexes to provide community grown food, teaching children where food comes from, creating opportunities for people to learn how to garden and it's been proven to help with people's wellbeing. With my own MH diagnosis, it has improved my wellbeing with my own garden over the past year and saved a bit of money by growing my own food. I'm sure somebody could create both of these initiatives and I hand on heart would say you can gain volunteers for these ideas. While it's great seeing herbs and strawberry's on the high street, it would be even better too have local complexes create their own vegetable garden for their small community.</i></p>	<p>Noted. A planning officer has discussed this proposal further with the respondent and is considering how to support the proposal.</p>
ECCMP_D021b	<p><i>I put a previous comment in which wasn't entirely fair so I thought I'd comment in detail of what I do think. I love the masterplan, whether these proposals come into fruition, who knows because we've been promised things in Elgin for as long as I can remember. This needs to happen though. For sustainability and attracting folk into the city, it really needs to be put into action. However, when I look around Elgin on a daily basis whether walking or driving, the lack of trees and hedging is atrocious. The snow drifting onto roads can be eased with hedging. The high winds, especially where we live in Elgin is ridiculous due partly from lack of shelter and obstacles trees provide. On top of that, greenery is proven to increase people's wellbeing. I would like too see a community initiative whereby I'm sure a load of volunteers would plant trees strategically around Elgin. I live in a social housing street and I have thought about asking for permission to organise a community vegetable garden for nearby streets run by volunteers. With the restrictions and lack of quality food and finances, this could be a great way</i></p>	<p>Noted.</p>

	<p><i>for local social housing complexes to provide community grown food, teaching children where food comes from, creating opportunities for people to learn how to garden and it's been proven to help with people's wellbeing. With my own MH diagnosis, it has improved my wellbeing with my own garden over the past year and saved a bit of money by growing my own food. I'm sure somebody could create both of these initiatives and I hand on heart would say you can gain volunteers for these ideas. While it's great seeing herbs and strawberry's on the high street, it would be even better too have local complexes create their own vegetable garden for their small community. I hand on heart believe Elgin can be just as beautiful and happy with more greenery, shelter and a way for communities to sustain their own food. The use of the UHI could surely could greatly reduce your financial expenditure' You have a multitude of courses being studied by students who are looking for valuable work experience. Planting trees, landscaping and flowers - Horticulture Sports Activities - Sports coaching Running cafes and hotels - Hospitality Providing arts and performance - stage and arts students Making steel frames for art, signs and building the amphitheatre - engineering and builders at linkwood Advertising for tourism - marketing and business students The list is endless, cost productive and provides students valuable work experience.</i></p>	
ECCMP_D022	<p><i>I feel that the council along with Bid & other agencies have missed a chance to take back a hidden gem in Elgin. Through compulsory buying back of the eyesore that is now oldmills the town could have had a working museum. Along with a small nature walk along to the small island further up stream, where a small picnic area could have been built. This is what i remember from a school trip many years ago. It could link on to current pathways with ease and become another of Moray award winning attractions. By returning the mill back into a working mill i think that between lottery funding council at regional and national level funding plus local fund raising would help cover the costs. It would create</i></p>	<p>Noted, however this is outwith the scope of the City Centre Masterplan.</p>

	<i>more jobs in the refurbishment and the running of the mill. It could be used for private functions after hours to secure an income all year round. I feel that there is so much more Elgin & Moray can offer to not just the rest of Scotland & the UK but the World.</i>	
ECCMP_D023	<i>I appreciate the notion behind this revamp however it appears that many of the sectors that would be affected by this have not been liaised with. I am surprised to see support by Elgin BIDs for many parts of the project as they are meant to be generating footfall in the town, not dragging it away into the park. I believe a committee of local businesses, people of influence and other people from all sectors of Elgin should be compiled to discuss and amend these plans for the betterment of Elgin overall. It appears that the whole project is designed at making Elgin appealing to tourists rather than making it appealing to her residents. Poor understanding of the local environment is very clear, as installation of the outdoor performance area in the park will just be taken over by underage drinkers etc on evenings and seeing the destruction of previously tried refurbishments in the past it seems that nothing has been learned and a perpetual cycle of this will continue. I appreciate what is trying to be achieved by this however it seems to be all "perfect world" and not set in a realistic basis at all.</i>	A Steering Group will be set up in early 2022 to co-ordinate delivery of the projects.
ECCMP_D036	<i>As good as a lot of this looks infrastructure really needs to be a priority. The council are allowing houses to go up left right and center while the infrastructure buckles and fails Elgin residents. Elgin needs a serious face lift and this maybe just be the key but educating the youth to respect and not graffiti the new areas will help Elgin continue to look great after the renovations. Giving the youth more options when it comes to socialising instead of getting into mischief is key also. The council need to ensure that once all work is complete then they can afford the upkeep. All I have seen over the years that spaces have improved only for the council to continually cut funds to these areas allowing them to look unkept and messy. Elgin and Moray residents can not be pushed to</i>	Noted.

	<i>higher taxes either, this is not an affluent area and by squeezing more money through taxes equals less money in the local economy.</i>	
ECCMP_D035	<i>Landlords of upper levels of High St property must be told to maintain their buildings, stonework, windows etc. There is a massive problem with gulls in the centre which prevents a lot of people coming into Elgin to shop or use outdoor cafes etc between March-October, this should have been sorted years ago. Rents are too high for central shops, rates should be free for the first 2 years of a business trading then offered at a reduced rate for the next 3 years. Elgin Bid should not charge any business in their first 5 years of trading. More police officers or community officers to patrol on foot to fine litter louts and people who urinate down Closes. Shut down places like Dicey's, Elgin is in desperate need for better quality bars and restaurants.</i>	Noted.
ECCMP_D036	<i>Think in short term you need to encourage shops etc to fill shops otherwise the whole thing is waste of money</i>	Noted.
ECCMP_D037a	<p><i>Can you advise if there are any plans for inclusion of an emergency helicopter landing pad at Cooper park?</i></p> <p><i>Over the years the park has been crucial to many life saving transfers by helicopter. The current facilities fall woefully short of most other landing areas throughout Scotland and the UK as a whole.</i></p> <p><i>The simple inclusion of a surfaced and landing light lit helipad would be a massive boost. We as volunteers within the police, coast guard and as 1st responders give up our own time to help the community. Maybe Moray Council could step up to the plate and at the very least promote a fund raising effort or include it from the get go in the plans for cooper park?</i></p>	Proposals for an emergency helicopter landing pad do not currently feature within the Masterplan. A follow up discussion has been held to better understand requirements and further investigation is needed to fully consider the implications and feasibility of creating a helipad within Cooper Park.
ECCMP_D037b	<i>Elgin needs also to be a safe area. The serious lack of cctv in and around public places is shocking. People need to feel they are safe. You need a modern cctv system covering as much public space as possible. Especially Cooper park and</i>	Noted. This will be discussed further with Police Scotland.

	<i>other areas where people congregate. This will also help the youth issues we are experiencing. Again CCTV to make it a safe space. My daughters say they don't feel safe when out in the town. Our ageing, broken system is laughable in this day and age.</i>	
ECCMP_D038	<i>Supportive of a café culture and more seating areas outside to reclaim the street for pedestrians. However, would need strong enforcement to avoid cars still being able use those streets which could undermine it.</i>	Noted.
ECCMP_D040	<i>Appreciate that the immense amount of work involved in such a vast project and welcome the potential for improvements to Elgin generally but perhaps some of your team need to be actually on the ground as it were rather than just at a desk. I too appreciate the advertising potential from an image of our shop on page 34 of the Elgin City Draft Masterplan however this image is from around 2006. Hardly representative of todays times, it's not just a few years out of date! I'm sure nobody else will notice but it give an air of laziness not to actually take note of the businesses rather than just 'copy and paste'. Take the time to get out of the office, far better for everyone to be in the fresh air as much as possible especially during these times and away from behind the desk. Actually look at the buildings you so want to improve and of that you are representing.</i>	Noted, images have been updated.
ECCMP_D042	<i>More health care provision, we have many, many houses being built but no enhanced healthcare/hospital provision to compensate.</i>	Proposals for new and extended healthcare facilities are set out in the Moray Local Development Plan 2025.
ECCMP_D043	<i>Looking forward to seeing the developments will be great to life back on the high Street again</i>	Noted.
ECCMP_D044	<i>Elgin council cant keep up with maintenance of Elgin high street, so even if they revamp it entirely shops wont want to come here due to council tax and eventually the high street will go back to like it is now. Empty.</i>	Noted.
ECCMP_D046	<i>A good example of a masterplan and that it should be packaged as a resource to sell to other local authorities to generate income for the Council.</i>	Noted.

	<p><i>Need to consider impact of crowds on people with autism and anxiety – proposed ‘safe stops’ at regular intervals for people who need a break and ‘quiet time’ from crowds on the High Street. These could be shown on an app along with a bar chart for busiest time periods similar to supermarket on-line shopping charts. Volunteers could be used to patrol the High Street and check in on people using the safe stops.</i></p> <p><i>Café culture – support for café culture and permanent seating which needs to be accessible with plenty of space – people with special needs sometimes don’t want to sit in close proximity to others.</i></p>	
ECCMP_D047	<p><i>A general comment about outside social and entertainment areas We have to remember that global warming is not a 24/7 feature of our North East weather and therefore every attempt should be made to make these areas all weather where possible There is nothing more soul destroying than planning an outdoor event that is then torpedoed by the weather My comments also apply to outdoor fitness areas/cafes etc Re holding events in High Street would a permanent inbuilt sound system be a possibility-it would greatly enhance the enjoyment of events As somebody involved in the original Dandy Lion I love the way that(despite original criticism) THIS THEME HAS TAKEN OFF AND IS UNIQUE to Elgin</i></p>	Noted. The potential for a sound system on the plainstones will be investigated further.
ECCMP_D054	<p><i>Something I feel that would be of great benefit to Moray and Elgin would be considering the opportunity for growth in our outdoor adventure sector. Mountain biking across Scotland is a target for growth. Development of current local trails such as the ones in Fochabers to bring them up to a higher standard will attract further outdoor enthusiast's to the area. Not only the cycling trails bit including walking trails in this area would be a massive benefit to the tourism sector.</i></p>	Noted, however this is outwith the scope of the City Centre Masterplan.
ECCMP_D055	<p><i>There is a start-up company (the Unorthodox Project) that is willing to create a smoke restaurant and a Music Venue on Wards Road. The project is a great idea but the location is questionable as they are hoping to have their venue at the</i></p>	Noted.

	<i>Old City Plumbing that is attached to the Hawco Garage (and in a residential area). Should that project be part of the Masterplan as they are willing to support the community and have SVQs, but also be nearer the Town Center/ in the Cultural Quarter' They are hoping to have live music every weekend with DJs / live bands with a 350 capacity...</i>	
ECCMP_D056	<i>Elgin does need to be up graded as it is falling behind other towns despite the efforts of those who have worked to improve it. Get on top of pound land, sort them out their renovation works are far beyond a joke.</i>	Noted.
ECCMP_D065	<i>Moray council is notorious for deciding first, often with the 'usual suspects', and only then going out to 'consultation', the Great Places scheme being an example. I shall leave it at that.</i>	The Council held a number of workshops which informed the draft masterplan. An extensive and challenging consultation has then taken place which has generated significant interest and feedback. A number of key changes are proposed as a result of the consultation feedback.
ECCMP_D066	<i>Although not in the town centre, Deanshaugh Park must really be brought into use for amateur Summer/ Welfare Leagues, kiddies fives and informal practice football pitches as originally intended. As it is, an excellent asset is going to waste and being contaminated with the perennial problem of dog excrement I definitely would not advocate involving Junior League Clubs as this would require fencing off of a substantial area as has been done at Pinefield.. not a good idea.</i> <i>Where I have not commented I am broadly encouraged.</i>	Noted.
ECCMP_D068	<i>I would like to see childcare and elderly project opportunities involved. With expanding ELC this would be a fantastic chance to develop ELC within the plan.</i>	Noted. Opportunities for ELC and elderly project opportunities will be fed into projects as they progress.
ECCMP_D069	<i>Elgin still has the issue of absent landlords. The opportunity to view projects and comment directly to the team in person We have a great opportunity to modernise and grow here.</i>	Noted.
ECCMP_D070	<i>Is there funding to sustain these projects in the future once they are completed and years down the line begin to look untidy'. Is there any consideration as to how the St Giles Shopping Centre fits in to the Masterplan and how it could be improved or developed ' it is a main area within the High</i>	Noted. St Giles has been included in the final version of the Masterplan. Projects will be designed to minimise future maintenance and will be a key consideration for the Council.

	<i>Street but is in desperate need of investment or change of use.</i>	
ECCMP_D074	<i>Existing developments limit the practical nature to realise some of these proposal ambitions.</i>	Noted.
ECCMP_D076	<i>I think there should be something to involve the younger people, perhaps something on the high street which encourages young people to take part in the community a bit more.</i>	Noted.
ECCMP_D084	<i>Overall an excellent plan. As a young person in the town it's sad to have seen it neglected and mismanaged for so long but this will put it back on track. Only watch out is to be mindful of the furniture or statues etc used. They must be timeless and not date. What is relevant now will not be in 20 years. Cycling and electric car use should be front of mind along with making the area easy to keep clean and tidy, don't add more areas to be vandalized or rot that cannot be sorted at pace.</i>	Noted.
ECCMP_D086	<i>Having been the former Chair of Elgin BID and an active board member I am surprised at the lack of consultation with our organisation and also myself as a business owner in the town. I hope going forward there are more opportunities to work collectively as civil servants will not have the same vision and objectives as those investing directly into the town as business owners. This was evident at the lack of thought and consideration during covid restrictions and I would hate for that lack of communication and action to happen with this opportunity.</i>	Elgin BID have been involved from the outset of the Masterplan process, participating and presenting at workshops which helped shape and inform the draft Masterplan.
ECCMP_D089	<i>The plan needs to concentrate on encouraging visitors to Elgin. This includes residents who may have to travel by car. Car parking must be free and not subject to charge if at all possible. OK, this will cost revenue but it will generate business far in excess of lost revenue by promoting Elgin - rather than charging to visit our town! The whole subject of parking needs revisiting. There are too many pay and display car parks which are unique to Elgin and nowhere else in the</i>	Noted.

	<i>County. No surprise that the High Street suffers while others thrive. Some ingenuity needs to be employed here; the use of initial free parking periods and restricted parking periods are among the ideas on offer in very busy areas. However, nowhere in Elgin will be very busy if the current parking stranglehold continues to kill the town. Businesses need encouragement and footfall, otherwise they will stay away from Elgin.</i>	
ECCMP_D090	<p><i>Take a lesson from Batchen Street - the only street in Elgin worth visiting to be honest and have little shops which are quirky and not be charging them huge rents to be here. Make Batchen street a no traffic area to allow people to walk freely without being squashed by cars coming up the street.</i></p> <p><i>It is the lack of shops and entertainment in Elgin that is the issue. I know of tourists who have come here who won't be coming back as Elgin is full of charity shops, empty shops and a shopping centre that is dire beyond belief.</i></p>	Noted.
ECCMP_D091	<p><i>The overall intentions of the Draft Masterplan are welcomed by St Giles Shopping Centre Holdings Ltd. However, having reviewed the Draft Masterplan it is clear that there are very few references to the St Giles Shopping Centre which is somewhat surprising considering it represents a major asset, and the only facility of this nature, in the city centre. The St Giles Shopping Centre is currently occupied by national and local retailers, contains food & drink offerings and provides access to the Bus Station and St Giles Car Park. This shopping centre is a key contributor to the vitality and viability of the wider Elgin City Centre and draws people to the city centre. The protection and enhancement of the Shopping Centre is crucial, not only for employment/economic reasoning, but as a significant element of the city centre townscape. To ensure the long-term sustainability of the Shopping Centre, planning policy flexibility and diversity of uses will be key in going forward. Currently, the adopted LDP makes clear that the town centre as a whole is suitable for a diverse mix of uses including</i></p>	<p>The Moray Local Development Plan 2020 policies set out a clear town centre first approach with the aim of supporting the vitality and viability of town centres.</p> <p>Council officers have met with representatives of the St Giles Centre and have included the Centre within the Masterplan. The Council recognises the challenges facing the Centre and are keen to explore options around diversity of uses and potential to sub divide empty units to meet demand for smaller premises.</p>

retail, leisure and cultural/community uses. It goes on to note that the Core Retail Area of Elgin Town Centre will be suitable for Class 1, 2 or 3 will be supported at ground floor level. In this regard, the Draft Masterplan notes in the Developing the Masterplan section that some feedback from a business breakfast highlighted that: St Giles Centre is not performing as a shopping centre, needs redeveloped. It is requested that Moray Council to creates another objective within the Core Retail Area section of the Draft Masterplan specifically relating to the St Giles Shopping Centre. This would be in keeping with other specific proposals including CR8, CR10, CR11, CR14 and CR15. This would provide an additional policy tool, alongside existing planning policies, which could positively be used to support the future of the Shopping Centre. Such a designation could provide flexibility to support a mix of uses within the Shopping Centre beyond Classes 1, 2 and 3. This could include support for business space, community space and leisure uses. Shopping centres across the country are increasingly becoming more than just shopping facilities with an acknowledgement that visitors want to have an experience and a meeting place alongside traditional retailing. The aforementioned discussions about the Council taking space and encouraging local start-ups being able to use the space highlights the ingenuity which could be enhanced moving forward and encouraged by the Draft Masterplan. It is important to highlight that the adopted LDP allocates sites on the opposite side of the A96 to the north for mixed-uses (References: Opp7, 8 & 9). The allocation of the St Giles Centre within the Draft Masterplan would also provide the opportunity to see if there is scope to link these areas together. The Draft Masterplans objective CQ1 seeks to transform the Elgin Town Hall into a creative arts and entertainment venue. In light of what has been discussed, it would seem sensible to understand if there is scope for the St Giles Shopping Centre to be part of, or support, this. Such an objective or allocation would give due weight to what is a very important part of the Core Retail

	<p><i>Area and wider city centre; and help regenerate this shopping centre which continues to operate in difficult trading conditions. There would be scope for the Council to discuss ideas with the owners of the Shopping Centre itself in order to create a realistic future including a mixture of uses not just focused on retail or food/drink. This would also allow other discussions to take place regarding how the rear of the Shopping Centre could be redesigned in line with objectives CR1, CR2, CR6 and CR13, for example. A clear objective within the Masterplan document for the St Giles Shopping Centre will provide a focussed approach in line with the LDP for future development proposals and planning applications. Finally, the masterplan needs to ensure that it works in conjunction with other regulatory tools to encourage businesses and development into the City Centre which will in turn attract visitors and shoppers. This may include such matters as the business rates regime and understanding if there is scope for this to work alongside the planning system/adopted planning policy. It is believed that a joined-up approach to policy making will achieve the most favourable conditions for City Centre to improve and flourish. This Draft Masterplan aims to create a new environment which will improve its attractiveness, but it needs to be supported through other means including existing planning policy and development management to ensure any new development in out-of-centre locations will not impact on the viability or vitality of the City Centre.</i></p>	
ECCMP_D092	<p><i>Looking forward to further opportunities for consultation and receiving regular updates on progress.</i></p>	Noted.
ECCMP_D093	<p><i>The Moray Society suggest that TMS/ELGNM are keen to be involved as a stakeholder. We expressed this at a most useful meeting we held with Rhona Gunn and Gary Templeton as part of these consultations. There are multiple instances where we have much to offer occur in this Plan including inter alia, education, tourism, community, social and recreational opportunities. Town trails are referenced in the proposals and their potential role in creating a Cultural</i></p>	Noted. The Museum has been included as a project and Council officers have been in continued discussion with the Museum representatives regarding their future plans.

	<p><i>Quarter. We are disappointed to note that ELGNM is not mentioned except to identify a road crossing.</i></p> <p><i>We suggest that progress, wherever possible, should NOT be achieved through demolition, starting another cycle of review and knock down which in a few years is again deemed detrimental to the town centre.</i></p> <p><i>The Moray Society welcomes the opportunity to contribute to the debate over this Elgin Masterplan. We welcome our initial dialogue with Moray Council officials. And we really do wish to offer our knowledge and experience from a large membership to help drive these proposals forward.</i></p>	
ECCMP_D094	<p><i>Overall, a very impressive vision to revitalise Elgin, reduce vehicle dominance, and encourage more people to walk and cycle both for everyday local journeys and for visiting the town.</i></p>	Noted.
ECCMP_D097	<p><i>If town centres are to be successful it is essential that the non-domestic rates system be reviewed as this is the greatest burden that businesses are facing and it makes the large premises which are now vacant unviable. It is ridiculous that vacant properties in town centres are obliged to pay 90% of the non-domestic rates even although they are not generating any income, which goes against normal tax consideration which should be based on ability to pay. It is no wonder that many vacant properties are allowed to deteriorate as the proprietors are not able to afford the maintenance costs and this makes town centres very unattractive. The recent Barclay report into the non-domestic rating system did nothing to improve the situation and a further investigation and reform is urgently required. My last point is concerning the menace posed by urban seagulls, and it's time that the local authorities in the country banded together to pressurise government into changing the legislation that currently affords these birds protection. They can carry disease which can be spread by their feces and many members of the public have experienced getting soiled</i></p>	Noted.

	<p><i>by these birds and attacked especially during the breeding season. Their nesting materials block guttering and encourages vegetation to grow on roofs of buildings creating an unsightly mess. Any improvement that you make to the town centre will be undermined by the presence of these birds which deter shoppers and tourists alike from taking advantage of the facilities in town. Protecting Herring and Black-backed gulls in the marine environment may be justified but when they take over town centres they should be categorised as vermin and treated accordingly.</i></p>	
ECCMP_D098	<p><i>Increasing and more intense rainfall should be a significant consideration for the redevelopment of Elgin and a sustainable drainage strategy should be linked the mapsterplan moving forward. A key outcome should be to steadily increase resilience by ensuring that more sustainable drainage techniques, such as greenroofs and rainwater harvesting systems, are commonly and widely used.</i></p> <p><i>Benefits: Reduced risk of fluvial and surface water flooding; Improvement of water quality entering the River Lossie; and Ecological enhancements.</i></p> <p><i>Whilst Elgin is currently well protected against flooding from the River Lossie, there are a number of areas where surface water flood risk remains a challenge.</i></p> <p><i>The strategy that should be followed for the development of Elgin should be: Manage flooding at source by reducing runoff; Manage flooding by storing or conveying flood water on the surface; Manage flooding by storing or conveying flood water below ground; and Undertake further study to gain a better understanding of flood risk.</i></p> <p><i>When referring the Local Surface Water Management Plan a number of locations are listed as priority locations, where</i></p>	Noted.

	<p><i>these align with masterplan objectives they should be addressed together.</i></p> <p><i>Drainage options presented for Core Retail Area and Cooper Park.</i></p>	
ECCMP_D099	<p><i>Street Trees - These need to be planted in root director chambers to protect the surrounding surface and have irrigation pipes in place to enable adequate watering in crucial formative years after planting.</i></p>	Noted.
ECCMP_D104	<p><i>It would be helpful to understand how the projects will be coordinated, we understand that a steering group may be put together, and it would be beneficial to confirm further details on this group and who may be part of it. It would be beneficial to understand further how the Shopping Centre will benefit from the proposed Masterplan and is there any way that it could be incorporated to improve or develop it.</i></p> <p><i>Dependencies- What are these plans dependant on i.e A96, if this is not completed in time or does not go ahead how does this affect the plans. Cost of property in the city centre means investors tend to invest in the outskirts instead, how this will be addressed.</i></p>	<p>A Steering Group will be formed early in 2022 to co-ordinate delivery of the Masterplan.</p> <p>The St Giles shopping centre has been included as a project within the Masterplan.</p>
ECCMP_D106	<p><i>The cost of infrastructure investment, new enterprises and footfall to our City Centre will be significant. The efforts are at risk of being wasted if the following are not addressed: Seagulls. I know that there are some ongoing low budget trials regarding egg removal etc. However, with limited Council funding and reliance on Common Good funds, this initiative is unlikely to achieve a rapid reduction in the city centre's gull population. I am not alone in limiting my visits to the Centre, having had experience of being soiled from above. The mess and menace of gulls is a frequent talking point. Gulls are protected under the Wildlife and Countryside Act 1981. It is time that this legislation was amended to enable elimination of vermin birds in urban settings. (Gulls are a growing problem throughout Elgin residential areas, where quality of life is suffering, as well as in the town centre. As for the Cooper Park pond, I have personally</i></p>	<p>Noted. The Masterplan includes requirements for gull proofing measures to be incorporated into new buildings and to explore how to retrofit measures to add to the current actions being progressed to control gulls.</p>

	<i>estimated over 200 gulls floating and whirling like pterodactyls; scaring visitors and polluting the surroundings.) Moray Council officers and Elected Members should be using all their powers to lobby for changes to legislation and meantime be bolder in allocating more funds to control of the gull population.</i>	
ECCMP_D111	<i>Surprised that so much money will be spent on the Elgin Town Hall given it was given a massive refurbishment only a few years ago. Since this money is Moray Growth Deal funding can you tell me where else in Moray this money is being spent' It certainly looks like all of the spending is taking place in Elgin with no plans for elsewhere in Moray</i>	Details of Moray Growth Deal projects can be viewed at mymoray.co.uk The 8 projects will bring benefits to the whole of Moray. Projects such as the Bus Revolution, Housing Mix Delivery, Early Years STEM, MAATIC and Digital Heath will bring investment, infrastructure, employment and education opportunities throughout Moray.



Elgin City Centre Masterplan

November 2021

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Foreword

by Councillors Graham Leadbitter and David Bremner

We are delighted to introduce the Elgin City Centre Masterplan and to take the opportunity to thank Elgin BID, Elgin Community Council, partners and members of the public who have helped shape the projects within the Masterplan.

The Masterplan sets out a vision aiming to transform Elgin City Centre with a range of projects aiming to support local businesses, attract investment, regenerate vacant and derelict buildings, encourage more people to visit, live and work in the Centre, to showcase Elgin's fascinating history and to improve walking and cycling connections.

The Moray Growth Deal funding from both Scottish and UK Governments will accelerate regeneration and bring significant investment through landmark projects such as a new Business Enterprise Hub, refurbishment and extension of Grant Lodge into a new regional visitor attraction, the extension and refurbishment of Elgin Town Hall into a regional multi-purpose entertainment and creative industry centre and more housing in the Centre. These are exciting projects which will support and create jobs and provide new learning and training opportunities.

We want to move forward and deliver the projects with local businesses and the local community and in doing so, support delivery of other Council initiatives including the recently approved Climate Change Strategy as well as maximising benefits for the local economy.



Councillor Graham Leadbitter
Leader of Moray Council



Councillor David Bremner
Chair of Planning and
Regulatory Services



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Introduction

This Masterplan sets out a long term programme of aspirational projects to ensure Elgin City Centre is a prosperous, attractive and healthy place.

The Masterplan has been prepared as a partnership between Elgin BID, Elgin Community Council and Moray Council and informed by responses to the public consultation. The Covid-19 pandemic swept across the world as the Masterplan was being prepared and the pressures which social distancing, homeworking and lockdown measures have placed upon individuals and businesses has had a significant adverse economic and social effect, giving even greater momentum to the need for strategic planning, partnership working, investment, co-ordination and adaptation to changing circumstances. This Masterplan is intended to create a land use framework to help support the economic recovery of Elgin City Centre.

Many of the issues and opportunities identified in the Masterplan have been discussed and debated before, however this Masterplan will be the long term vision for co-ordinating and driving action forward to address these issues and to deliver the projects, which will collectively achieve the vision and objectives.

The projects within the Masterplan are intended to prioritise the long term viability of the City Centre while making significant moves towards reducing its carbon footprint and to promote the City Centre as a healthy, green place. There are very few City Centres which enjoy such a rich heritage and a resource like Cooper Park in such close proximity to the High Street.

The Masterplan is supported by a Delivery Programme which identifies the important “who, what, how much and when” approach to delivering the projects. Securing funding to deliver projects has become more challenging and will require a partnership approach to source funding for some of the projects outlined in the Masterplan. Some of the key projects are linked to the Moray Growth Deal which will provide early and much needed investment into the City Centre.

**The aspiration is to
create a City Centre
that’s distinctive, safe,
vibrant, green and
colourful – a great place
to live, work, do
business and enjoy – a
real Heart to our
growing city.**

New CGI

Developing the Masterplan

In the early stages of preparing the Masterplan, Moray Council declared a Climate Change emergency. To explore how the City Centre Masterplan projects could contribute towards climate change mitigation, partners took part in a pilot project working with Architecture and Design Scotland (ADS) to explore options for the City Centre to be carbon conscious.

Two workshops were facilitated by ADS and the some of the key themes emerging are summarised below;

- Active travel- fundamental physical changes coupled with behavioural changes and mindset changes
- Reuse- make use of vacant properties
- Flooding- tackle flooding through blue/ green infrastructure
- Embrace and improve green space and ecological value of the town
- Invest in decarbonisation of infrastructure and buildings
- Include all residents in creating the plan for their towns future
- Regenerate and reinvigorate architectural heritage
- Embrace and promote local production
- Invest in Elgin's youth and prospects
- Invert the transport hierarchy
- City Centre living, active re-purposing
- Better connected, active and green
- Loyalty, spend locally

A business breakfast was held on 24th February 2020 with a number of City Centre businesses present. The main feedback from the session was;

- Need to reuse vacant and derelict properties
- Need more information on Moray Growth Deal projects
- Support increased living in the City Centre
- Car parking strategy needs addressed, too expensive, some are empty, compete with free parking at Edgar Road
- St Giles Centre is not performing as a shopping centre, needs redeveloped
- Provide electric bus service from edge of centre car parks to High Street
- Outdoor performance space outside St. Giles
- Capital spend needs revenue support
- Building warrant issues need to be overcome to promote re-use of upper floors
- Careful with modern art
- Strong support for behaviour change.

The draft Masterplan was approved by the Council in January 2021 and made available for public consultation between 22 March 2021 and 30 July 2021.



The overall Vision for the Masterplan is

“To transform Elgin City Centre into a successful, well-connected, healthy, green, attractive, inclusive and carbon conscious centre offering a variety of attractions where people of all ages and abilities shop, live, relax and do business.”

Vision and Objectives

The Vision is supported by a series of objectives set out below. The range of projects and proposals set out in the Masterplan support these cross cutting objectives.

-  To plan for Elgin City Centre’s growth as a vibrant retail and commercial centre, serving Moray and beyond, promoting creative industries

-  To promote Elgin City Centre as a Carbon Conscious place to live, work and visit, prioritising carbon reduction, active travel, re-use of empty/ vacant buildings, surface water management and biodiversity

-  To make Elgin City Centre a green and healthy place which is easy and safe to move around

-  To respect , embrace and market Elgin’s amazing heritage through lighting, interpretation and public art

-  To make Elgin an inclusive place to live, work and play

-  To promote creative industries in the City Centre and support an evening economy

-  To increase opportunities for living in the City Centre

-  To provide learning, social and recreational opportunities for people of all ages and abilities

The projects identified in this Masterplan have been assessed against the objectives and along with feedback from workshops was used to identify the proposed priorities which are summarised in the diagram below, with the key central aim of creating a vibrant city centre with the key actions;

- Attracting investment
- Being carbon conscious
- Promoting a green and healthy city centre
- Connecting the High Street with adjacent areas, including Cooper Park and Elgin Town Hall





Moray Growth Deal- what does it mean for Elgin City Centre?

The Moray Growth Deal is a regional deal designed to boost economic growth across Moray. It is a long-term plan centred around specific projects designed to transform the economy, address concerns around encouraging young people to live and work in the area and address gender inequality in employment. The Moray Growth Deal brings together Scottish and UK governments, Moray Council, partners from across the public and third sectors and private businesses.

The Growth Deal consists of 8 projects, details can be seen at www.mymoray.co.uk

A number of the projects will benefit Elgin City Centre, including;



The Business Enterprise Hub, which will be centrally located in Elgin, focussing on education, research and co-location of business support functions in Moray to support new business start-ups, and the upscaling of existing micro businesses to develop Moray's rural economy.



The Cultural Quarter in Elgin, which will include the refurbishment and extension of Grant Lodge into a major visitor attraction, refurbishment and extension of Elgin Town Hall to be a regional arts and entertainment centre and a privately funded hotel. This project aims to increase the cultural offering in Moray helping to attract and retain young talent.



The Housing Mix Delivery project, which includes investment in vacant, derelict and unused properties to convert them for residential use and increase the number of people living in the City Centre.



The Digital Health project which will include a demonstration and simulation environment and Living Lab testbeds for the Moray region, based at Moray College, UHI.

Status of Masterplan

The Masterplan will be a material consideration in determining future planning applications.

Extent of Masterplan

The Masterplan boundary extends beyond the boundary identified in the Moray Local Development Plan 2020, including the Core retail area, Lossie Green and Cooper Park, but also south beyond the railway line to include the vacant land at the old Auction Mart and Fleming sawmill.

The Masterplan also refers to and includes projects some distance away such as entrances into the City which can play a key role in directing people to the attractions in the City Centre which will become even more important when the A96 is dualled to market the Centre to visitors.

Leadership

To deliver the aspirations set out in the Masterplan strong leadership is required and different ways of working. It is proposed that a Steering Group is established to meet regularly throughout the delivery period to discuss and monitor progress and consider issues arising. The Steering Group should also be a co-ordinator for all activities and proposals within the City Centre, both public and private to ensure the Masterplan objectives are not diluted.

The following sections summarise how the various proposals within the Masterplan will address the objectives set out above.



To plan for Elgin City Centre's growth as a vibrant retail and commercial centre, serving Moray and beyond.

Elgin's "vitality" is measured through bi-annual Health Checks on the number of vacant properties and pedestrian movement counts. Although these are fairly crude measures, they do show that Elgin City Centre was performing fairly well, with the number of vacant retail units dropping between 2016 and 2018. However, the Covid 19 Pandemic has had a significant impact upon City Centre businesses and an interim survey has identified an increase in vacant premises.

City and Town Centres will continue to be under threat from changing shopping patterns such as online shopping and out of town retail centres. The Covid 19 Pandemic forced shopping and working habits to change and these are likely to have a long term effect on retail centres, although the magnitude of effect is difficult to predict at this point in time.

Elgin City Centre has experienced significant change with fewer national multiple retailers present and more independent stores being present. This adds to the diversity of shops operating within the City Centre offering something different in terms of shopping experience and reduces leakage of expenditure to Inverness and Aberdeen.

There are fantastic opportunities available in Elgin City Centre to increase the number of people visiting the High Street, and to promote the assets of Cooper Park, Elgin Cathedral and the City's amazing history. Making the City Centre a sustainable viable place is the primary objective and all other objectives need to support this.

The projects in the Masterplan aim to increase the number of people visiting the City Centre which will increase economic activity. A number of key development opportunities have been identified including the former Jailhouse site, empty properties above shops, Grant Lodge and Elgin Town Hall.

Redevelopment opportunities will be supplemented by a programme of public realm projects to direct and encourage people to the City Centre and direct them around the Centre through public art and other streetscape techniques.

This will be key to maximise benefits from key projects such as the proposed visitor centre at Grant Lodge, which is projected to attract 50,000 visitors per annum.

The Masterplan projects also aim to support the development of an evening economy in Elgin, rather than the current perception of the Centre "closing" at 5pm.



To promote Elgin City Centre as a Carbon Conscious place to live, work and visit, prioritising carbon reduction, active travel, re-use of empty/ vacant buildings, surface water management and biodiversity.

One of the key aspirations of the Masterplan is to encourage active travel to and around Elgin City Centre. Wider behavioural change is influenced by many factors outwith the scope of the masterplan, including availability and cost of public transport and parking. The Masterplan aims to put the physical infrastructure in place to encourage active travel and recognise the associated carbon reduction and health benefits of this move. Some of the changes proposed are significant and will be challenging but are required to address the long running severance issues between the City Centre and Cooper Park/Lossie Green and the City Centre and Edgar Road.

Currently the active travel network is limited in terms of connecting into the City Centre and the road network and railway line acts as a barrier to active travel. The A96 Alexandra Road is a Trunk Road and the responsibility of Transport Scotland. When the A96 is dualled the current A96 running through Elgin will become the responsibility of Moray Council. This will offer scope for changes to provision of pedestrian and cycle crossings. A number of key crossings will be reviewed with the aim of

inverting the Transportation hierarchy, placing pedestrian and cycle movements before the car. Improving the provision and priority of pedestrian/ cycle crossings will enhance the connectivity to and within the Masterplan area.

A programme of greening the City Centre is proposed, with more trees and shrubs planted and more food growing opportunities. Green walling is proposed on blank building facades as these can absorb carbon and contribute aesthetically to a green City Centre.

Cooper Park will be promoted as a Carbon Conscious Park, offering a wide range of recreational and biodiversity opportunities.

The Masterplan promotes re-use of empty property and redevelopment of brownfield sites. All key development sites identified in the Masterplan must accord with the highest standards of sustainable design and construction, incorporating renewable energy where technically possible, providing for electric vehicle and bike charging points, cycle parking and storage. Other opportunities for renewable energy will be investigated as the Masterplan progresses.

The programme of greening the City Centre will help absorb rainwater as well as having health and aesthetic benefits. Surface water flooding could be managed through the introduction of rain gardens in key locations such as the former sawmill site and next to the Community Centre. These will offer opportunities to absorb and store water and reduce the risk and impacts of flooding.



To make Elgin City Centre a green and healthy place which is easy and safe to move around, promoting biodiversity and connecting people with nature.

The Masterplan sets out a range of projects aiming to green the City Centre, such as green walling on blank facades of the St Giles car park and Thunderton Place car park, planting for biodiversity at Northport and Cooper Park, more planting throughout the City streets and better connections to a revitalised Cooper Park, which will offer a range of healthy pursuits.

Significant active travel connections into the City Centre will encourage more walking and cycling, which will be complemented by an expanded range of leisure pursuits for all abilities in Cooper Park including a new play park, new activities such as a Boulder Park and a new Sports Pavilion. Cooper Park pond will be improved and brought back into use.

A wetland area adjacent to the River Lossie will be opened up with boardwalks and interpretation, providing a wetland biodiversity learning resource and connecting people with nature.

To respect, embrace and market Elgin's amazing heritage through lighting, interpretation and public art

Elgin's amazing heritage is reflected in many of the buildings and streets within and around the City Centre. It is proposed to continue on from the Castle to Cathedral to Cashmere project and create further heritage trails, introduce more interpretation in the city centre telling the history of Elgin and using the paving, art and lighting to direct people between the High Street, Cooper Park and Lossie Green.

Key listed buildings will be brought back into use such as Grant Lodge and the old Victorian market. Other listed buildings such as the Town Hall will be refurbished and extended.

Elgin City Centre is full of interesting lanes connecting streets. The lanes will be enhanced, using art, lighting, waymarking and planting to direct and encourage people to explore the lanes.

Lighting will be used to highlight key buildings and attractions such as Elgin Cathedral and key architectural features on buildings, which will link with additional interpretation.

A public art strategy will be developed to direct people to and between key attractions. This will include roundabouts on the A96 and other key gateways into the city and will be focussed on the interpretation principles of "provoke, relate, reveal."



To make Elgin an inclusive place to live, work and play

The Partnership will continue to work with representatives of Parentable and Moray Disability Forum to discuss and identify accessibility issues which need to be addressed. The aim is to make the City Centre as easy to move around as possible. Some key improvements identified in the Masterplan include;

- Considering replacement of the bridge between Northport and Cooper Park.
- Reviewing the position of existing crossings and the possibility of new/ relocated crossings for future provision.
- Introducing inclusive play equipment in the Cooper Park play area
- Investigating inclusive boats for use in Cooper Park pond
- Introducing points of interest throughout Cooper Park for people of all abilities
- Improving path surfaces in Cooper Park
- Proposing all ability toilet provision in Cooper Park and in the City Centre
- Investigating new active travel connection from New Elgin over the railway line

To promote creative industries in the City Centre and support an evening economy

The masterplan promotes and supports the Moray Growth Deal Cultural Quarter project which consists of;

- A refurbished and extended Town Hall, providing a top class entertainment venue for a range of events as well as opportunities for learning associated with creative arts courses. The extended building could include a small cinema for niche films, recording rooms, studio spaces, lecture rooms, meeting spaces, café and a FABLAB facility offering high technology learning opportunities for all ages.
- A refurbished and extended Grant Lodge, becoming a key tourist attraction as a food and drink visitor experience which showcases and signposts visitors to the fantastic range of attractions which Moray has to offer. Visitors will also be encouraged to spend time in Cooper Park and the High Street through marketing, signage, art and improved pedestrian connectivity. Grant Lodge could also include creative industries workshop space on the upper floor.

- A centrally located high quality hotel. A number of sites are being explored for this, which is intended to complement the Cultural Quarter project and meet demand for higher quality bed spaces close to the City Centre. One option being explored is at Lossie Green car park.

In addition to the above, the Masterplan proposes a public art strategy to build upon the work undertaken through the artist in residence programme supported by Elgin BID. This will help to tell the story of Elgin and showcase the arts in a variety of mediums. It is also proposed to create an outdoor performance space in Cooper Park, close to Grant Lodge and enjoying views of Elgin Cathedral.



To increase opportunities for living in the City Centre

Increasing the number of people living in the City Centre will increase the vibrancy and support the changing nature of the Centre. There are a number of key opportunities for new housing in the City Centre using empty and derelict properties, which could be brought back into use.

In addition to private sector investment, there are funding opportunities through the Moray Growth Deal Housing Mix project and potentially through future Town Centre Regeneration funding to support this objective.

To provide learning, social and recreational opportunities for young people

A key aspiration of the Moray Growth Deal is to increase the number of 16-29 year olds within Moray. Long term population projections show Moray with significantly more older people and significantly fewer young people. The Masterplan aims to support the Growth Deal aspiration by providing learning, training and employment opportunities for young people and venues for entertainment and socialising.

In terms of education opportunities, the projects support the central location of a Business Hub which will support business study students in a real business environment and expansion of creative industry courses.

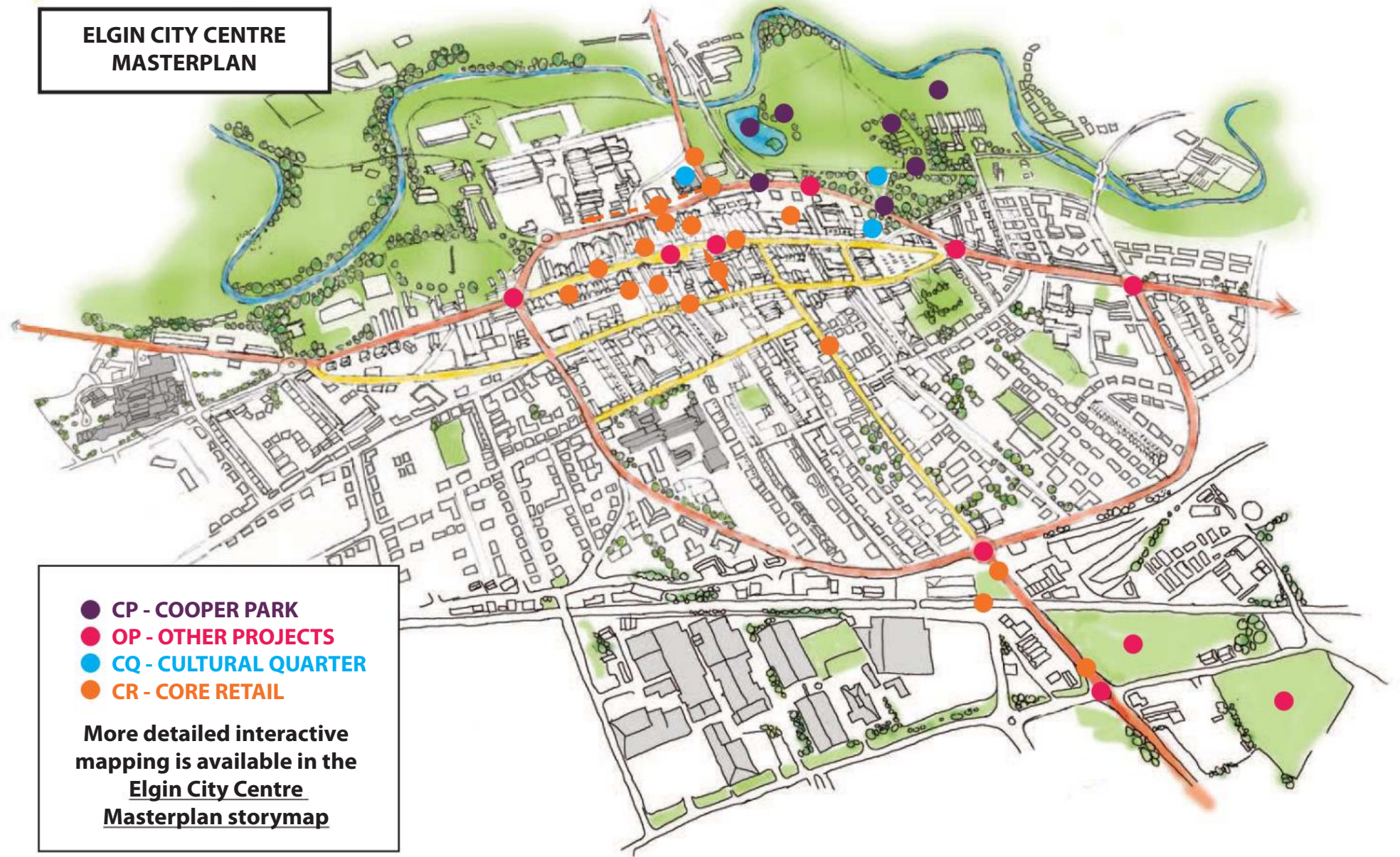
Employment opportunities will be created through the projects in this Masterplan with opportunities likely to be available at Grant Lodge, a centrally located hotel, a new Business Hub, Elgin Town Hall and through development of an evening economy.



The Masterplan

The Masterplan vision, objectives and priorities will be delivered through a range of projects. These will be reviewed annually to monitor progress, with additional projects added as required. Projects have been split geographically into 4 sections, but many are cross cutting both in terms of geography and in terms of the objectives and priorities which they support.

ELGIN CITY CENTRE MASTERPLAN



Core Retail Area



Core Retail Area

Introduction

The Masterplan aims to transform the core retail area into a vibrant place that supports economic activity and encourages people to live, work and use the City Centre both during the day and evening. The Masterplan identifies a number of projects to deliver this aim.

The refurbishment of empty properties and redevelopment of vacant sites for both business and residential uses has a significant role to play in attracting businesses and encouraging people to live in the City Centre. This helps to support both a day and evening economy, improves the attractiveness of the Centre and maintains Elgin's fantastic built heritage.

The majority of properties 'turn their back' to the A96 through Elgin. The de-trunking of the road provides opportunities for surface level crossings that prioritise pedestrians and cyclists over vehicles helping to 're-connect' the Core Retail area to Cooper Park and the Cultural Quarter, and planting that both 'greens' and softens the street and helps naturally drain surface water.

Blank rear facades of properties such as the St Giles Shopping Centre provide opportunities to introduce murals that celebrate Elgin's history and/or 'green walls' that act as carbon sinks, whilst vacant sites have the potential to create frontages onto the road which overall make a more welcoming entrance into the City Centre and Elgin as a whole.

The success of Batchen Street is evident with the growth of independent retailers and niche markets within the City Centre. Improvements to the appearance of Batchen Street have played an important role in attracting businesses (and customers). The Masterplan proposes to build on this by improving the attractiveness of neighbouring streets such as South Street and Thunderton Place through paving, planting, lighting, shop front improvements and pedestrian prioritisation to support the establishment and/or expansion of independent retailers in the Core Retail area.

The Masterplan proposes a consistent, fresh approach to signage, street furniture, public art, lighting and planting to the Core Retail area as a whole to improve the general appearance and attractiveness of the City Centre. As part of this transformation, a new Heritage Trail is proposed to guide people through art and lighting to local landmarks.



CR1 Active Travel Connections - Removing barriers to pedestrian and cycle movement

Proposal

- **New active travel connections between core retail area and Cooper Park, Town Hall, Grant Lodge and New Elgin by 2028.**

This project seeks to provide the infrastructure and environment to support the aim of making walking and cycling the preferred choice for people making short journeys around Elgin, in particular to and around the City Centre, in keeping with the new National Transport Strategy (NTS2). NTS2 seeks to invert the travel hierarchy by prioritising walking and wheeling first, then cycling, and public transport above private cars.

In 2016 barriers to movement by foot and cycle within and on the routes leading to Elgin City Centre were identified as part of the consultation for the Elgin Transport Strategy. This project seeks to build on those findings, incorporating specific barriers to movement identified by the Parentable group, to provide safe, convenient and attractive routes for walkers, wheelers and cyclists.

Key locations where improvement would be required which have been identified to date include:

- Cumming Street between Lossie Green car park and the Town Hall
- Cumming Street between Halfords and Elgin Town Hall
- On the corner of Lossie Wynd and the High Street
- Near the junction of Moss Street with Station Road
- Near the junction of Duff Avenue and Maisondieu Road
- Alexandra Road between Grant Lodge and the Elgin Museum
- Alexandra Road between North Port and Elgin Library
- Between North Street and Trinity Place

Other more significant active travel infrastructure projects aim to increase the walkability of Elgin city centre which would improve personal health and well-being. Improvements to Moss Street, Thunderton Place and South Street to reduce the dominance of vehicle movements along these routes and make them more attractive environments for pedestrians and cyclists are proposed. Changes to surfacing materials and the addition of street furniture would be key considerations for these projects, along with high quality lighting to ensure that pedestrians feel safe and comfortable at all times of the day and night.

The active travel network to the south of the City Centre has been developed over recent years with a number of new shared use cycle paths and footway re-determination to cycle ways. However the Aberdeen to Inverness railway line, with its limited opportunities for crossing, remains a barrier for pedestrians and cyclists. A new active travel connection over the railway will be investigated to provide a safe and convenient route from south Elgin to the city centre and to connect to a sustainable travel hub.

In 2021/22 the Scottish Government is due to publish updated guidance on the design of infrastructure for cycling 'Cycling by Design' in relation to accessibility requirements (current guidance Roads for All). The consideration and design of specific infrastructure projects will take cognisance of this updated guidance and follow current best practice.

New CGI

CR2 Junction Improvements

Proposals:

- **Improve A941 Junctions at Laighmoray and Edgar Road.**

The Elgin Transport Strategy identifies the need to improve the roundabouts at A941/Laighnmoray and A941/Edgar Road. Outline design work will be commissioned in late 2021 to progress these projects which will improve the viability of the former sawmill and auction mart sites.



CR3 Bringing Vacant/ Derelict Sites and Properties Into Reuse

Proposals:

- **To reduce the number of empty properties and vacant/derelict sites in the city centre including redevelopment of Grant Lodge and the Jailhouse site by 2026**
- **To increase the number of residential properties in Elgin City Centre by 50 by 2026**
- **To aim for all major city centre redevelopment opportunities to be carbon neutral**

This project aims to bring vacant properties back into use and redevelop redundant buildings and sites for both residential and commercial uses. Refurbishing/redeveloping vacant properties creates a more attractive, active City which supports and attracts businesses in and also helps to provide more choice for people in where they wish to live, creates more activity in the street, and encourages walking and cycling and reduces reliance on the car.

All redevelopment proposals should aim to be carbon neutral incorporating the highest standards of sustainable design and construction and using renewable energy sources wherever technically feasible.

Former Victorian Market between High Street and South Street (Junnners/Jailhouse)

Proposal

- To work with landowners and Elgin BID to implement a comprehensive mixed use redevelopment of properties in the vicinity of the former Victorian Market by 2026, consisting of retail, residential and commercial uses.

This project will only be feasible with the agreement of existing owners and acceptable relocation of any existing businesses.

The former Jailhouse nightclub site has been vacant since a fire burned it down about 20 years ago and is one of Moray's most challenging derelict sites, hidden from view behind an archway on the High Street. Historic maps show that the site once contained a Victorian Market with access taken from South Street and a ballroom above.

Redevelopment proposals must be of the highest design standards, respecting the Conservation Area status and retain the listed features on site. Proposals must provide a link between South Street and the High Street and a courtyard opportunity for food and drink, with high quality public space. Proposals must also aim to be operationally carbon neutral. The site is suitable for a mix of commercial, retail and residential uses.

While on site parking provision would be very challenging, there may be an opportunity for limited car share club parking spaces and dedicated parking spaces. The focus on site will be on cycle parking and storage facilities.

No piecemeal redevelopment of these properties will be supported which would jeopardise redevelopment of the whole 'site';

- former Jailhouse site
- former Newmarket Bar
- former Junners Stores (2)
- 53/55 South Street





Former Elgin Club, Commerce Street

Proposal

- Refurbish and extend this listed building for use as a restaurant/ bar, boutique hotel

This grade B listed building has been lying empty since the Elgin Club closed in December 2002 and has great potential to be refurbished and brought back into use to support the aspirations to develop an evening economy in Elgin. The Council will discuss and explore potential funding opportunities with the owner of the building to support the buildings refurbishment.



Former Print Works, South Street

Proposal

- Refurbish and bring building back into use for retail/ business space

This substantial property includes a range of original features from its previous use as a print works. The property is spread over 2 floors and attic space and has a large workshop space to the rear. The property would be suitable for a range of uses, including potential as a contemporary art gallery, retail or business space.



Former Church, South Street

Proposal

- Refurbish property

This property has been marketed on a number of occasions and would be suitable for a range of uses, including potential as a contemporary art gallery, retail or business space.



Other vacant and derelict properties and underused spaces above ground floor

Proposal

- Create register of empty/ underused properties, contact property owners and explore funding opportunities to bring them into use

There are a significant amount of properties which are vacant, derelict or underused within the City Centre which could be refurbished or adapted and brought back into use. This includes existing retail units at ground floor level which may no longer be suitable for current demands and sub-division may be required. There are opportunities above ground floor level with properties lying empty or being underused for storage and other uses. These could be brought into use for residential use if building and planning regulations can be complied with.

The Council will contact property owners to explore opportunities.



CR4 Sustainable Travel Interchange and Infrastructure

Proposals

- **Develop a Sustainable Travel Interchange based at Elgin bus station by 2026**
- **Provide electric vehicle charging points in City Centre car parks by 2030**

This project aims to support the use of public transport, shared transport and electric vehicles for longer journeys to the city centre and for people who are unable to walk or cycle, through the provision of a sustainable travel interchange facility and electric vehicle charging infrastructure within the city centre.

The existing Elgin bus station is located to the rear of the St Giles Shopping Centre, adjacent to the A96 (T) Alexandra Road and North Street. The bus station has a covered canopy area for waiting passengers, an enclosed waiting room open 0900 to 1930 and stances for seven buses. The bus station provides both access to the city centre via local bus services and the opportunity to board longer distance services to Inverness and Aberdeen.

The primary aim of the project is a re-thinking of the existing bus station to develop a sustainable travel interchange. The interchange would be well lit and welcoming, providing users with a safe and comfortable waiting area.

Travellers would readily change from public transport to walking and cycling and would be secure, with high quality cycle parking facilities provided and provision for the hire of/ charging of e-bikes. Key to the experience at the interchange would be the provision of information on public transport services and cycle and pedestrian routes to key destinations in the city centre, provided in a clear accessible way.

The aspiration also exists to create an accessible passenger waiting facility which will offer a comfortable transport transition option between transport modes.

The redesign of the bus access arrangements, and manoeuvring area, would need to take into consideration the traffic levels on A96 Alexandra Road along with any changes to junction layouts e.g. the introduction of traffic signal controlled junctions.

The route from the interchange to Plainstones needs to be legible and attractive and improvements to Lossie Wynd would be required as this could become a key pedestrian route into the core retail area.

Whilst walking, cycling and public transport will be viable travel choices for many city centre visitors, the rural nature of Moray will result in some trips being made by private vehicles. The Scottish Government has pledged to phase out new petrol and diesel cars and vans across Scotland by 2032. Publically accessible electric vehicle charging facilities recently have been installed within some Moray Council public car parks within the city centre. However to meet projected demand for charging facilities there will be a network of EV chargers within the city centre for use by both residents and visitors.

The EV charging facilities will be sensitively located to respect the historic areas within the city centre and be located at key destinations and businesses, along with public car parks and on-street. There will also be facilities for storing and charging electric bikes.



CR5 A96 Frontage

Proposals:

- **By 2030 to redesign blank facades with a mixture of public art, illuminated panels, lighting or living green walls, depending upon locations and structural integrity.**
- **By 2028 provide better connections between the High Street, Cultural Quarter and Cooper Park and encourage walking and cycling.**
- **Redevelop 'gap' sites (i.e. rear of RBS) to present a frontage onto Ladyhill Car Park/A96 by 2030.**

The de-trunking of the A96 provides a major opportunity to re-connect the Core Retail area, Cultural Quarter and Cooper Park together again. This involves changing the nature of the road through paving materials, planting, crossings, etc. to prioritise active travel over the car. This will encourage traffic to move slower and make the A96 a less hostile environment for walking and cycling so that these are more attractive options for travelling to and from the City Centre.

Two main issues need to be addressed: properties that front onto the High Street present their rear (often blank) facades to the A96 (e.g. Joanna's nightclub, Poundland and St Giles Shopping Centre and car park) which along with poor public realm and large areas of car parking are uninviting; and, the A96 currently acts as a major barrier severing the City Centre (retail area) from recreational, community and cultural facilities in the immediate vicinity.

To create a more attractive frontage onto the A96, blank facades need to be addressed through a variety of means: murals/public art, illuminated panels, lighting, and 'living' walls, the latter having the benefits of being attractive whilst significantly reducing carbon and being low maintenance. Together with improvements to the public realm, planting and bringing vacant properties and 'gap' sites back into use through either refurbishment or redevelopment the general appearance of the A96 'area' would be greatly improved creating a more positive perception of the City Centre and Elgin from this busy thoroughfare.

Ladyhill car park is currently a busy area with lanes providing direct routes into and from the City Centre and popular facilities such as the cinema and restaurants. The general appearance of the car park needs to be improved through public realm works and planting to address the existing pedestrian-vehicle conflict to create a safer environment.



CR6 South Street

Proposal:

- By 2026 redesign the street through paving, planting, public art, and street furniture to create a 'pedestrian-friendly environment while retaining access for vehicles.
- Refurbish shop fronts through a shop front improvement scheme.

South Street has the potential to be significantly more attractive for pedestrians and cyclists as the street is currently dominated by cars and service vehicles with narrow pavements (at certain points), and a number of vacant properties/run-down facades which creates a poor physical environment.

There are a number of key elements that are essential to the transformation of South Street: redesigning the street using hard (i.e. paving) and soft (i.e. trees, shrubs) landscaping, public art and street furniture; shop front/facade improvements; and, bringing vacant properties back into use/redeveloping redundant buildings and sites for a mix of uses (retail, commercial, offices, residential).





CORE RETAIL AREA

CR7 Poundland

Proposal

- **By 2025 complete a mixed use development on this prominent location on High Street and North Street.**

A planning application has been approved for a mixed use development at 161 – 163 on the High Street which is currently occupied by Poundland. The application that has commenced, seeks to deconstruct and rebuild the category B listed Poundland building (phase 1) as well as a proposed extension to the north (phase 2) which will provide flats and space for commercial units.

The Poundland building is located on a prominent location on the High Street. The proposal will see the building rebuilt in its traditional form to retain the historic character of the High Street and the wider conservation area. Phase 2 provides the opportunity to improve the appearance of North Street which is a key route into the town centre due to its proximity to the bus station and A96 underpass. It is currently perceived as being negative street due to the imposing buildings and lack of an outward looking frontage. The proposed flats have sought to address this issue by providing a more outward looking gable frontage through the use of windows on the northern elevation while at the same time respecting the historic street layout of the conservation area. This is welcomed as a number of existing buildings currently turn their backs on the A96 which is unattractive.

The proposal has been well designed and draws on the historic character of Elgin which will enhance and add interest to character of the conservation area. It has further sought to improve the character of North Street and make it less imposing through the slight setting back of the building line of the flats and commercial units to create a more attractive and inviting entranceway into the street providing more space for pedestrians.

The proposal will introduce housing into the town centre in both phases of the development. This is good for the vitality of the town centre as increasing footfall to support economic growth and the vitality of the town centre is a key aim of the masterplan.



CR8 Shopfronts

Proposal

- To prepare design guide and implement a shopfront improvement scheme by 2026 to improve the visual appearance of Elgin's traditional shopfronts and strengthen and improve the city centre's existing historic character

The project seeks to improve and enhance the quality and design of Elgin's shopfronts to reflect the historic character of the city centre and conservation area. The appearance of shopfronts plays an important role in the character of not only individual buildings but also the wider area and can add to the vitality of the centre.

Improving shopfronts will promote the centre as a destination by enhancing its appeal to visitors, customers, and assist in encouraging further investment by boosting business confidence.

The project would seek to achieve this through the replacement of historical features, renovating shopfronts, making repairs, and improving signage.



CR9 North Port

Proposal

- **By 2030 transform the existing precinct and strengthen the connection between the High Street and Cooper Park through high quality public realm, lighting improvements, and landscaping improvements;**
- **By 2028 improve connections over the A96 towards Cooper Park.**
- **Discuss the long term future use of the Northport area and work in partnership with existing businesses, landowners and other stakeholders.**

This project provides the opportunity to transform and enhance a tired part of the city centre which experiences relatively low footfall. This has the potential to become a busy thoroughfare upon completion of the Grant Lodge project if significant numbers of visitors can be directed to the core retail area of the city centre.

While several of the units are currently un-occupied the precinct is dated and visually unattractive. The public realm between the buildings is poor and serves little function in terms of providing a usable space that people would seek to spend time in. The current configuration of the buildings restricts visual connections towards Cooper Park. Enhancing this area to emphasise these key connections would make Elgin city centre a more attractive place and encourage residents and tourists to access other attractions such as Cooper Park and the Cathedral.

There may be an opportunity to explore whether Northport could be comprehensively redeveloped, accommodating existing businesses and creating an attractive new space. This could consist of residential uses on upper floors with retail/commercial units on the ground floor. The careful alignment of building lines would allow visual connections to be established towards Cooper Park where the existing footbridge could be replaced with a new bridge. Establishing and emphasising this visual connection would encourage users to travel between the High Street and Cooper Park.

High quality public realm improvements and seating areas would increase use of this area, complemented with creative lighting making it a safe route to travel through during evenings and darker months.

As part of the public realm improvements there is the opportunity to introduce planting to create a “linear park”. This would serve the dual purpose of softening the streetscene, creating an attractive space, and further emphasising the connection between the High Street and Cooper Park by encouraging users to enter the space.





CR10 Moss Street

Proposal:

- By 2030 prioritise pedestrians by restricting traffic to the northbound lane and redesign through paving, planting, lighting, enhancement of historic signs and waymarking to create a more attractive street.

Moss Street provides a direct link from the south of Elgin to the City Centre. The conversion of Moss Street to a one-way system (northbound) and the widening of footways/cycleways is a project identified in Moray Council's Elgin Transport Strategy (ETS). There are a number of buildings of local historic interest and associated detailing such as stone boundary walls, railings and mature planting which provides an attractive route into the City Centre. The project involves changes to surface materials (e.g. paving), the incorporation of planting, and improved lighting and waymarking will create a more attractive street for pedestrians and cyclists.



CR11 Batchen Lane (Northfield Terrace Car Park to Thunderton Place) and Thunderton Place

Proposals:

- **By 2028 create an attractive lane from Northfield Terrace to Thunderton Place and South Street/High Street through upgrading paving, lighting, street furniture and planting.**
- **Screen the rear elevations/service areas of properties fronting onto High Street through attractive walling and planting.**
- **Redesign blank façade of TK Maxx with a public art mural, illuminated panels and lighting, or a green 'living' wall.**
- **Promote a café culture along Thunderton Place through the provision of outdoor seating areas.**

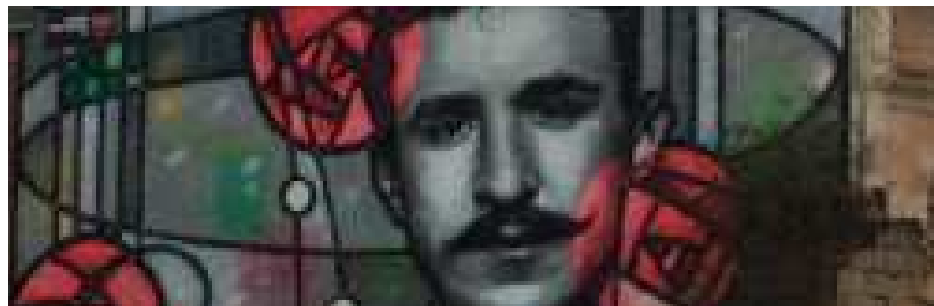
Thunderton Place

This project consists of two parts: improving the general appearance of Thunderton Place to support a café culture and build on the success of independent businesses in Batchen Street; and, creating an attractive lane between Northfield Terrace and Thunderton Place. (Batchen) Lane and Thunderton Place are important entrances into the City Centre as they both have car parks (Northfield Terrace car park to the east and Batchen Lane car park to the south) and often form people's initial perception of the Centre.

Thunderton Place has a number of successful businesses including a public house, restaurant and café. The B-listed Thunderton House is currently being converted into flats and is an attractive building in the heart of the City Centre. However, the physical appearance of the street appears quite harsh with large areas of paving and little planting or outdoor seating. The upgrading of paving and use of planting, public art and lighting, together with the provision of seating will help transform the physical appearance of Thunderton Place to create a more attractive street in which to spend time and encourage the emerging café culture/independent businesses in this part of town. Similarly upgrading the pedestrian connection between Batchen Street and Thunderton Place would complement and replicate the existing works at Batchen Street and those being proposed at Thunderton Place.

Batchen Lane is an important connection that links Northfield Terrace to Thunderton Place. A more attractive and inviting lane is proposed using new paving, planting and street furniture that prioritises pedestrians and clearly defines parking areas to the rear of properties. This can build on the success of the physical improvements and public art (which illustrates the businesses' and Elgin's heritage) made to another part of Batchen Lane.

The rear of properties and service areas for commercial premises fronting onto the High Street could be enhanced through new walls/features and planting. The blank façade of TK Maxx needs to be redesigned with a public art mural, illuminated panels and/or a green 'living' wall. Lighting needs to be enhanced to create a more attractive and safer environment.





CR12 Public Art Strategy

Project Outcomes

- Prepare a Public Art Strategy by 2022.
- Develop a Visit Elgin app. by 2023
- Develop a heritage trail by 2024
- Secure funding for Public Art Project Manager
- Implement an artist in residence programme 2022 - 24
- Relocate existing public art by 2025
- Deliver lighting on key buildings by 2026
- Streetscape improvements to High Street, Batchen Street, South Street, Thunderton Place, designed by 2023 and completed by 2026.

The aim of this project is to improve the attractiveness and vitality of the city centre by taking a comprehensive approach to improving the public realm, which is defined for this purpose as the pedestrian areas, street furniture (such as benches and bins), signage, public art and lighting. The public realm is a key component of any retail centre and links all the key components of the city centre together, creating an attractive space for people to enjoy and be directed around.

The project seeks to build on Elgin's built heritage and layout and guide people to key attractions and shopping areas such as the Cathedral, Grant Lodge, Ladyhill, Cooper Park, the High Street, Batchen Street, Thunderton Place, South Street and to explore the myriad of connecting lanes and other places of interest. The project will help to attract people to the city centre, helping to reinforce a sense of character and identity. The current problems in the public realm include;

- Lack of an overall public art strategy
- No lighting of key attractions
- Mixture and confusion of signage, with much of it out of date
- Poor quality street materials and no control over replacement materials
- Conflicts between vehicles and pedestrians/ cyclists
- Limited parking for cyclists



The project consists of a number of key elements;

Public Art Strategy

A public art strategy has been prepared with art taking many forms, from traditional sculpture and murals to events and activities. These should reflect Elgin's amazing history, the key characters which have influenced the city over time, the key buildings and the activities which have moulded the city into what it is today.



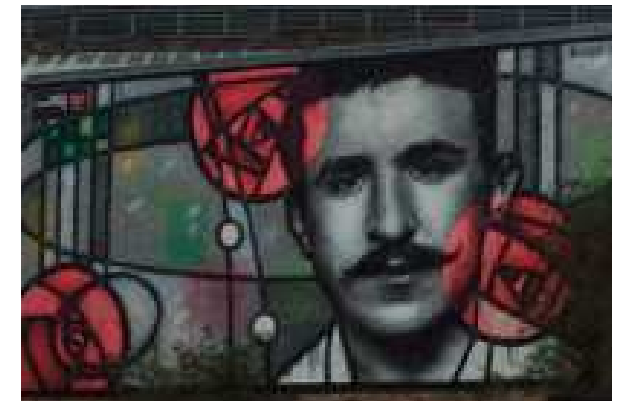
The Strategy has been developed by an independent artist commissioned by the Council and builds upon the artist in residence work undertaken by Elgin BID. The strategy includes proposals to incorporate public art into hard landscaping, street furniture such as seating, planters for soft landscaping, and signage, wall art such as panels and murals, lighting to provide pleasant safe environments but also to create intrigue and sensory features. The painting or projection of public art reflecting the history and character of the area onto large, blank facades will improve the streetscape, and help support development of an evening economy in the city centre.

It is proposed to work with partners to secure funding to appoint a Public Art Project Manager to seek funding for public art projects and to oversee an artists in residence programme to work with the local community and businesses to design and site public art.



Streets and materials

Streets have been identified such as Thunderton Place, North Street and Lossie Wynd and South Street where streetscape works are proposed to improve the appearance of the street, slow vehicular traffic and make the streets more attractive and safer for pedestrians and cyclists. The streetscape works will consist of widening pavements, introducing new, higher quality paving materials and setts/ paviors into the street with soft landscaping where appropriate.



Lighting strategy

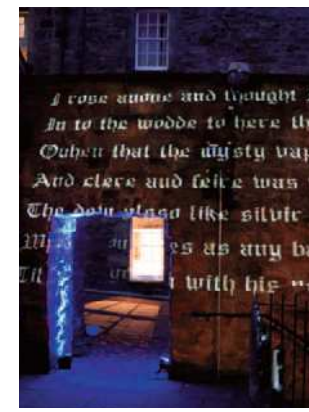
Elgin city centre has a high quality built environment which is reflected by the conservation area status and large number of listed buildings.

Key buildings will be lit to improve the attractiveness of the city centre, enhance the setting of buildings, showcase Elgin's built heritage and support the evening economy. This will include lighting of Elgin Cathedral, Grant Lodge, key buildings in the High Street and through the connecting streets and lanes, including lighting of new public art.

There are also opportunities to introduce creative lighting on blank gables such as those facing Alexandra Road to create visual interest.

Some examples of buildings which could be lit include;

- Elgin Cathedral;
- Grant Lodge;
- St Giles Church and War memorial;
- Thunderton House;
- Braco's banking House;
- Red Lion Inn;
- 50-52 High Street Merchants House;
- 103 – 105 High Street, The Tower;
- Little Cross



Street furniture

The project aims to bring a more uniform style to the street furniture around the city centre and avoid “clutter”. Street furniture will reflect the different character areas within the city centre and may incorporate public art and form part of the way marking around the centre.

Benches will be provided to encourage social interaction as well as points for people to rest and reflect. Recycling points will be introduced into the High Street and Cooper Park.



Way-marking, heritage trail and interpretation

The project will replace the current, dated black fingerpost signage with new interactive information points, complemented with ground level way-marking similar to the breadcrumb trail in Inverness. A central information hub in the area surrounding St Giles Church would provide a focal point for visitors and tourists, in the form of an information screen(s). Public art will also be used as a means of way-marking, linking the various parts of the city centre together and directing visitors from the rail and bus stations and car parks to the towns many attractions.

The existing Castle to Cathedral to Cashmere (CCC) trail interpretation will be reviewed with additional interpretation complementing public art to “provoke, relate and reveal” the story of Elgin and direct visitors to places of interest. This will include a formal heritage trail taking visitors around the city centre using a range of way-marking and interpretive techniques and supported by a “Visit Elgin” app.



CR13 Lanes

Proposal:

- **By 2024 prepare plans for improvements to lanes and implement improvements on a 'priority' basis with Harrow Inn Close and City Arms Close first, creating attractive lanes through new paving, planting, public art and signage.**

This project seeks to improve lanes and encourage people to use them more frequently as they provide direct routes into the City Centre and are an important part of Elgin's history. Lanes such as Harrow Inn Close and City Arms Close are well-used and accommodate a number of businesses, shops and the cinema. Other lanes (such as Branders Close) accommodate mostly flats and houses. Some lanes such as Forsyths Close, Charles Close, Victoria Close, White Horse Close and Batchen Lane are attractive places with sensitively refurbished properties, paving and planting. These are good examples of bringing the lanes (and properties) back into use.

However, the majority of lanes are generally in need of improvement, which can be achieved by upgrading paving materials, and introducing planting, public art and better lighting. All lanes in the City Centre need name plates as currently a number of lanes do not have these. There are a number of historic plaques/features throughout the lanes and their importance to Elgin's history needs to be highlighted and built upon through the heritage trail.

The improvements to lanes will be carried out on a 'priority' basis. The proposed prioritisation of lanes (shown below) has been based on current usage, destination (i.e. where the lane takes you to) and physical appearance. Not all lanes are included (i.e. smaller 'private' lanes or those that do not require any further improvement such as Forsyths Close and Charles Close). The priorities are:

- **Priority one:** Harrow Inn Close, City Arms Close.
- **Priority two:** Fife Arms Close, Hays Close, Red Lion Close, Shepherd's Close, Branders Close.
- **Priority three:** White Horse Close (paving only), Victoria Close (paving only), Kilmolymock Close (paving only), Masonic Close (paving only).





CR14 Batchen Street

Proposal

- Access control to enforce Traffic Regulation Order and support café culture by 2024
- Introduce seating, art, lighting and potentially canopies

This proposal aims to control vehicular access to Batchen Street, with service vehicles permitted access at specified times. This project relies upon North Street being re-opened to vehicular traffic once the Poundland site redevelopment has been completed.

The closure of Batchen Street to vehicular traffic for a few hours during the day as part of the Spaces for People measures demonstrated the popularity of Batchen Street for cafes and bars, with a number of premises having outdoor seating. Controlling vehicular access to Batchen Street would support this developing culture, helping attract and keep people in the City Centre for longer and support an evening economy.

Street works could include the introduction of seating, planters and public art, with the potential for canopies to be introduced to provide shelter during bad weather.



CR15 St Giles Shopping Centre

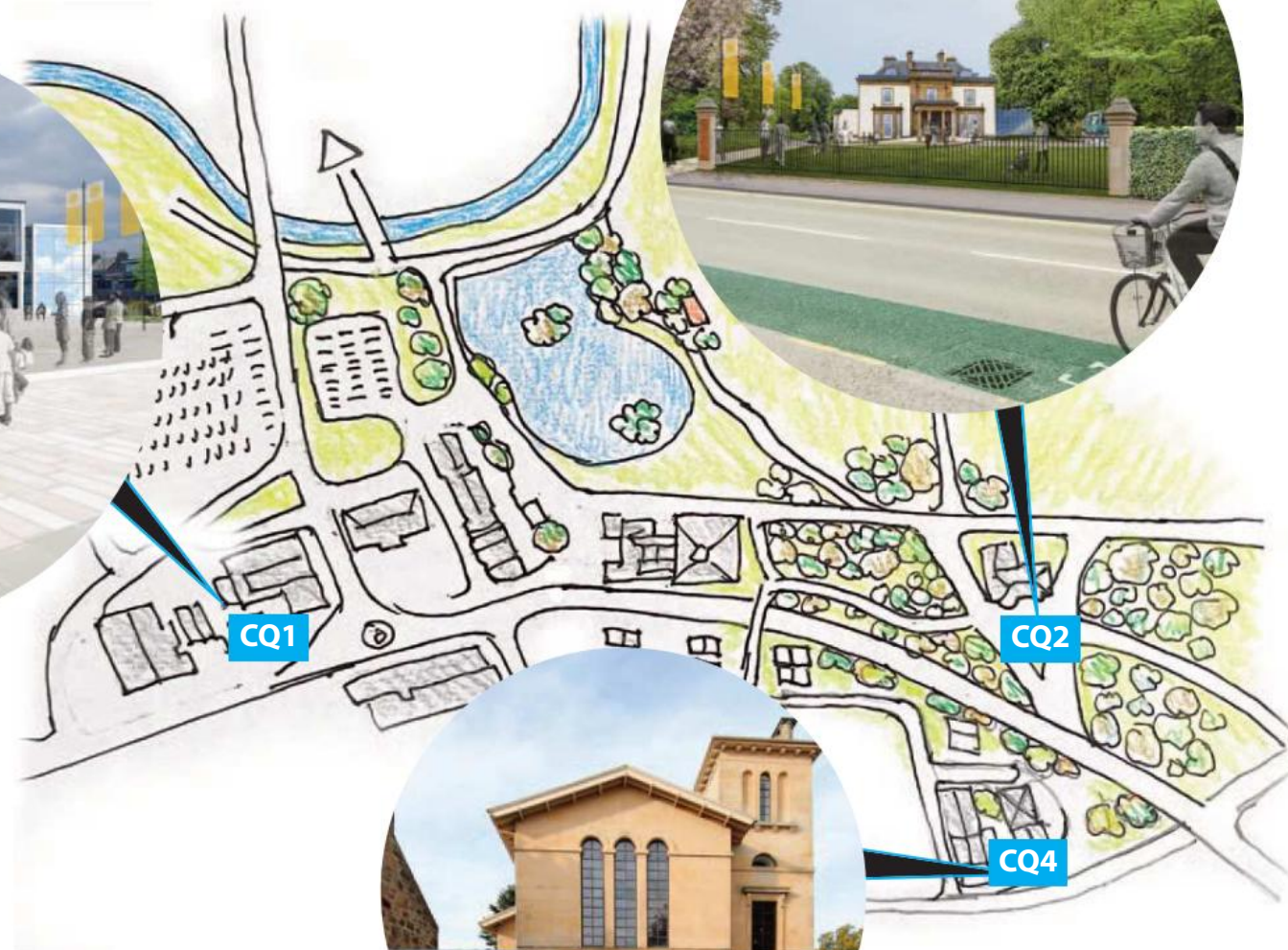
Proposal

- Discuss and explore opportunities to support viability of the Centre with owners and managers of the Centre

There are a number of empty units within the Centre and the Council will work with the owners and managers to explore opportunities to attract and relocate businesses and a greater diversity of uses within the Centre.



Cultural Quarter



- CQ1** Town Hall
- CQ2** Grant Lodge
- CQ3** Proposed Hotel
- CQ4** Elgin Museum
- CQ5** Gallery



Cultural Quarter

Introduction

The Cultural Quarter has six key elements which are collectively intended to develop a creative arts centre, develop an evening economy in Elgin City Centre, attract and support tourists and encourage them to stay longer and improve connections between the High Street and Lossie Green/ Cooper Park.

Elgin Town Hall

It is proposed to refurbish, extend and rebrand Elgin Town Hall, building on the excellent work done by Elgin Town Hall for the Community group to create a sustainable multi- purpose theatre/ cinema and performance space, rehearsal rooms and spaces for creative industries. This will create employment and training opportunities and support growth in the creative industries. The outside of this listed building will be improved and a grand setting created through hard and soft landscaping to the north and south of the building.

Grant Lodge

Grant Lodge has been lying empty since 2003 and it is proposed to refurbish this grade B listed building to create a high quality visitor attraction designed to attract tourists and create a new destination as a food and drink heritage centre which also signposts Moray's wealth of attractions and activities.

Cooper Park (see CP7)

A new outdoor performance space in Cooper Park will complement the proposals at the Town Hall and Grant Lodge, along with a new accessible play area, re-opening of Cooper Park pond and proposed active travel connections to the core retail area.

Centrally located hotel

A privately funded high quality hotel is proposed, with a number of sites being considered, including potential at Lossie Green car park, offering an attractive environment adjacent to the Park and complementing the proposals at Elgin Town Hall and Grant Lodge.



Elgin Museum

A privately funded high quality hotel is proposed, with a number of sites being considered, including potential at Lossie Green car park, offering an attractive environment adjacent to the Park and complementing the proposals at Elgin Town Hall and Grant Lodge.

Art Gallery

There is interest in developing a new centrally located art gallery to act as a hub for artists.



CQ1 Elgin Town Hall - The Moray Creative Arts and Entertainment Centre

Proposals

- **Transform and extend Elgin Town Hall by 2026 into a cultural and creative learning and entertainment centre.**
- **Reconfigure the road layout at Trinity Place and Lossie Green car park to provide a hard and soft landscaped setting by 2026.**
- **Provide improved active travel crossings between the Town Hall and Elgin City Centre by 2032.**

Project aims to transform the category B listed Town Hall building into a cultural and creative learning and entertainment centre for Moray. The building will be altered internally and externally and extended to provide spaces for a main hall venue continuing to provide a wide range of concerts, festivals and shows, a small cinema space for alternative films, a restaurant, learning and creative spaces for creative industries and related courses with music and media studios and a FABLAB to use computers and other technology to craft items.

The exterior of the building will be revamped, with the existing tired concrete exterior finish freshened up either through aesthetic treatments to the building. Contemporary extensions to provide additional space will be added to the west and south of the building. The internal changes will improve the flow of users and the acoustics to allow multiple events to take place at the same time.

The spaces around the building will be transformed using hard and soft landscaping, which will create a grand plaza effect to the north and a more intimate meeting area to the south. The listed water feature and flag poles will be transformed and brought back into use.

The current road configuration at Trinity Place and car parking layout will be revised to incorporate the landscaping proposals, creating an attractive setting and approach to the Hall.

New active travel crossings (project CR1) between the Hall and Cooper Park and the Theatre and core retail area will be provided to improve pedestrianisation and cycle connectivity.







CQ2 Grant Lodge- Moray Food and Drink Heritage Experience

Proposals

- **Refurbish and extend Grant Lodge by 2026 into a high quality food and drink heritage visitor experience attracting 50,000 visitors per year.**
- **Create new gateways into Cooper Park and use new active travel crossings, signage, art and street furniture to encourage Grant Lodge visitors into the retail area by 2026**
- **Increase pedestrian footfall between Cooper Park and the core retail area by 15% between 2019 and 2030.**

Following a fire in 2003 Grant Lodge has been lying empty and has fallen into disrepair. It was built in 1766 to designs by Robert Adam and gifted to Elgin in 1903. This project aims to bring the grade B Grant Lodge back into use as a key element in the Cultural Quarter project. The building will be refurbished and extended to house a high quality food and drink heritage visitor experience.

The main aim of the visitor experience is to involve more people in the heritage of local food and drink in an exciting, educational, interactive and unique way, sparking their imagination, conjuring up scenes from the past and bringing heritage to life.

The centre will use state of the art technology, modern interpretive methods and a range of interactive exhibits to reveal the heritage behind the diverse range of food and drink that is produced throughout Moray.

To complement the food and drink experience, the centre will offer a tasting experience, guiding visitors through the nosing and tasting of some speciality whiskies, providing an informal introduction to Scotch whisky and in particular the Speyside creations. The combination of learning about whisky production, cask selection, whisky maturation and discovering the tastes, traditions and stories surrounding production will culminate with the opportunity to enjoy a dram on the viewing platform, looking across Cooper Park.

The Centre will act as a tourist signposting focal point, highlighting the food, drink and other leisure and recreational opportunities throughout Moray.

The refurbishment and extension of the building will be complemented by a new gateway entrance and potentially a new pedestrian crossing from near the Museum. Vegetation and fencing will be cleared from alongside the A96 to maximise visibility of this splendid building. The enhanced visitor facilities within Cooper Park and the outdoor performance space will all combine to make a day long/ multi day visitor experience.



CQ3 Proposed Hotel

Proposals

- **High quality hotel developed at City Centre location by 2030 to support Cultural Quarter project.**

The Cultural Quarter project aspires to develop a high quality 4 or 5 star hotel centrally situated in Elgin to support the Cultural Quarter project and fill a gap in the current market. There are a number of potential locations which may become available over the next few years which would be suitable for a hotel development.

The hotel will support tourism in Moray and encourage visitors to stay longer to enjoy the Cultural Quarter and explore Moray as well as supporting the City Centre and the vibrant evening economy which is aspired to.

CQ4 Elgin Museum

Proposal

- **Redevelopment of an historic listed building**
- **Bringing an adjoining vacant property back into use**
- **Enhancement of cultural, heritage, and tourism offering in Elgin City Centre**

Elgin Museum is one of the city's key heritage and tourism assets. Opened in 1843, the Museum is housed in a purpose-built category A-listed Italianate building, with a category A-listed Lecture Hall on the east side, and a category C-listed adjoining property to the west, which is currently vacant. The Museum is owned and managed by The Moray Society, a membership organisation, and run by volunteers.



The Museum has a prominent location at the eastern end of the high street, on a thoroughfare between the city centre and Cooper Park. Development of the Museum would complement the Moray Growth Deal Cultural Quarter project and provide an alternative link between the Cultural Quarter and the Core Retail Area, in addition to Northport.

Redevelopment of the Museum would bring a vacant property back in to use, offering improved retail and residential accommodation, adding positively to the Elgin city centre streetscape while also helping to improve the financial sustainability of the Museum. In addition to completing necessary external fabric repairs and internal refurbishment of the existing exhibition and visitor space. Many of the internal spaces within the building are congested and past alterations have not effectively improved access or facilities. Currently, there are issues with access to many of the displays for people with restricted mobility. The proposed development provides an opportunity to refurbish the Museum and transform it into an inclusive and contemporary, cultural and heritage attraction.

Redevelopment of Elgin Museum must be undertaken with consideration of the category A-listed status of the building and with sensitivity of its architectural and social significance.

CQ5 Gallery

Proposal

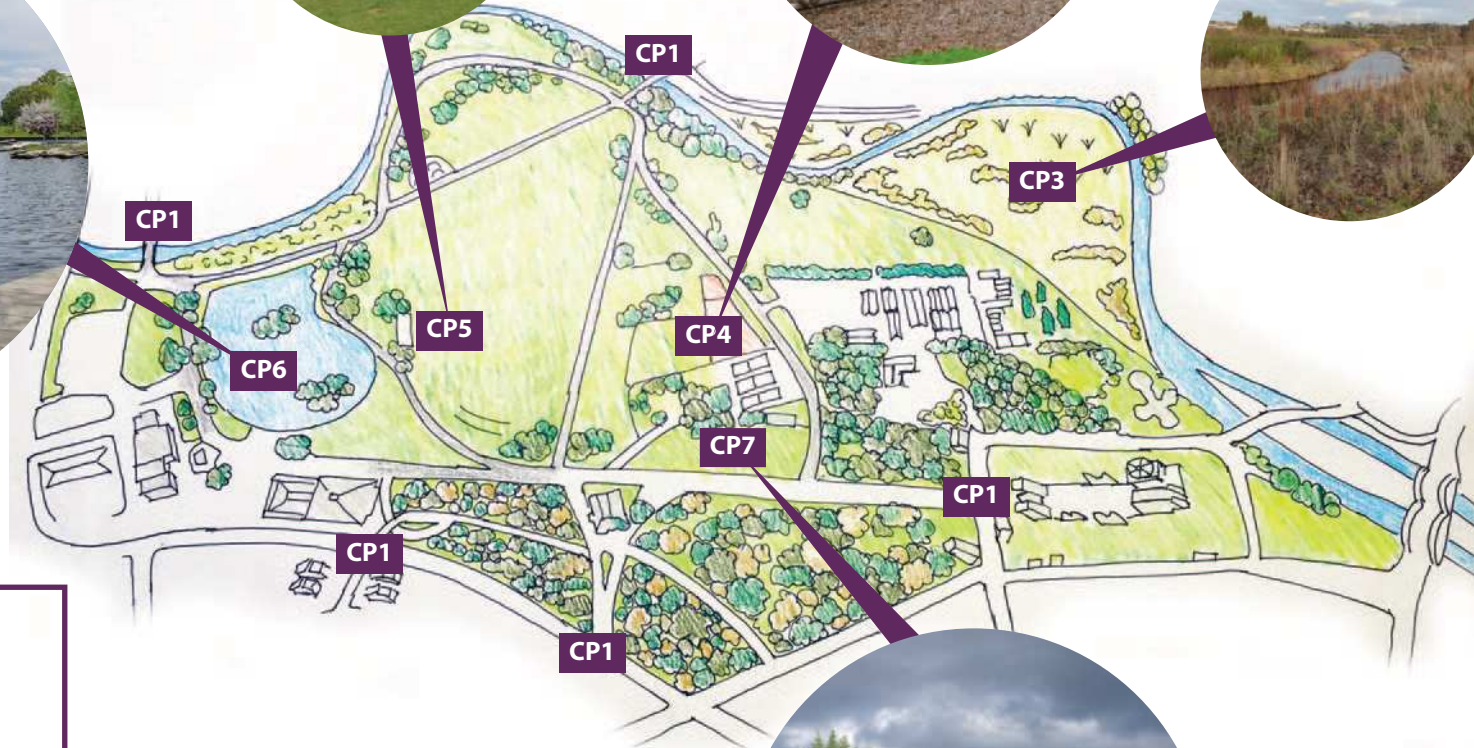
- **Creation of a vibrant multipurpose art space in Elgin City Centre**
- **Support for the local creative sector with the creation of workshop and learning facilities**

Elgin is currently lacking a contemporary art facility, with sufficient footprint to attract national and international exhibitions. The creation of a new Gallery would meet this need and support the objectives of the Public Art Strategy.

Although no site has been selected for the development at this point, the Gallery could be located in one of the vacant or derelict units within the city centre, helping to support the wider regeneration of the Core Retail Area. The project would support the enhancement of the evening economy in Elgin and add to the expansion of the cultural offering.

Development of the Gallery as a multipurpose space provides an opportunity to support the local creative sector through the provision of facilities to host workshops and skills development initiatives.

Cooper Park



- CP1** Cooper Park Gateways
- CP2** Renewable Energy
- CP3** Cooper Park Education, Health & The Environment
- CP4** Cooper Park Play and Recreation
- CP5** Cooper Park Sports Hub
- CP6** Cooper Park Pond
- CP7** Cooper Park Outdoor Performance Area



Cooper Park

Introduction

The Masterplan aims to refresh Cooper Park and re-connect it to the High Street by creating an exciting and attractive cultural and heritage offer for the community and visitors, catering for all of its users, young children, teenagers, families and those with disabilities. The vision for the park is “Cooper Park is a green, vibrant, inclusive place for everyone. A destination where you can be healthy, relax, learn, play and socialise.”

A mixture of different projects has been identified to achieve the vision and provide a varied offer that attracts people to Cooper Park. Pedestrian and cycle connections between Cooper Park and the city centre will be strengthened to encourage active travel.

A new fully accessible play area replacing existing play equipment, expansion of the skate park, creation of improved cycling routes and a beginners cycling area will deliver high quality facilities. The pavilion will be replaced with a new sports hub building offering a flexible space with enhanced facilities including meeting rooms, viewing areas, storage, showers, equipment hire and changing rooms. This complements proposals to use the pond for water based activities such as stand up paddle boarding and promoting Cooper Park as a family friendly cycling destination. The pond itself will be upgraded and transformed enhancing the setting of Cooper Park and bringing the pond back into active use for boating.

The construction of a raised boardwalk along the River Lossie will provide an outdoor learning experience within walking distance of a number of schools. The feasibility of creating linkages across the River Lossie into nearby Kingsmills providing a direct route for residents to access the park will be investigated. Interpretation panels will support learning around biodiversity and habitats along this river corridor, while additional land is identified to support the expansion of the existing community orchard and food growing activities. Furthermore opportunities for using renewable technologies for local energy production will be explored with the aim of further increasing resilience to climate change.

An outdoor performance area immediately adjacent to Grant Lodge will provide an opportunity for Elgin to host live theatre, cinema and music events and support the Town Hall and Plainstones during music, film and art festivals. The permanent amphitheatre design will accommodate an audience in excess of 100 and have a removable canopy to ensure a flexible venue that is not inhibited by poor weather.

The existing toilet block will be repurposed and extended to provide new, accessible toilets, a cafe with outdoor seating and a ticket office.

CP1 Cooper Park Gateways

Proposals

- **Create attractive high quality gateways into Cooper Park by 2026 and increase the visibility of Grant Lodge.**
- **Strengthen active travel connections between the High Street, Moray Theatre and Cooper Park by 2028 and encourage residents and visitors to walk and cycle safely between these locations.**

Elgin High Street – Cooper Park Gateway

Cooper Park is currently hidden from the A96 by high fencing and vegetation that has the effect of screening all views of Grant Lodge and the wider park from this key route through Elgin. There is a lack of permeability between the park and the lower end of the High Street, creating a physical barrier. To further compound this there is no easily accessible crossing point in close proximity to where pedestrians and cyclists desire to cross, which further impedes connectivity.



To address this it is proposed to create a new gateway into the park which will create a strong visual connection between Grant Lodge and the A96. A safe pedestrian/cycle connection across the A96 as set out in the active travel proposals leading people to the lower end of the High Street will be created. The fencing and vegetation will be removed and a new attractive gateway and arrival point into the park created using high quality boundary materials including natural stone, wrought iron railings and attractive mature native hedge planting.

The existing footbridge over the A96 could be replaced with a new wider active travel bridge leading into North Port. Providing enhanced accessibility and a visual connection will encourage users to travel between the High Street and Cooper Park. This route will be upgraded with high quality public realm improvements including lighting and landscaping. An enhanced active travel route is also proposed leading from Cooper Park to Elgin Town Hall. Further detail is set out in the core retail area and active travel proposals.

Bishopmill – Cooper Park Gateway

This entrance to the park is run down and would benefit from being enhanced and improved. The existing bridge is structurally sound but could be cosmetically upgraded to create a feature gateway, for example through the use of different materials, colour, and lighting and ornate/artistic metal work statement railings. The bridge forms part of a key cycle route through the park which is well used by cyclists and pedestrians. As part of the upgrading of the bridge there is an opportunity to widen the access radii on/off the bridge into the park to assist cyclists wishing to turn left and right and create a more open entranceway into the park.

The existing stonework planters immediately adjacent to the bridge are in a poor state of repair and do not create an attractive entrance into the park. Removing this feature and replacing it with a public art feature combined with avenue planting along pedestrian routes would enhance the sense of arrival and create an attractive environment. The replacement red bridge on the other side of the park has utilised the former bridge to create a feature and there are sections of the bridge left over that could be utilised and painted different colours to create a public art installation



CP2 Cooper Park Renewable Energy

Proposals

- **Renewable energy feasibility study to be commissioned**

The project aims to explore the potential for small scale local renewable energy production within and adjacent to the Park, exploring potential solar power in peripheral edges and small scale hydro in the River Lossie.



CP3 Cooper Park Education, Health and the Environment

Proposals

- **Create a raised boardwalk adjacent to the River Lossie corridor that can be used as an outdoor learning environment.**
- **Expand food growing and explore the feasibility of local renewable energy production to increase resilience to climate change.**
- **Enhance biodiversity value across the park.**
- **Explore opportunities to create a direct connection linking Kingsmills and Cooper Park.**

The project aims to support the expansion of existing food growing at Cooper Park, enhance the biodiversity value of the wetlands adjacent to the River Lossie and create an educational resource with interpretation for local schools and organisations.

Food growing is already happening at Cooper Park supported by the REAP Grow Elgin Project. Greenfingers has plans to create a food growing training centre at Cooper Park nurseries. Additional land has been identified to support the expansion of food growing within the park and create an expanded community food growing area. The stone and slate building immediately adjacent to the existing small orchard could be repurposed to create a small shop to sell produce.

The wetland area adjacent to the River Lossie is an under-utilised asset and would be significantly enhanced by the creation of a fully accessible raised boardwalk with viewing platforms capable of accommodating wheelchairs with appropriate passing places. Interpretation highlighting the natural heritage value of the river corridor would provide an excellent educational resource.

There are several primary schools, nurseries and a secondary school within walking distance of the park that could use this area as a learning tool linked to the curriculum.

As part of the creation of a boardwalk the feasibility of creating a connection into Kingmills providing an attractive more direct route into the park will be investigated, alongside the potential to create a linkage into Deanshaugh taking account of future use of this area i.e. sports area. These connections will also provide access to an attractive riverside walk.



CP4 Cooper Park: Play & Recreation

Proposals:-

- **Remove mound and existing playpark and replace with open, inclusive playpark that caters for all abilities by 2026.**
- **Provide new accessible toilets by 2026.**
- **Replacement mini golf and investigate possible Splash Pad by 2026.**
- **Expand skate park to create separate areas for different ages/abilities by 2030.**
- **Upgrade path network to create cycle-friendly destination by 2026.**
- **Upgrade access to picnic benches and seating areas to be all-inclusive by 2026.**

The project aims to transform play and recreation in Cooper Park into an all-inclusive and welcoming area that promotes health and wellbeing for all ages and abilities.

The mound on the western boundary of the playpark - containing a slide and bridge - will be removed, creating open views and making the playpark more visible. The playpark equipment will be replaced to create an inclusive and accessible playpark that caters for all abilities at the same time. The equipment will be vibrant and sustainable, making it an attractive and engaging area for children to play. Sensory equipment will be incorporated throughout the playpark and the wider park. Toilets will be relocated to the playpark, in the form of self-cleaning units, with the existing toilet building being repurposed for use in conjunction with the 'Performance Area' project. Access to picnic benches and seating areas will be upgraded to be all-inclusive.

The existing skate park is extremely popular and would be extended. This will allow for separate areas to be created in order to cater for different ages/abilities. Cooper Park is a popular place for people to teach their children to ride their bikes. The area adjacent to the Aviary would be transformed into a basic skills circuit. This would allow for a discrete but appealing area for younger children to learn to ride their bicycle and learn about road safety. The path network will be upgraded to encourage use and create a cycle-friendly destination.

A range of climbing boulders will introduce new climbers to the sport whilst providing opportunities for the more experienced climber. Features will be incorporated to allow for para-climbing.

A permanent orienteering course and sensory trail (with tactile/interactive equipment) will be set out across the park, encouraging all users to develop navigation and decision-making skills. A distance marked trail would link to the Moray Sports Centre, with points of interest for geocaching. The courses, with outdoor gym equipment incorporated at various stages, would promote health and wellbeing opportunities and encourage exploration of the whole park and wider area.



CP5 Cooper Park: Sports Hub

Proposal:-

- **Dual-frontage and modern multi-use sports hub by 2030 with facilities to increase use of Cooper Park as a sports venue.**

The project aims to transform the sports pavilion in Cooper Park into a modern, multi-use sports hub with changing rooms, showers, storage, bike parking and hire and flexible space to increase the attractiveness of the area as a sports venue.

The existing pavilion will be replaced with a low scale, timber clad building with an increased size to provide space for all users of sports facilities across Cooper Park, including cricket, jogging and football. This will enhance the principal use of the site and result in an overall improvement of its sporting and recreation potential. A dual frontage will allow open views of Cooper Park and the Pond from the hub and provide a peaceful retreat for users to watch events.

The path network will be upgraded to encourage use and create a cycle-friendly destination. The pavilion is centrally located and will enable the provision of bike and water sports equipment hire linked to the pond, further encouraging the health and wellbeing opportunities for users.



CP6 Cooper Park: Pond

Proposals:-

- Transform pond by 2026, to provide an attractive setting for Cooper Park.
- Provision of small scale water sports facility with equipment hire from adjacent Sports Hub by 2026.

Project aims to transform the pond to provide an attractive setting for Cooper Park and potential hotel site alongside a water sports activity centre which promotes health and wellbeing.

The bushes and trees on the islands will be pruned and maintained to enhance the biodiversity value and appearance of the area whilst preserving them as important habitats.

In conjunction with the aims of the Sports Hub and Play & Recreation projects, the pond will be enhanced to provide the opportunity to take part in small scale water sport activities to encourage health and wellbeing benefits. Activities such as boating and stand-up paddle boarding will be encouraged and equipment hire will be available from the dual-fronted Sports Hub. As far as possible, facilities will be all-inclusive and provide wheelchair accessible/level access to pond activities. Sensory equipment on boats and the pond islands will engage users whilst using the water facilities.





CP7 Cooper Park Outdoor Performance Area

Proposal

- **Create a 100 seat outdoor performance area by 2026 to significantly increase the attraction and appeal of Cooper Park for hosting events.**

A permanent inclusive amphitheatre capable of accommodating a 100 plus audience is envisaged using Grant Lodge as a backdrop whilst retaining views through the amphitheatre to the building.

An outdoor performance facility of this nature would enhance Elgin's arts and culture offer by hosting a variety of different events, creating a community asset and a destination for families and visitors. Such a venue could accommodate theatre performances, festivals and music and cinema events. This will be complementary to Grant Lodge and Elgin Town Hall. Elgin Library also regularly hosts book festivals and events which could be expanded to include an outdoor element and it could also be used by local schools and organisations.

A removable canopy is also proposed to ensure a flexible venue that is not inhibited by poor weather. The existing toilet building could be repurposed as a ticket office, food and beverage outlet and storage for the canopy. Alternative toilet facilities will be made available in close proximity to the amphitheatre and playpark in the form of portable self-cleaning toilets.



OPI Roundabouts, Gateways, and Entrances

Proposal:

- By 2032 create attractive entrances/gateways into Elgin and Elgin City Centre through the redesign of roundabouts/entrance points.

The project seeks to create attractive entrances/gateways into Elgin City Centre that are welcoming and present a positive image of the city. The key entrances to the City Centre are the roundabouts to the west, north and east of the High Street. These roundabouts are currently planted but have little impact in terms of directing visitors or showcasing Elgin's unique heritage. These junctions will be reviewed in future to consider improvements to pedestrian/ cycle crossings at these locations.

The buildings around these key points of entry are generally attractive, historic buildings. The land currently occupied by the Wolf of Badendoch sculpture at the west end of the High Street provides a good opportunity for enhancing the entrance to the City Centre.

It is proposed that the Wolf of Badendoch sculpture is relocated as it is currently 'lost' in this location. The Strategy to enhance Gateways needs to address the poor gateways (loc bloc roundabouts) that currently exist on the main routes into Elgin.



OP2 Former Sawmill and Auction Mart sites, Linkwood Road

Proposal:

- **Mixed use development creating an attractive gateway into the city centre by 2028**
- **Surface water management in landscaped setting**
- **New active travel connection through reconfiguration of bridge or new crossing adjacent or near to existing bridge**

These sites are located on an important gateway into the City Centre and have been lying vacant for a number of years. While some development interest has been shown, nothing has come to fruition. The sites have a number of constraints including contamination, flooding, proximity to LPG tanks and road access, which need to be overcome and it may be that a joint development covering both sites is required to address these issues in a viable development proposal. Landscaping and surface water management can be used to soften and enhance this gateway and the biodiversity corridor along the railway line.

The feasibility of a new active travel connection either using the existing bridge or a new bridge immediately adjacent will be investigated, with associated new active travel crossings as the junctions either side of the railway bridge act as a barrier to pedestrians and cyclists.



OP3 Toilets

Proposal:

- **Council to discuss with Elgin BID need for additional accessible toilets in the Centre, adjacent to car parking and to explore funding opportunities**

Current toilet provision in the Centre is limited to within the St Giles shopping centre and within Cooper Park. Discussions with Parentable and feedback from the consultation on the draft masterplan has highlighted the need for better and more accessible toilet provision within the Centre, linked to disabled parking provision needs to be considered. The Council will explore funding and future maintenance of additional toilets with Elgin BID recognising the important role toilet provision plays in community and visitor infrastructure to support City Centre viability.

OP4 Gull Control

Proposal:

- **Ensure all new buildings and street furniture incorporate gull control measures**
- **Work with Elgin BID to raise awareness of gull problems within the Centre, discouraging feeding and improving waste management**
- **Investigate funding to retrofit gull control measures onto existing buildings and structures**

Elgin along with many other communities is experiencing significant problems associated with gulls. Work has been ongoing to control gull eggs, however this appears to have had limited success and additional measures are required. A range of measures are proposed including raising awareness to stop people feeding the gulls, improving waste management, ensuring new buildings are designed with gull control measures, that similar measures are designed into street furniture such as lighting columns and that funding to retrofit measures into buildings is investigated.







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Elgin City Centre Masterplan Delivery Plan - Nov 2021

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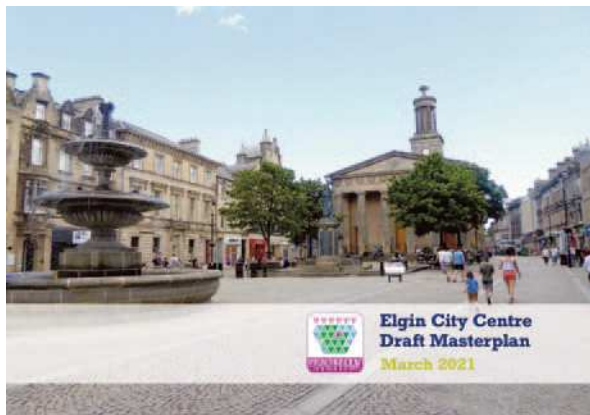
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This Delivery Plan is intended to be a starting point to identify actions required and key stakeholders. Details of costs and potential funding will be added as the actions progress and evolve.



Action 1

Set up Steering Group to oversee implementation of Masterplan

Who	Steering Group to include Elgin BID, Elgin Community Council, Chamber of Commerce, Elgin Museum, Council officers from Strategic Planning and Development, Transportation and other services as required.
Lead	Moray Council - Strategic Planning & Development
When	March 2022
Funding	N/A

CR1 Active Travel Connections - removing barriers to pedestrian and cycle movement



Action 2

Feasibility Study for new Active Travel bridge between Northport and Cooper Park

Who	Moray Council Transportation, Transport Scotland, Sustrans
Lead	Moray Council - Transportation
When	Feasibility study to be commissioned in November 2021. Study will enable funding to be sought to implement new bridge.
Funding	£50,000 committed to feasibility study by Moray Council. If new bridge is considered feasible, investigate funding from UK Levelling Up Fund and Sustrans



Action 3

Transport Assessment to be commissioned as part of the Cultural Quarter project to consider crossings at;

- Cumming Street between Lossie Green car park and the Town Hall
- Cumming Street between Halfords and Elgin Town Hall
- The corner of Lossie Wynd and the High Street
- Alexandra Road between Grant Lodge and the Elgin Museum
- Between North Street and Trinity Place

Who	Moray Council Transportation
Lead	Moray Council - Transportation
When	Transport Assessment to be commissioned to support detailed design work on Elgin Town Hall and Grant Lodge 2022.
Funding	funding for initial Transport Assessment committed through Cultural Quarter project from Moray Council and HIE. £50,000. External funding required to implement crossings.



Action 4

Feasibility Study - New active Travel bridge over Aberdeen to Inverness Railway line

Who	Moray Council Transportation, Network Rail
Lead	Moray Council - Transportation
When	Feasibility Study to be commissioned November 2021
Funding	£50,000 secured for initial design work-Moray Council. If bridge is feasible then funding to be explored through UK Levelling Up Fund and Sustrans

CR2 Elgin City Centre Junction Improvements



Action 5

Outline design of A941/ Laignmoray and A941/ Edgar Road junction improvements

Who	Moray Council Transportation
Lead	Moray Council - Transportation
When	Outline design to be commissioned November 2021
Funding	£150,000 secured for design work- Moray Council. Some developer obligation funding secured and additional funding to be investigated from UK Levelling Up Fund.

CR3 Bringing Vacant/ Derelict sites and properties into reuse



Action 6

Commerce Street, Elgin Club - boutique hotel, proposed restaurant and bar

Who	Private landowner
Lead	Private landowner
When	2024/25, feasibility to be privately funded and completed by early 2022.
Funding	To be secured, Private funding and Council working with interested parties to source external funding



Action 7

Former Church, South Street - possible gallery or offices

Who	Third sector and private owner, Moray Council
Lead	Third party interest
When	Complete by 2024/25
Funding	To be secured, Council working with interested parties to source external funding



Action 8

Former Victorian Market between High Street and South Street - Jailhouse site, Newmarket Bar and empty properties in South Street- land assembly to promote mixed use development.

Who	Private sector, Moray Council and Moray College/ UHI, registered social landlord, property owners, Elgin BID
Lead	Moray Council - Strategic Planning & Development
When	Complete by 2024/25
Funding	Funding from Moray Growth Deal, private sector and additional external funding to be secured.



Action 9

Other vacant and derelict properties - contact landowners and explore funding opportunities to bring properties and unused space back into use

Who	Moray Council, Elgin BID, property owners
Lead	Moray Council - Strategic Planning & Development
When	Ongoing
Funding	Investigate Town Centre Regeneration funding

CR4 Sustainable Travel Interchange and Infrastructure



Action 10

Develop a Sustainable Travel Interchange based at Elgin bus station by 2026

Who	Moray Council, Sustrans
Lead	Moray Council - Transportation
When	To be determined
Funding	To be determined



Action 11

Provide electric vehicle charging points in City Centre car parks by 2030

Who	Moray Council
Lead	Moray Council - Transportation
When	To be determined
Funding	To be determined

CR5 A96 Frontage



Action 12

Redesign blank facades with a mixture of public art, illumination, living green walls and introduce soft landscaping

Who	Moray Council, Elgin BID, Elgin Community Council and local businesses
Lead	Moray Council - Strategic Planning & Development
When	Design work 2022/2023, complete project 2025
Funding	Design work Moray Council, implementation funding to be sourced.

CR6 South Street



Action 13

Streetscape design including paving, planting, public art and street furniture to create a more pedestrian friendly environment while retaining access for vehicles.

Who	Moray Council, Elgin BID, Elgin Community Council and local businesses
Lead	Moray Council - Strategic Planning & Development
When	Design work commissioned December 2021.
Funding	Design work funded by Moray Council, project implementation funding potentially from UK levelling Up Fund.

CR7 Poundland



Action 14

Complete a mixed use development on this site by 2025

Who	Poundland
Lead	Poundland
When	Ongoing
Funding	Privately funded

CR8 Shopfronts



Action 15

Refurbish shop fronts through a shop front improvement scheme

Who	Moray Council, Elgin BID and local businesses
Lead	Moray Council - Strategic Planning & Development
When	Identify shopfronts requiring improvement 2025 and implement programme 2026 onwards
Funding	Town Centre Regeneration funding

CR9 North Port



Action 16

Develop plans to transform the precinct with a range of improvements and introduction of soft landscaping, seating to improve the connection between the High Street and Cooper Park

Who	Moray Council and private owner, businesses
Lead	Moray Council - Strategic Planning & Development
When	Explore options by April 2022
Funding	To be determined



Action 17

Discuss the long term future use of the Northport area and work in partnership with existing businesses, landowners and other stakeholders.

Who	Moray Council and private owner
Lead	Moray Council - Strategic Planning & Development
When	Ongoing
Funding	N/A

CR10 Moss Street



Action 18

Prioritise pedestrians by restricting traffic to the northbound lane and redesign through paving, planting, lighting and waymarking to create a more attractive street.

Who	Moray Council, Elgin BID, Elgin Community Council, local businesses and residents
Lead	Moray Council - Transportation
When	To be determined
Funding	To be determined

CR11 Batchen Lane and Thunderton Place



Action 19

Streetscape design work including traffic control measures

Who	Moray Council, Elgin BID, Elgin Community Council, local businesses
Lead	Moray Council - Strategic Planning & Development
When	Initial design work to be commissioned November 2021
Funding	Design work funded by Moray Council, funding for implementation of design to be investigated

CR12 Public Art Strategy



Action 20

Appoint Public Art Project Manager

Who	Elgin BID, Elgin Community Council
Lead	Elgin BID Manager
When	2022
Funding	Funding from Creative Scotland to be explored.



Action 21

Artist in Residence Programme

Who	Elgin BID, Elgin Community Council
Lead	Elgin BID
When	2022-2024
Funding	Investigate funding from Creative Scotland



Action 22

Relocate existing public art

Who	Moray Council, Elgin BID, Elgin Community Council
Lead	Moray Council - Strategic Planning & Development
When	2024
Funding	To be determined



Action 23

Public art and waymarking throughout Centre, linking Centre to Cooper Park and as focal point(s) within the Pond- develop plan and implement

Who	Moray Council, Elgin Community Council and Elgin BID
Lead	Moray Council - Strategic Planning & Development
When	2022 develop Plan and 2024 implementation.
Funding	Explore external funding including Creative Scotland

CR13 Lanes



Action 24

Prepare prioritised and costed plan to enhance lanes through surfacing, art, lighting, waymarking and soft landscaping

Who	Moray Council, Elgin BID, local businesses and residents
Lead	Moray Council - Strategic Planning & Development
When	2024
Funding	To be determined

CR14 Batchen Street



Action 25

Prepare concept design for street incorporating seating, art and potentially canopies

Who	Moray Council, Elgin BID, Elgin Community Council and local businesses
Lead	Moray Council - Strategic Planning & Development
When	Concept design commissioned November 2021, project complete end 2024
Funding	Design work- Moray Council, project implementation investigate UK Levelling Up Fund

CR15 St Giles Shopping Centre



Action 26

Discuss and explore opportunities to support viability of the Centre with owners and managers of the Centre

Who	Moray Council, Elgin BID, St Giles Centre owners and managers
Lead	Moray Council - Strategic Planning & Development
When	Ongoing
Funding	To be determined

CQ1 Elgin Town Hall



Action 27

Detailed design to refurbish and extend Elgin Town Hall by 2026 into a cultural and creative learning and entertainment centre, including reconfiguration of Trinity Place and new active travel crossings.

Who	Moray Council, Elgin Town Hall for the Community, Elgin BID, Moray College, HIE, Historic Environment Scotland
Lead	Moray Council - Head of Economic Growth & Development
When	Design work to be commissioned early 2022, project to be completed by 2026
Funding	Moray Growth Deal, Moray Council, HIE

CQ2 Grant Lodge



Action 28

Detailed design and project delivery to refurbish and extend Grant Lodge into a high quality food and drink heritage visitor experience by 2026

Who	Moray Council, Friends of Grant Lodge, HIE, Historic Environment Scotland
Lead	Moray Council - Head of Economic Growth & Development
When	Design work early 2022, project delivery by end of 2026
Funding	Moray Growth Deal, Moray Council and HIE

CQ3 Hotel



Action 29

Continue to liaise with landowners and hotel operators to promote central Elgin as a potential location for a hotel.

Who	Moray Council
Lead	Moray Council - Head of Economic Growth & Development
When	Ongoing
Funding	Private funding

CQ4 Elgin Museum



Action 30

Refurbish museum

Who	Elgin Museum, Moray Council
Lead	Elgin Museum
When	To be determined
Funding	Investigate external funding sources

CQ5 Gallery



See Action 7

Gallery
See Action 7, page 4

CP1 Gateways



See Action 2, 24 and 27

Gateways

See Action 2 - page 4, Action 24 - page 10, Action 27 - page 12,

CP2 Renewable Energy



Action 31

Commission feasibility study to consider small scale hydro in the River Lossie and solar energy schemes in unused parts of the Park and surrounds

Who	Moray Council, Elgin BID, Elgin Community Council
Lead	Moray Council - Strategic Planning & Development
When	2022
Funding	Moray Council

CP3 Cooper Park Education, Health and the Environment



Action 32

Create a raised boardwalk adjacent to the River Lossie corridor for outdoor education

Who	Moray Council, Elgin Community Council
Lead	Moray Council - Strategic Planning & Development
When	2026
Funding	To be determined



Action 33

Further planting for biodiversity including wildflower meadows

Who	Moray Council, Elgin Community Council
Lead	Moray Council - Open Space
When	Ongoing
Funding	Moray Council and Nature Restoration Fund

CP4 Cooper Park Play and Recreation



Action 34

Remove mound and existing play park and replace with open, inclusive playpark that caters for all abilities

Who	Moray Council, Parentable, Elgin Community Council
Lead	Moray Council - Strategic Planning & Development
When	To be completed end 2026, early design work underway.
Funding	To be determined



Action 35

Refurbish, extend and change use of toilet block to café and ticket office, with accessible toilets

Who	Moray Council
Lead	Moray Council - Strategic Planning & Development
When	Design work started and due to be completed April 2022, project delivered by end 2026
Funding	To be determined



Action 36

Expand skatepark to create separate areas for different ages/ abilities, bike skills area, outdoor gym, mini golf etc

Who	Moray Council, Elgin Community Council, Parentable
Lead	Moray Council - Strategic Planning & Development
When	Design work started and due to be completed April 2022, project delivered by end 2026.
Funding	To be determined



Action 37

upgrade access to picnic benches and seating areas to be all inclusive

Who	Moray Council, Parentable
Lead	Moray Council - Strategic Planning & Development
When	2026
Funding	Moray Council



Action 38

Upgrade path network and introduce signage throughout Park

Who	Moray Council
Lead	Moray Council - Strategic Planning & Development
When	2026
Funding	Moray Council

CP5 Cooper Park Sports Hub



Action 39

Dual frontage, modern multi use sports hub by 2030 to support increased use of Cooper Park as a sports venue

Who	Moray Council, SportScotland, Elgin Community Council
Lead	Moray Council - Strategic Planning & Development
When	2030
Funding	To be investigated

CP6 Cooper Park Pond



Action 40

Transform Cooper Park pond and bring it back into use for boating, planting for biodiversity.

Who	Moray Council, Elgin Community Council, Parentable
Lead	Moray Council - Strategic Planning & Development
When	Design work due to be complete April 2022, implementation complete by end 2026
Funding	To be determined

CP7 Cooper Park Outdoor Performance area



Action 41

Create a 100 seat outdoor performance area to significantly increase the attraction and appeal of Cooper Park and support music, art and book festivals.

Who	Moray Council, Elgin Town Hall for the Community, Elgin Community Council, Elgin BID
Lead	Moray Council - Strategic Planning & Development
When	Design work started and due to be completed April 2022, project delivered by end 2026.
Funding	To be determined

OP1 Roundabouts, Gateways and Entrances



Action 42

Design new gateways into Elgin

Who	Moray Council, Public Art Programme Manager, Transport Scotland
Lead	Moray Council - Strategic Planning & Development
When	2026
Funding	To be determined

OP2 Former Sawmill and Auction Mart Sites, Linkwood Road



Action 43

Work with landowners to address constraints and bring sites forward for development

Who	Moray Council, landowners
Lead	Moray Council - Strategic Planning & Development
When	Ongoing
Funding	To be determined

OP3 Toilets



Action 44

Review toilet provision and ensure accessible toilets linked to car parking

Who	Moray Council, Parentable, Elgin BID
Lead	Elgin BID
When	2024
Funding	To be determined



Action 45

Ensure all new buildings and street furniture incorporate gull control measures to avoid nesting opportunities and investigate funding for gull control measures to be retrofitted into buildings.

Who	Moray Council, landowners
Lead	Moray Council
When	Ongoing
Funding	To be determined



Action 46

Work with Elgin BID to raise awareness of gull problems within the Centre, discouraging feeding and improving waste management

Who	Moray Council, Elgin BID
Lead	Elgin BID
When	Ongoing
Funding	To be determined

An aerial photograph of Elgin City Centre, showing a mix of residential housing, green spaces, and commercial areas. A large, open green field is visible in the upper right, while the lower left shows a busy road intersection with a roundabout. The city is surrounded by more greenery and trees.

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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
16 NOVEMBER 2021**

**SUBJECT: BUILDING STANDARDS ANNUAL PERFORMANCE REPORT
2021/22**

**BY: DEPUTE CHIEF EXECUTIVE: ECONOMY, ENVIRONMENT AND
FINANCE**

1. REASON FOR REPORT

- 1.1 This report presents the Building Standards Annual Performance Report for 2021/22, covering the reporting period 1 April 2020 to 31 March 2021 for the Moray Council.
- 1.2 This report is submitted to Committee in terms of Section III (E) (4) of the Council's Scheme of Administration relating to exercising the functions of the Council under Building Regulations.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) **note the Building Standards Annual Report (Appendix 1);**
- (ii) **note the Building Standards Annual Report will be used by the service in terms of demonstrating they continue to meet the operating and performance framework for the appointment as a Verifier for the geographical area of Moray; and**
- (iii) **note the Building Standards Annual Report 2021/22 will be made available to all designers, developers, stakeholders, and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the annual report for 2022/23.**

3. BACKGROUND

3.1 Verifier function

Scottish Minister's re-appointed all 32 Scottish Local Authorities as Verifiers under section 7 of the Building (Scotland) Act 2003 from 1 May 2017. The period of appointments differed for individual local authorities depending on their past performance. This ranged from (six years, three years or one year)

Moray Council was re-appointed in 2017 as the building standards verifier for the Moray geographical area for 3 years until 30th April 2020. The service then gained a 6 year appointment from 1st May 2020 to 30th April 2026. The only verifier to secure this level of appointment at the time.

- 3.2 This re-appointment requires the building standards service to verify the design and construction of building work for compliance with Building Regulations and Technical Building Standards and to satisfy the demands of the Scottish Government's performance framework for verifiers.
- 3.3 The Building (Scotland) Act 2003 (the Act) and associated legislation set out the role of Verifiers in the Scottish building standards system. Their primary function is to protect the public interest by providing an independent check of applications for building warrant to construct or demolish buildings, to provide services, fittings or equipment in buildings, or to convert buildings. This includes checking during the design phase before granting a building warrant and checking during the construction phase before accepting a completion certificate.
- 3.4 Verifiers are appointed by Scottish Ministers under section 7(1)(a) of the Act. Regulation 30 of the Building (Procedures) (Scotland) Regulations 2004 requires that, before making an appointment of a verifier, the considerations to which Scottish Ministers shall have regard to shall include Qualifications; Competence; Accountability to the public; and Impartiality.
- 3.5 Performance framework**
The appointment awarded was conditional on the verifiers meeting the [Operating Framework 2021 - External link](#) and the [Performance Framework 2021 - External link](#) (These documents are also uploaded to the CMIS system for background information). This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures.
- 3.6 Verifiers are expected to operate under the Building Standards Verification Performance Framework which covers three main perspectives – Professional Expertise and Technical Processes; Quality Customer Experience; and Operational and Financial Efficiency. There are three cross-cutting themes of Public Interest, Continuous Improvement and Partnership Working. The framework is supported by a range of key performance outcomes contained within the Performance Framework.
- 3.7 The service will be subject to regular monitoring and periodic inspection by Scottish Government.
- 3.8 Building Standards Verification - Annual Verification Performance Report**
As part of the performance framework, the Scottish Government has required all verifiers to publish an annual performance report from 1st May 2017. This replaced the previous Balanced Scorecard and Continuous Improvement Plan and is to include previous year's performance data and targets.
- 3.9 The annual performance report submitted for 2021/22 is attached at **Appendix 1** and follows the template issued by Scottish Government.

3.10 A full summary of performance is attached at **Appendix 2** covering the last 3 years. This shows how the key performance outcomes have changed over the period. An extract is provided below to highlight the performance over the 2019 to 2022 period.

Summary of performance against Key Performance Outcomes & Targets - 2019 Q1 to 2022 Q2

KPO	2019/20				2020/21				2021/22	
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	97.83%	98.65%	100%	98.48%	95.49%	98.04%	97.88%	97.52%	98.37%	97.64%
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	96.88%	98.99%	100%	100%	86.49%	95.83%	92.21%	87.21%	86.55%	85.81%
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	7.6	7.6	8.0	8.0	8.0	8.0	7.7	7.7	7.7	7.7
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	97.84%	118.38%	116.82%	125.71%	94.50%	95.68%	122.73%	140.13%	94.08%	80.64%

3.11 First response has been consistently green over the last 3 years. Recent months shows a reduction in percentage of building warrants issued within 10 days. Most recently the service has been working with absence of an officer due to long term sickness and also difficulty recruiting following retirement of an experienced officer.

The customer satisfaction rating dropped slightly last year however remained above the national average.

Service cost figure is influenced by fees for applications coming into the service. 2020/21 Q3 and Q4 for example is influenced by increased application numbers prior to changes in regulations. The average over the period above is 108%. The fluctuations represent the variations year on year with the number and also the scale of applications with larger fees for larger more complex applications, therefore it is unlikely this indicator will ever show as a green.

4. SUMMARY OF IMPLICATIONS

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

The 10 year plan's top priority is a growing, diverse and sustainable economy. It covers business, employment, infrastructure, public services and developing sustainable communities. Delivering the annual performance report and improving the building standards service is a vital aspect of supporting and facilitating the Council's priority for economic growth and supports the Service Plan to deliver service improvements.

(b) Policy and Legal

Preparation of the annual performance report is a responsibility for all building standards services in meeting the performance framework for verifiers as part of our terms of appointment and preparation must follow a template and timescale.

(c) Financial implications

There are no direct financial implications arising from this current report. However, there are financial risks associated with the annual performance report in future years with specific emphasis likely to be placed on average timescales for determining building warrant applications and completion certificates.

The Scottish Ministers have powers to give verifiers directions of a general or specific character as to the exercise of their functions under the Building (Scotland) Act 2003. This intervention would come when a building standards service is not meeting, or have not been, satisfactorily performing in terms of the agreed terms of appointment. Demonstrating that the building standards service meets or exceeds the requirements of the outcomes and framework is vital in retaining the appointment for the geographical area of Moray.

(d) Risk Implications

The appointment in 2020 was conditional on the service meeting the Operating Framework and the Performance Framework. This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures. The annual performance report is key to demonstrating how we meet the frameworks and how continuous

improvement is being achieved. Risk of not meeting our terms of appointment is that we are not appointed as verifiers or the period of appointment is reduced.

(e) Staffing Implications

The preparation of the annual performance report utilises existing staff resources and there are currently no staffing resource implications arising from this report but close monitoring of performance will be required to ensure adequate staff resources are available to maintain current performance levels and make further improvements to meet our obligations as a verifier.

Any significant increases in building warrant applications would likely impact on performance but would depend on their complexity. Any cut in current staff resources would have a significant impact on the delivery of an efficient, adequately resourced building standards service which is a key objective of the Scottish Government supporting economic prosperity across Scotland and also protecting the health, safety and welfare of people in and around buildings.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Depute Chief Executive (Economy, Environment & Finance),
Head of Development Services, Legal Services Manager, Lissa Rowan,
(Committee Services Officer), Equal Opportunities Officer, the
Development Management and Building Standards Manager

5. CONCLUSION

- 5.1 The Building Standards Annual Performance Report demonstrates that continuous improvements have been made and lay down the foundations for development of the service so improvements continue following a period of restructuring. This years report will provide a framework for service delivery for the building standards team, service users and demonstrates that the service has a programme to put measures in place to deliver a high quality service as required by Scottish Ministers.**

Author of Report: William Clark Principal Building Standards Officer
Background Papers: Appendix 1 & 2
Ref:

Building Standards Verification Service
**ANNUAL
PERFORMANCE REPORT**

2021 - 2022



Moray Council Building Standards - Annual Performance Report

Record of Document Revisions

Version	Description of Change	Date
1	Updates to text Key objectives updated to indicate 6 year appointment period Quarterly stats updated	31/01/2020
2	Updates to text Staffing Chart Updated Quarterly stats updated	13/05/2020
3	Text Updated Quarterly Stats Updated	26/10/2020
4	Quarterly Stats Updated	22/02/2021
5	Quarterly Stats Updated	27/05/2021
6	Documents updated for 2021/22 including quarterly stats update	29/10/2021

Key Contact: William Clark, Principal Building Standards Officer

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Moray Sports Centre

Introduction to Moray Council as verifier

1.1 Introduction

The verification performance report is a strategic planning and management tool that provides information about the local authority building standards service, communicates the vision and strategy, and sets out performance targets/outcomes against strategic goals and targets.

Building Standards Verifiers in Scotland are required to utilise the performance report to manage, monitor, review and develop strategies for carrying out their day to day business, and should focus on the performance framework's core perspectives and cross-cutting themes.

1.2 Moray

Moray is located midway between the cities of Aberdeen and Inverness and borders the Moray Firth. The geographical area of Moray extends to 861 square miles with a population of some 96,000. The principal towns within Moray are Elgin, (population 23,100); Forres, (population 12,500); Buckie, (population 8,000); Lossiemouth, (population 7,000) and Keith, (population 4,700).

Moray is principally rural, the main industries being distilling, farming and tourism. One half of all the distilleries in Scotland are located in Moray along with the major air base of RAF Lossiemouth and Kinloss Army Barracks as well as being home to the world famous family run companies Baxters of Speyside and Walkers Shortbread. Moray also is the home of two major construction companies, Robertson Group and Springfield.

Moray Council comprises of 26 Members, employs over 4000 staff and has an annual budget for the period 2021/22 of £215m.

1.3 Responsibilities

The Building Standards service has responsibility to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings. It also aims to further the conservation of fuel, energy and achieve sustainable development.



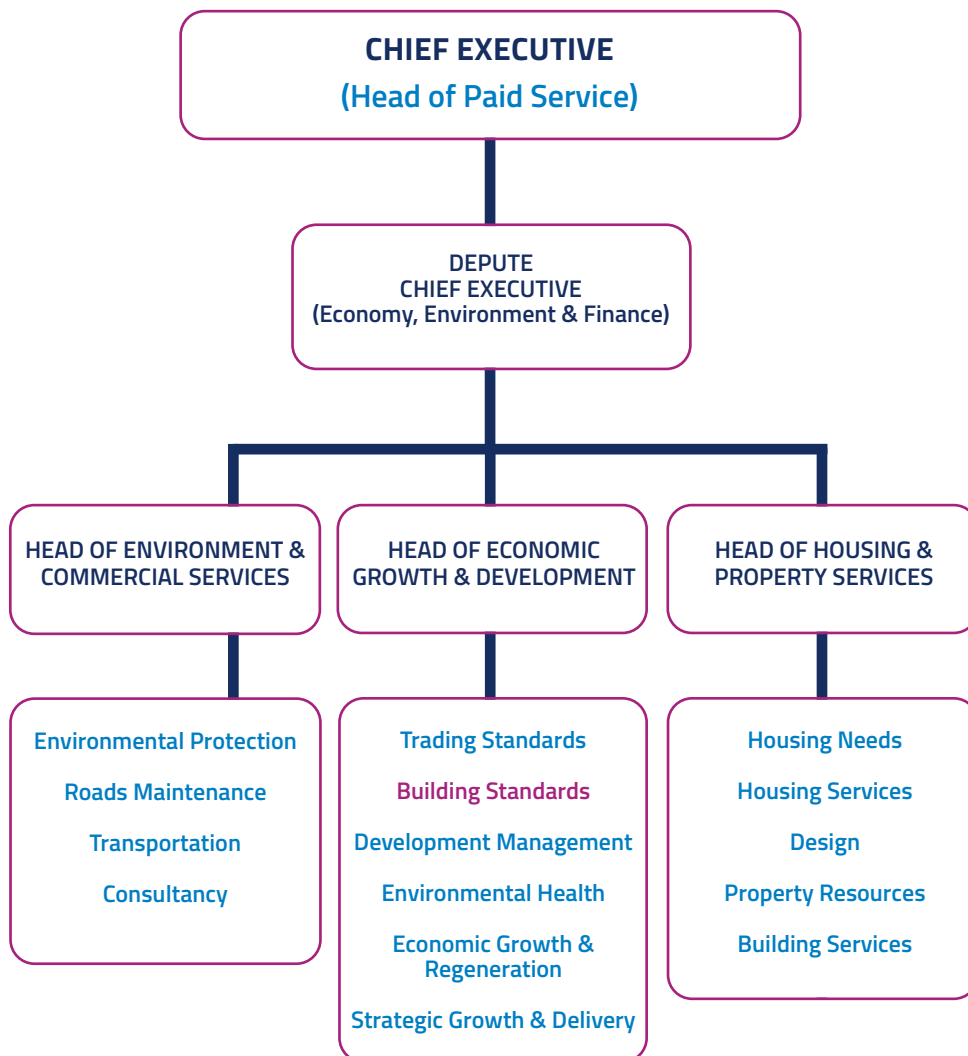
1.4 Moray Council – Organisational Structure

Moray Council's Building Standard's service is located within the Economic Growth & Development section of Economy, Environment & Finance.

Economic Growth & Development consists of six service areas and is supported by administration and systems support teams.

- Trading Standards
- Building Standards
- Development Management
- Environmental Health
- Strategic Growth & Delivery
- Economic Growth & Regeneration

The following organisational chart shows the reporting relationship within the Authority and where Building Standards is placed within it.



2.0 Building Standards Verification Service Information

2.1 Public Interest Statement

The purpose of the building standards system is to protect the public interest. The system sets out the essential standards that are required to be met when building work or conversion of a building takes place in order to meet building regulations.

The building standards system checks that proposed building work or conversion of a building meets standards; inspections are limited to a minimal necessary to ensure that legislation is not avoided. The control of work on site is not down to the system but is a matter for contracts and arrangements in place between a builder and client.

Verifiers, appointed by Scottish Ministers are responsible for the independent checking of applications for building warrants to construct or demolish buildings, to provide services, fittings or equipment in buildings, or for conversions.

2.2 Location and Accessibility of Service

Due to the current pandemic all team members are currently working from home. Limited office occupancy has been introduced.

The Building Standards Service is delivered from the Moray Council Headquarters in Elgin. The office facilities promote a close working relationship between all services and in particular Development Management. The facilities provide an accessible facility for applicants and agents to visit.

Building Standards Officers can be available between 7.00am and 7.00pm by appointment. In addition, a Duty Officer is available 2.00 - 4.00pm each day for general enquiries by telephone.

All forms and guidance documents are also available on our website which is kept up to date.

2.3 Services and Function

Building Standards has two distinct roles, verification and enforcement. Verification is principally achieved through the application of the Building (Scotland) Act 2003 when considering applications for Building Warrant and the submission of Completion Certificates.

The verification role includes:

- The verification of applications for Building Warrant.
- The verification of completed works on site - accepting or rejecting completion certificates.
- The verification of completion certificates with no building warrant.

Enforcement Role

The service also deals with unauthorised works and dangerous and defective buildings under sections 25-30 of the Building (Scotland) Act 2003. These being:

- Unauthorised works
- Defective buildings
- Dangerous buildings
- Building regulation compliance
- Continuing requirement enforcement

The Building Standards team provides a dangerous building and structure call-out service 24 hours a day, 365 days per year.

Over the 2020-21 period the service dealt with 29 dangerous building and enforcement cases.

Advisory Role

The service has an advisory role relating to:

- The Licensing (Scotland) Acts 1976 and 2005
- The Civic Government (Scotland) Act 1982
- The Safety at Sports Ground Act 1976
- The Building (Scotland) Act 2003 – maintenance of the Building Standards Register.
- The Cinema Act 1985;
- The Theatres Act 1968;
- The Fire (Scotland) Act 2005;
- The Building (Scotland) Act 1959
- The Building (Scotland) Act 2003
Pre application discussions

Pre-application advice

We encourage and welcome requests for guidance in advance of submitting any building warrant applications. As mentioned in 2.2 above a duty officer is available each day for general enquiries in person or by telephone. Written enquiries are also encouraged and we have an eForm available for this purpose on our website.

In addition, we promote a more formal service for pre-submission advice for larger projects. This is a chargeable service at £137 per hour but offers substantial benefits for the applicant/agent. Agreement could be reached in the way forward in terms of the Technical Standards and also to determine what information may be required to process the warrant such as fire engineer reports, structural certification, site investigations etc. Information on the service is available on our website.

Statutory Service

The statutory services role covers:

The provision of a two part Building Standards Register:

Part 1 web based and to be maintained for all time;

Part 2 to be in any format and to be maintained for a minimum of 25 years or until the building is demolished; and

Energy Performance of Building (Scotland) Regulations 2008.

Non Statutory

The non-statutory services role covers:

- Provision of a Letter of Comfort scheme;
- Provision of copy documents;
- Provision of copy plans;
- Pre-application discussions.

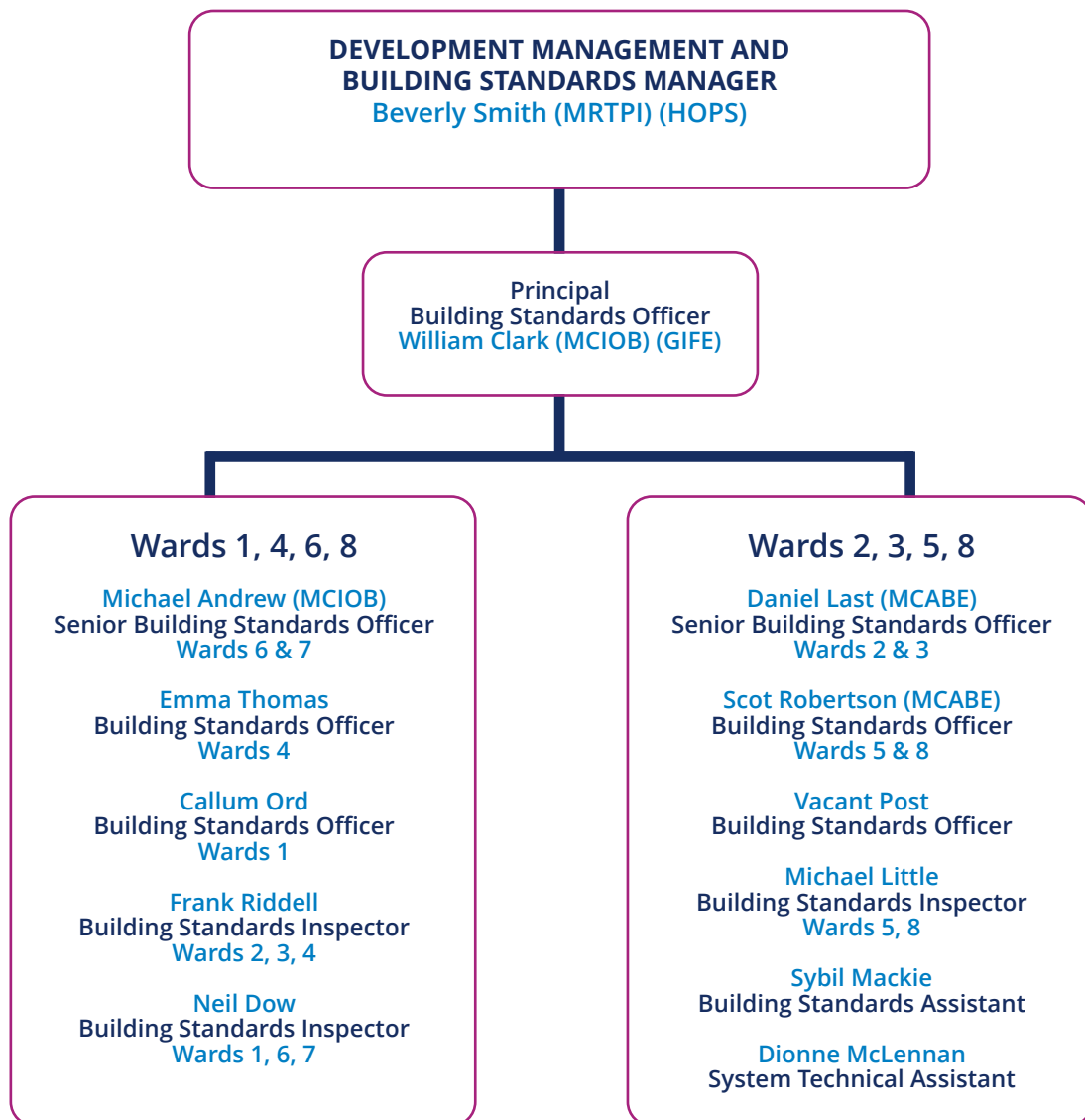


2.4 Staffing

Following a restructure and internal promotions the team structure has been revised to provide a two team arrangement. The structure for Building Standards is indicated below.

The service operates a career grade scheme which provides details of the qualifications and experience required for each stage.

This resourcing structure is the minimum required to provide the Building Standards Service in Moray.



The table below shows the staffing position on 31 August 2021.

	TIER 1	TIER 2	TIER 3	TIER 4
Head of Building Standards Verification Service			X	

Note: Tier 1 = Chief Executive, Tier 2 = Directors, Tier 3 = Heads of Service, Tier 4 = Managers

		BUILDING STANDARDS VERIFICATION SERVICE	OTHERS
Principal Officers	No. posts Vacant	4 0	
Main grade posts (surveyors)	No. posts Vacant	3 1	
Main grade posts (inspectors)	No. posts Vacant	3 0	
Technician/Assistant	No. posts Vacant	1 0	
Office support/ clerical	No. posts Vacant	1 0	
TOTAL		13	

Note: Managers are those staff responsible for the operational management of a team/division. They are not necessarily line managers.

STAFF AGE PROFILE	HEADCOUNT
Under 30	3
30-39	1
40-49	2
50 and over	7

3.0 Strategic Objectives

3.1 Moray Council: Moray 10 Year Plan

Our Vision for Moray – Raising Aspirations through Expanded Choices, Improved Livelihoods and Wellbeing

The vision of the Moray 10 Year Plan is raising aspirations which we will do by creating an enabling environment where our residents can achieve expanded choices, improved livelihoods and wellbeing.

The plan identifies four main priority areas to guide this work and deliver the vision:

- 1) Growing, diverse and sustainable economy -**
by the year 2030 Moray will be a destination of choice, the area being known and recognised as an outward facing and ambitious community with a thriving and well connected commercial base and as environment in which quality of life is valued and supported.
- 2) Building a better future for our children and young people in Moray –** Moray will be a place where children and young people thrive; a place where they have a voice, have opportunities to learn and can get around; a place where they have a home, feel secure, healthy and nurtured; and a place where they are able to reach their full potential.
- 3) Empowering and connecting communities -**
Moray will be a thriving and well connected place, where more people live well in their communities, Confident, skilled and self-reliant communities where expectations and aspirations are raised and achieved.
- 4) Changing our relationship with alcohol -**
People are healthier and experience fewer harms as a result of alcohol use.

For each of the 4 priorities a range of targets have been identified which aim to provide measurements of the outcomes we are seeking to achieve. The community planning partners will monitor performance against these targets and report on progress to the public.

Our activities to achieve these outcomes are supported within the corporate framework across human resources, financial management, procurement, risk management, health and safety, business continuity and performance management.

3.2 Departmental Priorities

The Development Services priority in the Corporate Plan is to achieve Sustainable Economic Development. The priorities to meet this outcome are:

- Promote Economic development and growth and maintain and promote Moray's landscape and bio diversity/healthier children.
- Work towards a financially stable council that provides valued services to our communities.

3.3 Key Service Objectives

The Building Standards key strategic objectives for the coming year are:

- Ensure that the terms of the Verification Operating Framework are met and/or implemented.
- Work to achieve the targets set out in the National Performance Framework ensuring no red markers.
- In May 2020 the service was appointed as verifier for Moray for a 6-year period to April 2026. Address the actions for improvement set out in the Appointment of Verifiers to maintain and improve upon this appointment.
- Implement key directives from an Improvement Framework session Review processes and procedures following restructure of service.

4.0 Key Performance Outcomes and Targets

The national verification performance framework is based on three core perspectives:

- Professional Expertise and Technical Processes;
- Quality Customer Experience; and
- Operational and Financial Efficiency.

There are also three cross-cutting themes, comprising:

- Public Interest;
- Continuous Improvement; and
- Partnership Working.



Summary of Key Performance Outcomes (KPOs)

Professional Expertise and Technical Processes	
KPO1	Minimise time taken to issue a first report or issue a building warrant or amendment to building warrant.
KPO2	Increase quality of compliance assessment during the construction processes
Quality Customer Experience	
KPO3	Commit to the building standards customer charter
KPO4	Understand and respond to the customer experience
Operational and Financial Efficiency	
KPO5	Maintain financial governance
KPO6	Commit to eBuilding Standards
KPO7	Commit to objectives outlined in the annual performance report

Summary of Key Performance Targets

KPO1 Targets	
1.1	95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).
1.2	90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).
KPO2 Targets	
	Targets to be developed as part of future review of KPO2.
KPO3 Targets	
3.1	National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).
3.2	95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.
KPO4 Targets	
4.1	Minimum overall average satisfaction rating of 7.5 out of 10.
KPO5 Targets	
5.1	Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).
KPO6 Targets	
6.1	Details of eBuilding Standards to be published prominently on the verifier's website.
6.2	75% of each key building warrant related process being done electronically <ul style="list-style-type: none"> Plan checking Building warrant or amendments (and plans) being issued Verification during construction Completion certificates being accepted
KPO7 Targets	
7.1	Annual performance report published prominently on website with version control (reviewed at least quarterly).
7.2	Annual performance report to include performance data in line with KPOs and associated targets.

5.0 Performance Data

Moray Council requires to satisfy the requirements of the verification Operating Framework (May 2017) and the verification Performance Framework (May 2017).

This section includes a summary of performance against both frameworks and provides an accompanying narrative.

5.1 SUMMARY OF PERFORMANCE AGAINST KEY PERFORMANCE OUTCOMES

PROFESSIONAL EXPERTISE AND TECHNICAL PROCESSES

PERFORMANCE FRAMEWORK KPO 1:

Minimise time taken to issue a first report or issue a building warrant or amendment to building warrant

Requirements of the verifier:

- Maintain records of applications for building warrant and amendment to building warrant with breakdowns for reporting work categories and value of work categories.
- Maintain records of the time taken from receipt of a valid application to issue a 'first report'.
- Maintain records of the time taken from receipt of all satisfactory information to issue a building warrant or amendment to a building warrant.
- Maintain records of the overall time taken from receipt of a valid application to the time to issue a building warrant, or amendment to a building warrant.
- Seek to minimise the time taken to issue a building warrant whilst maintaining high standards of verification.
- Maintain records of applications for building warrants that utilised customer agreements.

In 2020-21 we...

- Ensured all requirements to maintain records were achieved and these are demonstrated through the quarterly return.

Performance management systems

- A suite of reports are run weekly and monthly to monitor performance and individual workloads. These are used to provide reports to the Planning and Development Committee and quarterly information to the Building Standards Division of Scottish Government.
- We continued to develop the Enterprise Workflow Management system from Idox and this has proven to be an essential tool in the daily operations of the service including allocation of work.
- The average time to determine a building warrant over the period was 74 days.

Improvement areas.....

- Review and develop processes to minimise the time taken to issue a first report and to issue a building warrant or amendment of warrant whilst maintaining high standards of verification.
- Develop a system and proforma for records of applications for building warrants that utilised customer agreements and promote their use.

Targets:

- 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including building warrants and amendments issued without a first report).
- 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrant and amendments issued without a first report).

In 2020-21 we.....

- Provided 97.23% of first reports within 20 days and issued 90.44% of building warrants and amendment of warrants within 10 days.

Improvement areas.....

- Maintain performance targets and continue to develop the service. In March 2019 the Building Standards Manager and Development Management Manager posts were merged. The team looks forward to how the service can develop and continue to meet and exceed the performance targets whilst providing a service which develop alongside the Development Management service.

PERFORMANCE FRAMEWORK KPO 2:**Increase quality of compliance assessment during the construction process****Requirements of the verifier:**

- Embed risk assessment methodologies into normal working practices for undertaking reasonable inquiry before accepting a completion certificate.
- Issue Construction Compliance Notification Plans (CCNP) with a building warrant issued.
- Maintain records of CCNPs for 'accepted' completion certificates with breakdown into reporting work categories and value of work categories.
- Maintain records of number of CCNPs that were fully achieved in terms of notification by the relevant person and inspection by the verifier.
- Maintain records of construction non-compliance locally and report trends and issues with a national impact to drive forward improvements in verification. Escalate national issues through Local Authority Building Standards Scotland (Local Authority Building Standards Scotland)) for further discussion.

In 2020-21 we...

- Provided a Construction Compliance Notification Plan (CCNP) with all building warrants issued.
- We maintained records of CCNPs for 'accepted' completion certificates with breakdown into reporting work categories and value of work categories.
- We maintained records of number of CCNPs that were fully achieved in terms of notification by the relevant person and inspection by the verifier.
- We are aware of the route to escalate national issues through Local Authority Building Standards Scotland (LABSS) for further discussion.
- The route to escalate national issues through Local Authority Building Standards Scotland (LABSS) for further discussion is known by all members of the Building Standards service.

Improvement areas.....

- Develop a strategy to seek increase in the number of CCNP's complied with the outcome of improving the performance relating to KPO2.
- Review the quality of compliance assessment during the construction processes.
- Introduce methods of collating compliance trends and review at team meetings.
- Develop our processes for maintaining records of construction non-compliance locally and report trends and issues with a national impact to drive forward improvements in verification.
- Develop Training Strategy with key emphasis on competency and post grades/experience
- All protocols to be reviewed to align with new structure and working practices
- Protocols to be put in place for Remote Verification Inspection and training delivered.

Operating Framework 1.2 - Resourcing

Function:

Verifiers must have staff with appropriate building standards related qualifications and experience, and have contingencies for when resourcing is not available in-house.

Prescription:

- Verifiers must demonstrate that they have the appropriate staff and record their qualifications, experience and training.
- Staff qualifications, experience and training must be maintained through CPD records, which are maintained and available for inspection.
- Verifiers must demonstrate they have measures in place for resourcing staff when specialisms are not available in-house, for example for checking structural designs and fire engineered designs.

In 2020-21 we.....

- Ensured information relating to staffing, qualifications and relevant experience was available for inspection and demonstrated in the annual performance report. Workforce data was provided to the Building Standards Division when requested.
- Recruitment process completed and team structure in place with no vacant posts.
- Continual Professional Development (CPD) records were recorded and collated by the service. These records are maintained and available for inspection.
- Ensured Employee Review & Development Process (ERDP's) were carried out annually across the service
- Attended various CPD events and staff training days which were provided throughout the year including corporate leadership events and on line training modules.
- The Council has a corporate succession planning policy in place but in addition Building Standards team supports staff to progress through their career grade and encourages them to obtain Professional qualifications.
- Moray Council Building Standards service are part of the Grampian Consortium and includes Aberdeen City and Aberdeenshire Council Building Standards teams. The Consortium currently has agreed to meet every 8 weeks remotely and this provides the service the opportunity to share information/best practice and develop joint initiatives with the aim of improving service delivery and to establish a consistent approach to interpretation of policies/technical guidance as well as facilitate shared training events.

- Moray Council and the Grampian Consortium Group are actively involved with national policy and working groups via LABSS and has established its own technical group.
- Agreements are in place with external consultants for use when expertise is not available in-house i.e. Structural and Fire Engineers.

The Building Standards Service provides workforce data to the Building Standards Division. The data provided on 31 August 2021 is listed below:

WORKFORCE SUPPLY - LENGTH OF BS SERVICE (the current workforce)	CURRENT EMPLOYEES (as at 30 June 2021)
0-5	6
06-10	2
11-15	2
16-20	1
21-25	0
26-30	2
31-35	0
36-40	0
40+	0

WORKFORCE SUPPLY - QUALIFICATION (the current workforce) - see guidance note 11	CURRENT EMPLOYEES (as at 31 August 2021)
SCQF Level 7 – Higher National Certificate	2
SCQF Level 8 – Higher National Diploma	1
SCQF Level 9 – Ordinary Degree	1
SCQF Level 10 – Honours Degree	4
SCQF Level 11 – Masters Degree, Post Graduate Certificate	1

WORKFORCE SUPPLY - PROFESSIONAL MEMBERSHIP (the current workforce)	CURRENT EMPLOYEES (as at 31 August 2021)
Member of the Association of Building Engineers (CABE)	2
Chartered Institute of Building (CIOB)	2
Graduate of the Institute of Fire Engineers (iFire)	1
Royal Town Planning Institute (RTPI)	1

Improvement areas.....

- Develop the training strategy with the key objective of setting out competencies required for each grade of post relating to the Building Standards Officer post
- Team meetings currently weekly on Microsoft teams to be expanded to facilitate future individual training/CPD events
- Training plans developed for the Building Standards Assistant and Technical support Assistant posts.

Operating Framework 1.3 - Business management and operational resilience

Function:

Verifiers must have business planning in place and have embedded risk management and continuous improvement in their service. Verifiers must have provisions in place to minimise disruption to service operation as a result of unforeseen circumstances.

Prescription:

- Verifiers must demonstrate that they meet their appointment criteria, have business planning in place and have embedded risk management and continuous improvement in their service. Verifiers must demonstrate measures are in place:
- to fulfil their appointment criteria and meet the performance framework for the proportionate risk management of processes which enable identification, management and mitigation of risks that may prevent verification services, threaten sustainability of the business and the reputation of buildings standards compliance generally
- to ensure operational continuity in the face of events such as the loss of key staff, staff illness, fire and flood damage
- to protect data from unrecoverable loss, unauthorised access or theft
- to ensure that, in the case of ceasing to trade, core information and resources have been maintained in such a way that a successor organisation can be appointed to take over responsibility for ongoing operation of verification services
- Desk instructions must be provided for essential processes to support operational integrity should changes to staff or systems occur.
- Desk instructions must be regularly maintained and reflect current practices.

In 2020-21 we...

- Building Standards service has an agreed resilience plan which was put in place when COVID-19 occurred and the delivery of the service continued albeit at a reduced level of performance.
- In circumstances where there are reduced resources in-house, for example long-term absences or unforeseen increase in Building Warrant applications arrangements are in place with our Grampian Consortium partners Aberdeenshire and Aberdeen City Council in addition to assistance through Local Authority Building Standards Scotland (LABBS) to assist with the verification of warrant applications as and when deemed necessary. Links have been maintained with Argyll and Bute Council who have previously assisted with verification checks. Links are also in place with an external recruitment agency if deemed to be required.
- The Building Standards team is set up to work completely remotely from home including admin support. Corporate procedures are in place to retrieve paper files, copy documents to support the core service.
- Procedures are set out in the Document Management System and are kept updated when changes are deemed to be required - this is an ongoing process of review.

- Moray Council ICT section have a business continuity plan covering flood/fire events relating to ICT servers to ensure data is backed up and stored. File storage in the event of a flood (recent event) has resulted in paper files being relocated to alternative storage buildings. Corporate Business Continuity Plans also cover these sets of circumstances

Improvement areas.....

- Identify the processes in place which require review and set out an action plan with timescales and nominated officers to review each process identified.
- Review the current process for carrying out structural checks on design (external Structural Engineer currently used where deemed necessary) and assess whether utilising the services of consortium group members and/or Moray Council's own consultancy service would result in resource savings and or improved delivery of service.
- Investigate methods of procedural notifications either through SharePoint or DMS

Operating Framework 2.1 - Risk management of applications for building warrants

Function:

Verifiers must have risk assessment protocols in place for dealing with applications for building warrants.

Prescription:

- Verifiers must demonstrate a risk-based approach to dealing with applications for building warrants.
- Verifiers must integrate 'local' project and process related risks to 'local authority' operational and strategic risks.

In 2020-21 we.....

- Had risk management protocols in place for dealing with building warrant applications.

Improvement areas.....

- Current processes for risk management for Building Warrants will be reviewed to be clearly demonstrate a risk-based approach to dealing with applications.
- All complaints received will be the subject of a review and any improvement actions identified will be incorporated into the Improvement Plan. More emphasis to be placed on improved risk matrix and process maps.

Operating Framework 2.2 - Risk management of completion certificate submissions (including inspection regimes)

Function:

Verifiers must have risk assessment protocols in place for dealing with completion certificate submissions and determining inspection regimes.

Prescription:

- Verifiers must demonstrate a risk-based approach to determining and undertaking inspection regimes and dealing with completion certificate submissions.
- Verifiers must integrate 'local' project and process related risks to 'local authority' operational and strategic risks.

In 2020-21 we.....

- Had risk assessment protocols are in place for dealing with completion certificate submissions.

Improvement areas.....

- A review of protocols for dealing with completion certificates will be undertaken and take specific account of the need to carry out Remote Verification Inspections.
- Ensure that procedures are aligned with Digital Transformation and make the best use of technology currently available whilst identifying future opportunities that could assist with saving resources.

Operating Framework 2.3 - Quality assurance of building warrant and completion certificate decisions

Function:

Verifiers must have quality assurance procedures in place for building warrant decisions (granted/refused) and completion certificate submission decisions (accepted/rejected), and to undertake appropriate corrective action where the required standard is not met.

Prescription:

- Verifiers must ensure that a minimum sample (5%) of the total number of building warrant applications decided and completion certificate submissions decided are checked for accuracy.
- Verifiers must ensure that samples are checked regularly, and sampling considers risk profiles of applications and submissions and staff competencies.
- The sample should be based upon a random sample, augmented by any identified need for targeted audit as a result of complaints or requests from other organisations identified by the Scottish Government.

In 2020-21 we.....

- Ensured risk assessment protocols are in place for dealing with completion certificate submissions.

Improvement areas.....

- A review of protocols for dealing with completion certificates will be undertaken and take specific account of the need to carry out Remote Verification Inspections.
- Ensure that procedures are aligned with Digital Transformation and make the best use of technology currently available whilst identifying future opportunities that could assist with saving resources.

Operating Framework 2.4 - Adherence to legislative procedures, appeals and complaints

Function:

Verifiers must adhere to legislative procedures and deadlines, appeals processes and complaints processes.

Prescription:

- Verifiers must have processes and controls in place to meet legislative procedures and deadlines.

- Verifiers must demonstrate they have measures in place for managing decisions and non-compliance, and must record compliance with legislation and other processes. Details of key legislative procedures are set out in Annex B.
- Verifiers must pro-actively communicate with applicants at relevant times regarding key decisions and implications.
- These measures must be applied in a fair and open way, including that those carrying out the assessment of applications and complaints declare any conflict of interest.

In 2020-21 we.....

- Had a complaints procedure in place.
- Ensured we had no conflict of interest between operation as a verifier and any other activities – corporately and individual staff. All team members were requested to confirm this during this period.

Improvement areas.....

- We will review the current processes in place to ensure that they meet or exceed the requirements of this outcome.

Operating Framework 3.1 - Provision of information for business and performance management (including minimum requirements for review and record keeping)

Function:

Verifier must maintain and review all procedures, documentations and systems to ensure they remain relevant to their role as a Verifier.

Prescription:

This must include local and national policies, technical and procedural guidance, and management information systems (casework and documents). Reviews must address changes:

- to meet amended requirements issued by Scottish Government
- arising from changes in national or local policy and
- where improvements are identified by internal review or examples of wider good practice
- Verifiers must advise staff and ensure they are adequately trained in changes to procedures, documents and software requirements, and changes should be clearly identified.

In 2020-21 we.....

- Ensured maintenance and review of procedures resulting in legislative changes and procedural guidance was done on a regular basis as changes were made and circulated widely to all members of the Building Standards team and briefings carried out at regular weekly team meetings.

Improvement areas.....

- Areas identified for immediate action are as follows:
 - Dangerous Building procedures
 - Licensing process
- A review of performance management information has been carried out for assessing KPO's to improve measures for assessing performance. Areas highlighted for improvement and actions.

QUALITY CUSTOMER EXPERIENCE

KPO 3: COMMIT TO THE BUILDING STANDARDS CUSTOMER CHARTER

Requirements of the verifier:

- Maintain their customer charter and incorporate national performance targets and national and local information into the template.
- Publish their customer charter prominently on the verifier website.
- Ensure the facility for online applications through the Scottish Government eBuilding standards system is detailed in the customer charter.
- Ensure the customer charter includes details of customer dispute resolution, complaints and performance procedures (e.g. Local Authority Building Standards Scotland Dispute Resolution Process, local authority complaints procedures, Scottish Government Verifier Performance Reporting Service for Customers).
- Review the National Customer Charter regularly (at least quarterly) maintaining localised information to ensure contact details and appropriate website links are kept up-to-date.
- Apply national building standards verification policies and interpretations.

What we did in 2020-21...

- The customer charter was provided and reviewed the Building Standards Manager quarterly. The facility for online applications through the Scottish Government eBuilding standards system is detailed in the customer charter and it includes details of customer dispute resolution, complaints and performance procedures.
- Ensured Policies were updated accordingly and information relayed at weekly and monthly team meetings

Improvement areas.....

- We will ensure that the customer charter is updated in line with the above requirements and that the team are aware of the content.
- Ensured Policies were updated accordingly and information relayed at weekly and monthly team meeting following alerts to updated national building standards policies and interpretations.

Targets:

- National Customer Charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).
- 95% of Building Standards Division (BSD) requests for information on a BSD 'Verifier
- Performance Reporting Service for Customers' case responded to by verifier within 5 days - Not Currently Operational

In 2020-21 we.....

- Published the National Customer Charter prominently on the website and incorporates version control detailing reviews. This document was reviewed at least quarterly.

Improvement areas.....

- Continue to review and update the customer charter

KPO 4: UNDERSTAND AND RESPOND TO THE CUSTOMER EXPERIENCE

Requirements of the verifier:

- To assist the Scottish Government Building Standards Division to supply customer data for research purposes.
- Promote the Scottish Customer Survey and inform customers that they may be contacted for research purposes.
- Use findings from the Scottish Customer Survey for the purpose of customer segmentation.
- Use findings from the Scottish Customer Survey and local engagement to identify and make improvements to the customer experience.
- Incorporate actions to improve the customer experience into the continuous improvement plan and monitor progress.

In 2020-21 we.....

- Provided data to Scottish Government to assist in the research process. We provided the details of 762 customer email addresses. 600 of these were unique to Moray. The total Number of survey response attributed to Moray was 107. The response rate for Moray was 14.0% compared to the response rate for Scotland was 14.5%.
- Information relevant to the Building Standards service is available on our website. In addition, eNews bulletins are sent to agents with service updates and other important developments. This form of communication also provides a vehicle for the transfer of information back to the Building Standards team by promoting feedback on the service we provide.
- Provided a link to a questionnaire within all emails, paper correspondence and on our website.
- Internal communication strategies. Regular communications between staff are undertaken face to face and by e-mail and informal discussions are held on a daily basis.
- Our meeting structure consists of weekly workload briefings and technical meetings. More formal meetings are held quarterly and although the focus is on performance opportunities exist to cover other areas as required.

Improvement areas.....

- Develop a communication strategy.
- Engage further with customers to inform them of the process in advance through newsletters and interactions with customers.
- Set up focus groups and hold seminars with our regular agents.
- Any improvements made to be advertised on our website.
- Use findings of the Scottish government to promote the industry. Analyse results and provide an action plan for areas to focus on.
- Use findings from the Scottish Customer Survey and local engagement to identify and make improvements to the customer experience. We will consider all suggestions on service development within our resources.
- Continue to support the national customer survey and look to developing a robust communication strategy over this period with the aim to improve customer satisfaction with the service.
- Develop Liaison Channels with local partners and internal departments within Moray Council i.e. Consultancy & Development Management
- Initiate improved Business Development within the service.
- Improvement partnership working
- Involvement of others on plans/improvement areas
- Newsletter production to be enhanced

- National customer survey results to be analysed and improved methods of incorporated within the service to be developed.
- Use of technology to promote service and processes to be investigated. For example video clips to advertise services - better use of technology
- Team meeting arrangements to be enhanced and developed as service evolves.
- Review website content
- Review desk duty service

Target:

- Minimum overall average satisfaction rating of 7.5 out of 10.

In 2020-21 we.....

- In 2019 we achieved an overall average customer satisfaction rating of 8.0. The national average was 7.4. In 2018 Moray's rating was 7.6, in 2017 it was 7.2 and in 2016 it was 6.6.

Improvement areas.....

- Continue to support the national customer survey and look to developing a robust communication strategy over this period with the aim to improve customer satisfaction with the service.

Operating Framework 1.5 - Conflict of interest

Function:

Verifiers must operate to ensure that there is no conflict of interest between operation as a Verifier and any other activities they undertake (corporately and individual staff).

Prescription:

- Verifiers must assess and record such risks and record activities and measures put in place to demonstrate that any conflict of interest is resolved.

In 2020-21 we.....

- Ensured no conflict of interest between operation as a verifier and any other activities – corporately and individual staff. All team members requested to confirm this during this period.
- Ensured a complaints procedure was in place
- Held a register for declaring interests

Improvement areas.....

We will review the current processes in place to ensure that they meet or exceed the requirements of this outcome.

Operating Framework 2.4 - Adherence to legislative procedures, appeals and complaints

Function:

Verifiers must adhere to legislative procedures and deadlines, appeals processes and complaints processes.

Prescription:

- Verifiers must have processes and controls in place to meet legislative procedures and deadlines.
- Verifiers must demonstrate they have measures in place for managing decisions and non-compliance, and must record compliance with legislation and other processes. Details of key legislative procedures are set out in Annex B.
- Verifiers must pro-actively communicate with applicants at relevant times regarding key decisions and implications.
- These measures must be applied in a fair and open way, including that those carrying out the assessment of applications and complaints declare any conflict of interest.

In 2020-21 we.....

- Ensured the quality assurance of both building warrant and completion certificate submission decisions are the subject of regular review and are checked continuously as part of day to day working practices.

Improvement areas.....

- A review the current processes will be undertaken to ensure that they are robust and still fit for purpose.
- As part of the training strategy the necessary supervision relevant to the grade will be incorporated along with regular sampling of work for individual post holders.



Operating Framework 3.2 - Provision of information for members of the public (including minimum requirements for review and record keeping)

Function:

Verifier must maintain their Building Standards Register and maintain and review verification related information for easy access by members of the public.

Prescription:

- Verifier must maintain Part I and Part II of the Building Standards Register (BSR) in accordance with legislative requirements.
- Verifier must provide appropriate guidance and advice to members of the public, which must be reviewed and updated as necessary. Published guidance and advice must be readily accessible to members of the public. This must include at least the following information:
- Part I of the BSR published on-line (data) and Part II of the BSD available at all reasonable hours (copy documents)
- National Customer Charter, Balanced Scorecard, Continuous Improvement Plan summary published on-line
- Appeals and complaints procedures
- General information about the building standards system
- Information on the performance of the Verifier

Verifier must ensure that the requirements of the Data Protection Act and other legislation relevant to the form and content of data stored are met.

In 2020-21 we.....

- Ensured the quality assurance of both building warrant and completion certificate submission decisions are the subject of regular review and are checked continuously as part of day to day working practices.

Improvement areas.....

- A review the current processes will be undertaken to ensure that they are robust and still fit for purpose.
- As part of the training strategy the necessary supervision relevant to the grade will be incorporated along with regular sampling of work for individual post holders.



OPERATIONAL AND FINANCIAL EFFICIENCY

KPO 5: MAINTAIN FINANCIAL GOVERNANCE

Requirements of the verifier:

- Maintain records of the income received from building warrant and related statutory fees and the expenditure incurred (staff costs, non-staff costs and other verification-related investments) to run Building Standards verification services.
- Maintain records of the value of work for building warrant and amendment applications and completion certificate submissions where no building warrant granted.
- Have systems in place to identify time spent on verification activity, and thus enable direct staff costs required to run the verification system to be calculated.
- Undertake regular reviews of income and cost streams in order to inform and embed efficiency savings where possible.
- Adhere to the national approach to identifying costs.

In 2020-21 we.....

- Maintained records of the value of work, income received from building warrant and related statutory fees and the expenditure incurred (staff costs, non-staff costs and other verification-related investments) to run Building Standards verification services was carried out throughout the year through our financial management system. This was all in line with the national approach to identifying costs.
- Ensured timesheets were completed by the team and verification and non-verification data recorded.
- Held quarterly budget meetings between the Building Standards Manager and finance in order to review income and cost streams in order to inform and embed efficiency savings where possible.
- Provided monthly electronic budget monitoring statements are to the Building Standards Manager.
- Ensured the National Approach to identifying costs is embedded in our service.

Improvement areas.....

- Continue with the above approach and review to ensure the approach is fit for purpose and being reported and acted upon appropriately.

Target:

- Building Standards verification fee income to cover indicative verification service costs (staff costs plus 30%).

In 2020-21 we.....

- Narrative on costs over period to be provided with general discussion.
- Corporate Intranet based Financial Management systems are in place which can be accessed by the Building Standards Manager at any time.

Improvement areas.....

- Record and monitor finances on a monthly basis.

KPO 6: COMMIT TO EBUILDING STANDARDS

Requirements of the verifier:

- eBuilding Standards details are published prominently on the website.
- Maintain records of building warrant related applications and submissions through the eBuilding Standards portal.
- Maintain records of the extent of digital processing of verification activities i.e. the key activities from receipt of a building warrant application or amendment through to acceptance of a completion certificate.

In 2020-21 we....

- Ensured ebuilding Standards details were published prominently on the website.
- We maintained records of building warrant related applications and submissions through the eBuilding Standards portal.
- We maintained records of the extent of digital processing of verification activities i.e. the key activities from receipt of a building warrant application or amendment through to acceptance of a completion certificate. Within Moray all applications are dealt with digitally.

IT systems

- Building Standards utilise the IDOX Uniform system. This system provides reporting and letter generation facilities. The Enterprise workflow package has recently been purchased. Development of the system and staff training is complete and the system went live in January 2018.
- IDOX Uniform also provides information to our public access system which is available from our website. This facilitates the Building Standards Register.
- We also use the IDOX Document Management System and all files and papers are now either produced/saved electronically or scanned on receipt. Since the introduction of the national eBuilding Standards system documents received via the web portal are saved directly into the back office systems. Over time this will considerably reduce the amount of storage space required for files as well providing an efficient mechanism to view files and documents.
- The Building Standards section also make use of Microsoft SharePoint.
- All telephone calls for Building Standards are received by our Contact Centre and the Lagan workflow system for the transfer of calls and recording of data is being used.
- Our IT systems are supported by Moray Councils ICT team and System Support personnel within Development Services.

Improvement areas.....

- Continue to follow the above and look for any areas through the process which can be improved and strengthened.

Targets:

- Details of eBuilding Standards to be published prominently on the verifier's website.
- 5% of each key building warrant related process being done electronically: plan checking; building warrant or amendments (and plans) being issued; verification during construction; and completion certificates being accepted.

In 2020-21 we...

- We received 85.1% of our applications online during this period.
- All correspondence within our service is dealt with electronically. Should paper be submitted to the service then it is scanned and saved to the document management system. All building warrant, amendment of warrant, verification during construction, completion certificates are dealt with digitally. Should the applicant request that they have correspondence in paper we will fulfil this request.

Improvement areas.....

- Continue to ensure details of eBuilding Standards to be published prominently on our website.
- Continue to promote the use of ebuilding standards and will work towards increasing the usage of the eBuilding Standards portal for customers submitting paper based applications.
- Review technology and processes in use to ensure they continue to be fit for purpose and being utilised to best of ability to enhance eBuilding Standards delivery.
- Remote verification Inspections and remote working arrangements to be reviewed with a view to gaining betterment.
- Investigate an appointment booking systems/use of App
- Review of current equipment to be actioned.

KPO 7: COMMIT TO OBJECTIVES OUTLINED IN THE ANNUAL PERFORMANCE REPORT

Requirements of the verifier:

- Annual performance report published prominently on website with version control (reviewed at least quarterly).
- Annual performance report to include data in line with KPOs and associated targets (annually covering previous year). The report is to include adherence to the National Customer Charter (KPO3), appropriate actions to respond to customer feedback (KPO4), financial performance (KPO5); and commitment to digital services (KPO6)

In 2020-21 we...

- Published the Annual performance report prominently on The Moray Council website.
- The annual performance report includes:
- Adherence to the National Customer Charter (KPO3)
- Appropriate actions to respond to customer feedback (KPO4)
- Financial performance (KPO5)
- Commitment to digital services (KPO6)
- Presented Annual Performance Report to Committee

Improvement areas.....

- Continue to review and update this document on a quarterly basis.

Targets:

- Annual performance report published prominently on website with version control (reviewed at least quarterly).
- Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year)

In 2020-21 we...

- Publish the Annual performance report prominently on The Moray Council website.

Improvement areas.....

- Ensure the report includes performance data in line with KPOs and associated targets - covering previous year April 2020 - March 2021. We will also update the document quarterly within the year April 2021 – March 2022 with the latest data.

Operating Framework 1.4 - Financial integrity

Function:

Verifiers must demonstrate that they have appropriate arrangements in place to ensure financial integrity and continued operation.

Prescription:

- Verifiers must submit performance returns and financial reports to the Scottish Government to demonstrate the ongoing viability of the appointment.
- Verifiers must provide evidence of compliance with corporate policies on anti-bribery and corruption.

In 2020-21 we.....

- Ensured performance returns and financial reports to the Scottish Government were submitted on a quarterly basis. These were run through automated reports, checked manually with any anomalies identified and re-checked before final submission
- Held quarterly budget meetings within the service and monthly budget reports were sent to the Service Manager. Periodic reviews of budget were with the Head of Service, Service Manager & Accountancy
- Submitted quarterly Performance Framework returns and reports of on-going viability to the Scottish Government.
- Any conflicts of interest, anti-bribery and corruption would be covered through membership of professionally recognised bodies such as Royal Town Planning Institute (RTPI), Chartered Institute of Building (CIOB) etc.

Improvement areas.....

- Monthly meetings arranged to discuss budgets between Service Manager and Principal Building Standards Officer to ensure wider understanding of budget pressures and any unforeseen costs.



2019/20 Performance Figures

KPO	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	97.83%	98.65%	100%	98.48%
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	96.88%	98.99%	100%	100%
3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	7.6	7.6	8.0	8.0
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	97.84%	118.38%	116.82%	125.71%
6.1 Details of eBuilding Standards are published prominently on the verifier's website.	Published prominently	Published prominently	Published prominently	Published prominently
6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance)	4 of 4 done	4 of 4 done	4 of 4 done	4 of 4 done
7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017).	Includes all performance data	Includes all performance data	Includes all performance data	Includes all performance data

2020/21 Performance Figures

KPO	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	95.49%	98.04%	97.88%	97.52%
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	86.49%	95.83%	92.21%	87.21%
3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	8.0	8.0	7.7	7.7
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	64.50%	95.68%	122.73%	140.13%
6.1 Details of eBuilding Standards are published prominently on the verifier's website.	Published prominently	Published prominently	Published prominently	Published prominently
6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance)	4 of 4 done	4 of 4 done	4 of 4 done	4 of 4 done
7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017).	Includes all performance data	Includes all performance data	Includes all performance data	Includes all performance data

2021/22 Performance Figures

KPO	2021/22 Q1	2021/22 Q2	2021/22 Q3	2021/22 Q4
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	98.37%	97.64%		
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	86.55%	85.81%		
3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)		
3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'		
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	7.7	7.7		
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	94.08%	80.64%		
6.1 Details of eBuilding Standards are published prominently on the verifier's website.	Published prominently	Published prominently		
6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance)	4 of 4 done	4 of 4 done		
7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)		
7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017).	Includes all performance data	Includes all performance data		

6.0 Service Improvements and Partnership Working

CONTINUOUS IMPROVEMENT ACTIONS

Professional Expertise and Technical Processes			
Key actions	KPO	Timescale	Status
Continue to minimise Time Taken to issue first report and to issue a building warrant and improve performance.	KPO1	Ongoing	Ongoing
Develop a system to maintain records of customer agreements	KPO1	December 2021	
Maintain performance targets and continue to develop the service.	KPO1	Ongoing	Ongoing
Identify the processes in place which require review and set out an action plan with timescales and nominated officers to review each process identified.	KPO1	Through 2021 and 2022	Ongoing
All protocols to be reviewed to align with structure and new working practices	KPO1	Through 2021 and 2022	Ongoing
Current processes for risk management for Building Warrants will be reviewed	KPO1	Through 2021 and 2022	
Review the current process for carrying out structural checks on design.	KPO1	May 2022	
Process of sampling of work for individual post holders will be reviewed	KPO1	Through 2021 and 2022	
Develop a strategy to seek increase in the number of CCNP's complied with.	KPO2	Through 2021 and 2022	

Key actions	KPO	Timescale	Status
Review quality of compliance assessment during the construction process	KPO2	Through 2021 and 2022	
Introduce methods of collating compliance trends and review at team meetings	KPO2	Through 2021 and 2022	
Develop our processes for maintaining records of construction of non-compliance locally and report trends and issues with a national impact.	KPO2	Through 2021 and 2022	
Develop Training Strategy with key emphasis on competency and post grades/experience and integrate training plans with workforce strategy	KPO2	April 2022	Ongoing
Processes to be reviewed to align with new structure and working practices	KPO2	Through 2021 and 2022	Ongoing
Protocols Guidance to be put in place for Remote Verification Inspection.	KPO2	Through 2021 and 2022	
Training plan developed for the Building Standards Assistant Post.	KPO2		Complete
Team meetings currently weekly on Microsoft teams to be expanded to facilitate future individual training/CPD events	KPO2	2021/2022	Ongoing
A log will be maintained with dates to demonstrate and evidence that procedures are updated to take into account of new legislation/ guidance.	KPO1		Complete
	KPO2		

QUALITY CUSTOMER EXPERIENCE

Key actions	KPO	Timescale	Status
Updated Policies and procedures to be reported at weekly team meeting following alerts to updated national building standards policies and interpretations.	KPO3	Complete	Complete
Continue to review and update the customer charter.	KPO3	Through 2021 and 2022	Ongoing
Develop a communication strategy.	KPO4	Through 2021 and 2022	
Engage further with customers to inform them of the process in advance through newsletters and interactions with customers.	KPO4	Through 2021 and 2022	Ongoing
Set up focus groups and hold seminars with our regular agents.	KPO4	Through 2021 and 2022	Ongoing
Any improvements made to be advertised on our website.	KPO4	Through 2021 and 2022	
Continue to support the national customer survey and use findings from this and local engagement to identify and make improvements to the customer experience. We will consider all suggestions on service development within our resources.	KPO4	Through 2021 and 2022	Ongoing
Continue to support the national customer survey and look to developing a robust communication strategy over this period with the aim to improve customer satisfaction with the service.	KPO4	Through 2021 and 2022	Ongoing
National customer survey results to be analysed and improved methods of incorporated within the service to be developed.	KPO4	2021 through 2022	Ongoing

Key actions	KPO	Timescale	Status
Develop Liaison Channels with local partners and internal departments within Moray Council i.e. Consultancy & Development Management	KPO4	Through 2021 and 2022	Ongoing
Initiate improved Business Development within the service.	KPO4	Through 2021 and 2022	Ongoing
Involvement of others on plans/improvement areas – Peer review	KPO4	Through 2021 and 2022	
Newsletter production to be enhanced	KPO4	Through 2021 and 2022	
Use of technology to promote service and processes to be investigated. For example video clips to advertise services – better use of technology	KPO4	Through 2021 and 2022	
Team meeting arrangements to be enhanced and developed as service evolves.	KPO4	Through 2021 and 2022	Ongoing
Increased use of benchmarking with Grampian Consortium to drive continuous improvement and quality of business delivery	KPO4	Through 2021 and 2022	Ongoing
Review the website every six month and log the changes that made along with a rolling timescales to ensure that updates are made as required.	KPO4	Through 2021 and 2022	Ongoing
Ensure the LABSS dispute resolution process has been added to the Moray Council website.	KPO4	Through 2021 and 2022	
Ensure the Data Protection Act and other legislation relevant to the form and content of data stored are met and is part of a corporate programme.	KPO4	Through 2021 and 2022	Ongoing

Key actions	KPO	Timescale	Status
Review desk duty service	KPO4	Through 2021 and 2022	
A six month review of complaints will be undertaken and learning shared with the Building Standard team to ensure continuous improvement.	KPO4	Through 2021 and 2022	Ongoing
All complaints received will be the subject of a review and any improvement actions identified will be incorporated into the Improvement Plan. More emphasis to be placed on improved risk matrix and process maps.	KPO4	Through 2021 and 2022	Ongoing
Any potential conflicts to be identified to Line Manager when identified and this will be reinforced in annual ERDP's on an annual basis as well as raised at regular team meetings and with all new team members.	KPO4	Through 2021 and 2022	Ongoing

OPERATIONAL AND FINANCIAL EFFICIENCY

Key actions	KPO	Timescale	Status
Record and monitor finances on a monthly basis.	KPO5	Through 2021 and 2022	Ongoing
Monthly meetings arranged to discuss budgets between Service Manager and Principal Building Standards Officer to ensure wider understanding of budget pressures and any unforeseen costs.	KPO5	Through 2021 and 2022	Ongoing
Continue to identify any areas through the process which can be improved and strengthened.	KPO6	Through 2021 and 2022	Ongoing

Key actions	KPO	Timescale	Status
Continue to ensure details of eBuilding Standards to be published prominently on our website.	KPO6	Through 2021 and 2022	Ongoing
Continue to promote the use of eBuilding Standards and will work towards increasing the usage of the eBuilding Standards portal for customers submitting paper based applications.	KPO6	Through 2021 and 2022	Ongoing
Review technology and processes in use to ensure they continue to be fit for purpose and being utilised to best of ability to enhance eBuilding Standards delivery.	KPO6	Through 2021 and 2022	Ongoing
Remote verification Inspections and remote working arrangements to be reviewed with a view to gaining betterment.	KPO6	Through 2021 and 2022	
Investigate an appointment booking systems/use of App	KPO6	Through 2021 and 2022	
Continue to review and update Charter, annual performance return, financial performance, commitment to digital services on a monthly basis	KPO7	2021/22	Ongoing
Ensure the report includes performance data in line with KPOs and associated targets – covering previous year April 2019 - March 2020. Update the document quarterly within the year April 2020 – March 2021 with the latest data.	KPO7	2021/22	Ongoing

In the previous 12 months (2020/21) we worked with:

- **Grampian Consortium Group**

Moray Council's Building Standards Service works closely with Aberdeen City Council and Aberdeenshire Council in the Grampian Consortium Group. The aim of the group is to develop and maintain consistency in the delivery of the Building Standards Service across the three Councils

- **Local Authority Building Standards Scotland (LABSS)**

Moray Council attend General meetings of LABSS on a regular basis. We also have representation on the Management Board with the service currently being the Consortium Lead for Grampian. The Principal Officer was also the Administration Convenor for the organisation for a 3 year period.

- **Scottish Fire and Rescue Service**

The service works well with SFRS to deliver a consultation service. We have also engaged on training over this period.

- **External Structural Engineers**

Building Standards use a consultant Engineer to check structural calculations which are outwith the scope of our own team.

- **External Fire Engineers**

Building Standards use a consultant Fire Engineer to check Fire Engineered solutions which are outwith the scope of our own team. This is in a partnering arrangement with Aberdeen City, Aberdeenshire and Highland Councils.

- **Scottish Type Approval Scheme**

This service is provided by LABSS. Moray Council have delivered STAS services local for Springfield Properties.

- **Building Standards Division of Scottish Government**

The BSD is seen as a key partner to the building standards service.

In the next 12 months (2021/22) we will:

Continue to engage with the partners indicated above and strengthen where necessary. The service will also look to new partnerships where opportunity exists.

7.0 Building Standards – Additional Data

Verifiers provide returns to Scottish Government on their verification performance and workload. The performance data relates to the building standards verification performance framework and the workload data relates to the numbers of building warrant applications; completion certificates; fees; costs; certificates (certification, energy performance; sustainability); enforcement cases.

The information in the table relates to 2020/21.

Building warrants and amendments to building warrant	859 Applications 760 Decisions
Completion certificates	695 Submissions 624 Decisions
Certification	225 Certificates of design submitted 171 Certificates of construction submitted
Energy Performance Certificates (EPCs)	286 Copy certificates received (domestic) 0 Copy certificates received (non-domestic)
Statements of Sustainability	196 Copy certificates received (domestic) 2 Copy certificates received (non-domestic)
Enforcement	3 Notices served under sections 25 to 30 0 Cases referred to procurator fiscal 0 Cases where LA has undertaken work



8.0 LINKS

Performance Information

Building Standards performance information is issued quarterly and provides various response times which you may find useful.

- Performance Figures
- Customer Charter
- Annual Performance Report
- Customer Satisfaction

OTHER LINKS

Current Applications and Public Register
Dangerous Buildings and Structures
Building Standards Portal
Local Authority Building Standards Scotland
Scottish Government Building Standards Division
Scottish Fire and Rescue Service
Complaints Procedure
Scottish Type Approval Scheme (STAS)

9.0 FEEDBACK

We aim to continually improve our service. Should you wish to provide feedback on any aspect of this report then please contact:

William Clark

Principal Building Standards Officer
Email: william.clark@moray.gov.uk
Tel: 01343 563291
Mob: 07854 685633



Appendix 2

2019/20 Performance Figures

KPO	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	97.83%	98.65%	100%	98.48%
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	96.88%	98.99%	100%	100%
3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	7.6	7.6	8.0	8.0
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	97.84%	118.38%	116.82%	125.71%
6.1 Details of eBuilding Standards are published prominently on the verifier's website.	Published prominently	Published prominently	Published prominently	Published prominently
6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance)	4 of 4 done	4 of 4 done	4 of 4 done	4 of 4 done
7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017).	Includes all performance data	Includes all performance data	Includes all performance data	Includes all performance data

2020/21 Performance Figures

KPO	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	95.49%	98.04%	97.88%	97.52%
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	86.49%	95.83%	92.21%	87.21%
3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	8.0	8.0	7.7	7.7
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	64.50%	95.68%	122.73%	140.13%
6.1 Details of eBuilding Standards are published prominently on the verifier's website.	Published prominently	Published prominently	Published prominently	Published prominently
6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance)	4 of 4 done	4 of 4 done	4 of 4 done	4 of 4 done
7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)	Published prominently (with review)
7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017).	Includes all performance data	Includes all performance data	Includes all performance data	Includes all performance data

2021/22 Performance Figures

KPO	2021/22 Q1	2021/22 Q2	2021/22 Q3	2021/22 Q4
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	98.37%	97.64%		
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	86.55%	85.81%		
3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)		
3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days.	No cases referred to BSD 'Reporting Service'	No cases referred to BSD 'Reporting Service'		
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	7.7	7.7		
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	94.08%	80.64%		
6.1 Details of eBuilding Standards are published prominently on the verifier's website.	Published prominently	Published prominently		
6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance)	4 of 4 done	4 of 4 done		
7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly).	Published prominently (with review)	Published prominently (with review)		
7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017).	Includes all performance data	Includes all performance data		



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 16
NOVEMBER 2021**

**SUBJECT: MORAY LOCAL DEVELOPMENT PLAN 2020 – ANNUAL
MONITORING REPORT**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider and approve the Moray Local Development Plan Annual Monitoring Report 2021.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **considers and approves the Monitoring Report as set out in Appendix 1 and Appendix 2;**
- (ii) **notes the progress and revised timescales for the Delivery Plan/Action Programme in Appendix 3;**
- (iii) **delegates authority to the Head of Economic Growth and Development to finalise graphics for the Annual Monitoring Report.**

3. BACKGROUND

- 3.1 The Moray Local Development Plan 2020 was adopted on the 27 July 2020 and has been used in the determination of planning applications for over 1 year. The Annual Monitoring Report looks at how the MLDP has performed in its first year and if the policies and designations within the plan are addressing the Main Issues identified in 2018. The Main Issues Report 2018 set out what was considered to be the main land use issues facing Moray and set out options on how these could be addressed within the Moray Local Development Plan 2020.

- 3.2 A report to this Committee on 15 September 2020 (para 14 of minute refers) on the Delivery Programme Action Plan for the Moray Local Development Plan set out that this would be reviewed and reported annually to this Committee.
- 3.3 The new planning system set out in the Planning (Scotland) Act 2019 replaces the Main Issues Report with an Evidence Report. Having an up to date Monitoring Report is one part of the Evidence Report which officers will begin working on in early 2022, with a full programme to be reported in the annual Development Plan Scheme which will be subject of a report to this Committee in early 2022.

4. ANNUAL MONITORING REPORT

- 4.1 The Annual MLDP Monitoring Report in **Appendix 1** reviews the progress made on addressing the issues identified in the Main Issues Report 2018. The annual monitoring report has been structured around the 9 “main issues” and also contains a table setting out progress on designated housing, employment and opportunity sites in **Appendix 2**. A summary of some of the key indicators considered in the monitoring report is set out below.
- 4.2 **Growth Strategy:** A review of planning consents and completions shows that these have largely been in line with the Growth Strategy for Moray. However, approvals and completions have been more modest in the Tertiary Growth Areas of Lossiemouth, Keith, Fochabers, Mosstodloch and Aberlour.
- 4.3 **Providing a generous and effective supply of housing land:** Population projections have been revised downwards and now predict a declining population. However, the number of households is projected to increase by 4.92%. The trend for an ageing population and smaller household sizes continues to be forecast. It is noted that the accuracy of projections is variable and a report to the Economic Growth, Housing, and Environmental Sustainability Committee on 24 August 2021 (para 11 of minute refers) on population analysis noted the inherent flaws in the methodology used for population projections which meant that they can only be relied on to inform policy and decision making following the publication of the next census. Local knowledge related to MOD activities and the housing market help to provide a better context to local forecasts.
- 4.4 The Housing Land Audit was previously reported to this Committee on 3 August 2021 (para 18 of minute refers) and this demonstrated that Moray had a 13 year supply of effective housing land with the ability to draw down a further 9 years from the LONG supply if specific triggers are met. The housing policy continues to deliver land for affordable housing and secure accessible private housing. A range of house sizes and types are being delivered however, a significant portion of the smaller units are being delivered either as affordable or town centre redevelopment sites.
- 4.5 **Creating integrated, quality healthy places:** Quality Audits continue to play an important role in raising design standards in housing applications over 10 units. Greater focus is being given to tenure integration, open/green space planning, biodiversity, climate change and health issues. Departures from PP1

Placemaking have been limited to one application where parking was considered to be an acceptable departure. Conditioning of elements such as materials, play parks and landscaping has reduced with this information now being provided up front and therefore integrated into the development from the outset. The Additional Guidance on MLDP Policies has helped to guide developers on the standards required although there are some areas where additional work with developers is required. The quality of some submissions results in significant workloads for officers from planning, transportation and consultancy services to achieve the policy requirements.

- 4.6 **Providing a generous employment land supply:** The Employment Land Audit was reported to Committee on 3 August 2021 (para 17 of minute refers) and demonstrated that overall there was a 16 year supply of effective employment land. However, a shortage of industrial land in Forres and Speyside has been identified. Both these areas are included within an action to deliver employment sites and industrial units as part of the Economic Recovery Plan. Development in Elgin, particularly at I7 Barmuckity/Elgin Business Park, is progressing well and work is needed to bring new sites forward to ensure a continued supply of land. No applications have been received for new industrial estates. Pressure for leisure and retail uses on existing industrial estates is anticipated to continue and will require to be monitored to assess the effectiveness of Policy DP5 Business and Industry and DP7 Retail/Town Centres.

- 4.7 **Taking an infrastructure first approach:** Developer Obligations are being collected toward infrastructure including healthcare, education, transportation and a synthetic turf pitch in Forres in line with Policy PP3 Infrastructure and Services and the Developer Obligations Supplementary Guidance. Site specific infrastructure requirements, methodology and rates to seek developer obligations towards the identified infrastructure requirements are set out in the statutory Developer Obligations Supplementary Guidance (SG). The current SG came into effect on 30 September 2020 following approval of the Scottish Government and this Committee; and forms part of the adopted MLDP 2020.

- 4.8 The LDP Delivery Group has reconvened to co-ordinate and deliver infrastructure. Developer Obligations may be sought towards Green Spaces, Sport and Recreation Facilities and Carbon Offsetting in the future if a robust evidence base can be established.

- 4.9 **Pressures on Moray's landscape and rural cultural heritage:** There have been limited departures from policy EP3 Special Landscape Areas and Landscape Character and policy EP5 Open Space. There continues to be pressure on the landscape from large scale wind developments and a number of applications are awaiting determination by the Energy Consents Unit. A new Landscape Sensitivity Study funded by NatureScot is being prepared.

- 4.10 Additional work is required to ensure that tree survey and protection plans are routinely submitted on sites where trees are present in line with policy and that any woodland/tree removal is fully compensated for.

- 4.11 **Safeguarding and promoting biodiversity:** Biodiversity enhancement is being delivered through new development. Going forward there is a need to

promote a wider range of nature solutions tailored to the specific characteristics of sites and align with any supporting ecological surveys rather than rolling out generic solutions.

Closer working will be required with the North East Scotland Local Biodiversity Action Plan Steering Group and use of the Local Records Centre.

- 4.12 **Delivering on Climate Change:** Planning for Climate Change and supporting the reduction of greenhouse gas emissions is embedded within several policies. PP1 Placemaking and DP1 Development Principles include criteria such as integrating multi-functional active travel routes, green and open space; maximising environmental benefits through orientation of buildings to maximise as solar gain and wind shelter; supporting and enhancing biodiversity; designing open space to be multi-functional including green/blue networks; EV charging; cycle parking provision; avoiding areas at flood risk; dealing with surface water in a sustainable manner to have a neutral impact on flooding; and avoiding workable reserves of prime agricultural land or productive forestry.
- 4.13 Guidance from the Scottish Government is awaited to support the implementation of policy that requires new development to be designed to ensure that buildings avoid a specified and rising proportion of the projected greenhouse gas emissions through the installation and operation of low and zero-carbon generating technologies.
- 4.14 It is anticipated that National Planning Framework 4, which is expected to be published in draft in Autumn 2021, will raise the bar on reducing carbon emissions through the planning system.
- 4.15 **Rural Housing:** The criteria within Policy DP4 Rural Housing has meant that no new housing sites have been approved in the Pressurised and Sensitive Areas and no new rural housing hotspots have been identified demonstrating policy is restricting further cumulative build up. There have been a limited number of Planning Permission in Principle (PPP) applications being submitted for new sites. Within areas of intermediate pressure there is a 50% refusal rate. Reasons for refusal relate predominantly to siting criteria in terms of having adequate containment and enclosure, contributing to unacceptable ribbon development or unacceptable cumulative build up and the principle of development within a pressurised and sensitive area.

5 Delivery Programme/Action Plan

- 5.1 The Delivery Plan/Action Programme was prepared to support the delivery of the Moray Local Development Plan 2020. The document identifies various actions to help implement the policies and proposals of the Local Development Plan, including who will carry out the action and the timescales for this. The Delivery Plan/Action Programme is reviewed annually and refreshed at least every two years.
- 5.2 The table in **Appendix 3** provides a review on the progress made on each action. The table highlights that progress on some actions has been delayed

due to staff resources being unavailable and revised timescales have been programmed.

6 SUMMARY OF IMPLICATIONS

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

The LDP delivers Corporate and Community Planning objectives and annual monitoring allows assessment of the implementation and effectiveness of policies and proposals.

(b) Policy and Legal

Preparation of the LDP is a statutory responsibility for the Council.

(c) Financial implications

None.

(d) Risk Implications

The risk of not monitoring the LDP would be an out of date evidence base being used for preparing the next LDP. There could also be a failure to provide an effective housing and employment land supply.

(e) Staffing Implications

Preparation of the annual Monitoring Report is part of the workload of the Strategic Planning & Development section.

The significant statutory changes to the local development planning system set out in the Planning (Scotland) Act 2019 cannot be met from existing staffing levels and forthcoming reports to this Committee on National Planning Framework 4, Development Planning Regulations, Local Place Plan Regulations and Guidance, Open Space and Play Sufficiency Guidance will set out the details of the new requirements and staffing implications.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report as it is to inform the Committee on monitoring of the LDP only.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer, the Development Management and Building Standards Manager, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted

7. CONCLUSION

7.1 The MLDP Annual Monitoring Report provides an evidence base which can be used to influence future policy documents and the

implementation of the next LDP. The Annual Monitoring Report can help identify where additional guidance and/or training is required on the implementation of policies.

- 7.2 The report highlights that development interests generally reflect the Growth Strategy with lower activity in tertiary settlements. There continues to be a good supply of effective housing land. Whilst overall there is a good supply of effective employment land shortages of industrial land are identified in Forres and Speyside. Good progress continues to be made in improving urban design standards through the changes to policy PP1 Placemaking and continued use of the Quality Audit process. The Rural Housing policy has been successful in preventing further cumulative build up in sensitive areas. Policies continue to work to safeguard the environment and landscape.**

Author of Report: Rowena MacDougall, Planning Officer (Strategic Planning and Development)

Background Papers:

Ref:

Moray Local Development Plan 2020 Monitoring Report – 27th July 2020 to 26th July 2021

1. Introduction

This Monitoring Report is intended to examine the performance of the Moray Local Development Plan (MLDP) 2020 and provide an update on land use planning issues. The Main Issues Report 2018 set out what was considered to be the main land uses issues facing Moray and set out options on how these could be addressed within the Moray Local Development Plan 2020. The Monitoring Report has been structured around these “main issues” to monitoring progress on addressing these.

The nine main issues are

- 1 The proposed Growth Strategy
- 2 Providing a generous and effective supply of land for housing
- 3 Creating integrated, quality healthy places
- 4 Providing a generous employment land supply
- 5 Taking an infrastructure first approach
- 6 Pressures on Moray’s landscape and rural cultural heritage
- 7 Safeguarding and Promoting biodiversity
- 8 Delivering on Climate Change
- 9 Rural Housing

2. The Proposed Growth Strategy

The Main Issues Report in 2018 proposed a change to the Growth Strategy for Moray. The growth strategy therefore moved from focusing growth in Moray's 5 Main towns to a strategy that continued to identify Elgin as the primary growth centre but with only Buckie and Forres identified as secondary growth centres. Keith and Lossiemouth are now tertiary growth centres along with Fochabers, Mosstodloch and Aberlour. This hierarchy better reflects population size, access to services and jobs and development pressure for housing and employment.

2.1 Location of Approvals and Completions

Spatial Strategy	No. of Approvals (2020-2021)	No. of Completions (2020)
Primary Growth Area	154	111
Secondary Growth Area	129	55
Tertiary Growth Area	14	21
Smaller Towns & Villages	139	24
Rural Groupings	34	20*

Table 1: Approvals and Completions by Spatial Strategy * Contribution reduced from 40 units for 2020 to reflect the impact of Covid-19 on the housebuilding industry

Local Housing Market Area	No. of Approvals (2020-2021)*	No. of Completions (2020)*
Buckie	18	21
Elgin	241	149
Forres	173	36
Keith	4	4
Speyside	0	1

Table 2: Approvals and Completions by LHMA

**Does not include Rural Groupings*

	2016	2017	2018	2019	2020
Moray	335	350	358	414	231

Table 3: Completions

- A total of 470 units received approval in the town, villages and rural groupings in the year to the 26th July 2021 (i.e. one year since adoption of the LDP2020).
- The focus of approvals and completions was in the primary (Elgin) and secondary (Forres and Buckie) growth areas reflecting the spatial/growth strategy.
- Approvals in the tertiary growth area (including Lossiemouth, Keith, Fochabers, Mosstodloch and Aberlour) has been very modest.
- Approvals in smaller towns are focused within the Elgin and Forres Market Areas with approvals at Lhanbryde R1 (77 units), Findhorn at The Whins (38) and Kinloss R3 (23).
- Completions in 2020 (January-December) were lower than previous years at 231 however this is likely reflective of the impact of Covid-19 restrictions on the housebuilding industry.
- The Housing Land Audit 2021 sets out an annual housing completions target of 318 units. The Housing Land Audit 2021 projects that this target will be exceeded in 2021.
- Completions have reflected the spatial/growth strategy with greatest number of these with the Primary Growth Area of Elgin, followed by the Secondary Growth Areas of Forres and Buckie.
- Completions in the Tertiary Growth Area have not reflected the Growth Strategy being at a similar level to the Smaller Towns /Villages. However, work at Banff Road (Keith R4) is progressing and discussions are ongoing regarding Speyview (Aberlour R1) which will likely be reflected in future completions.

2.2 Conclusion

- Approvals and completions are largely in line with the Growth Strategy. In the Tertiary Growth Area however approvals and completions have been more modest than might be expected.
- Completions in 2020 were impacted by Covid-19 restrictions but are projected to exceed completion targets in 2021.

3. Providing a Generous and Effective Supply of Land for Housing

The Main Issues Report in 2018 identified the need for a generous supply of housing and the need to plan for a 20 year period. The continued need for more affordable housing to be built was identified, as was ensuring private development met the needs of an ageing population and people's desire to live and be cared for in their own home. The issue of ensuring overall housing mixes reflected projected decreases in household sizes was an identified issue.

3.1 Demographics

- Moray's population was 95,820 on 30th June 2019. This is an increase of 0.3% compared to 2018 and over this period Scotland's population increased by 0.5%.
- The 2018 population projections for Moray have been revised downwards from 4.4% and now show a declining population. Between 2018 and 2028 Moray's population is projected to decrease from 95,520 to 95,409, a decrease of 0.1%. The Scotland wide growth projection is now 1.8%.
- The average age of the population of Moray is projected to increase as the baby boomer generation ages and people are expected to live longer.
- The 75 + and 65 – 74 year age groups are projected to increase by 32.4% and 13.9% respectively. The 25 to 44 age group is projected to increase by 1.1%
- Population change in the 0 to 15, 16 to 24 and 45-64 age groups is projected to decrease by 14.1%, 5.3% and 7.6% respectively. In terms of size however the 25 to 44 age group is projected to stay the largest.
- The number of households in Moray in 2019 was 42,932, a 0.9% increase from 2018. Scotland wide household numbers increased 0.7%.
- Between 2018 and 2028 the number of households in Moray is projected to increase by 4.92%, to 44,649. This is lower than previous projections, in 2018 an 8.2% increase was projected.
- Projections continue to show a decrease in household sizes.
- The "two or more adult, one or more children" household is projected to see the largest percentage decrease (-5.4%) and the "one adult" household is projected to see the largest increase (9.6%).
- The accuracy of projections is variable and they therefore should be treated with caution. A report to the Economic Growth, Housing and Environmental Sustainability Committee on 24 August 2021 noted the inherent flaws in the methodology used for population projections which meant that they can only be relied on to inform policy and decision making following the

publication of the next census. Local knowledge related to MOD activities and the housing market help provide a better context to local forecasts.

- Whilst over time the projections have differed in terms of the level of change projected the overall trend of an increasing ageing population and declining population in the 0 to 25 age group has not changed from previous monitoring reports.
- As identified in the Main Issues Report 2018 the changing demographics and household sizes is likely to put new strains on housing supply and house type provision with a demand for smaller houses, flats, terraced properties, and houses for the elderly including accessible housing.

3.2 Effective Housing Land Supply

	2017	2018	2019	2020	2021
Moray	4,794	3,638	4,189	5,811	5,508

Table 4: Effective Housing Land Supply (Housing Land Audit [HLA] 2021 (Base date January 2021))

- The Housing Land Audit (HLA) 2021 identifies an effective housing land supply of 5,508 units, which is 13 years supply. This meets Scottish Planning Policy (SPP)'s requirement to have a five year effective supply.
- There remains a surplus of effective housing land in all Local Housing Market Areas (LHMA) and a further 3,875 units (over 9 years supply) are designated as LONG and can be unlocked if specific triggers for their release are met.
- This means that a generous supply of land is available, with land identified for in excess of 20 years.
- Projected house completions within the 2021 Housing Land Audit reflect the low supply of new housing in Keith and Speyside. However, work at Banff Road (Keith R4) is progressing and discussions are ongoing regarding Speyview (Aberlour R1).
- The Moray Growth Deal Housing Mix Delivery project will bring further investment to help unlock previously constrained housing land sites.
- The need for release of LONG term housing land at Elgin South was evaluated through the Housing Land Audit 2021 process and resulted in the release of land at Elgin LONG 2 in the Glassgreen area. This was recommended for the following reasons
 - Due to constraints relating to ground conditions and the landowner not willing to release land at this time, Elgin R19 Easter Linkwood and Linkwood is no longer considered effective. This reduced the effective supply by 611 units.
 - Progress at Bilbohall and Findrassie have been slower than anticipated
 - Demand and the sale of housing is presently very high.

- The release of land would allow earlier planning for Glassgreen Primary School.
- Several piecemeal applications have been submitted in Elgin South and a larger release of Elgin LONG 2 would allow for a better placemaking approach.
- The appendix provides an overview on progress on residential development sites.

3.3 Affordable Housing

Area	No. of Affordable Units	No. of Bedrooms	No. of Units
Buckie	3	2-bed house (detached)	1
		4-bed house (detached)	2
Elgin	50	1-bed flat	22
		2-bed bungalow	1
		2 bed bungalow (terraced)	7
		2 bed bungalow (semi)	4
		3-bed house (terraced)	4
		3-bed house (semi)	2
		4-bed house (semi)	4
		1 or 2 bed flats	6
Findhorn	10	1-bed	4
		2-bed	4
			2
Forres	28	1-bed flat	12
		2-bed bungalow (semi)	6
		2 – bed bungalow (detached)	2
		3-bed house (semi)	6
		4-bed house (semi)	2
Lhanbryde	19	1-bed flat	8
		2-bed bungalow (semi)	6

		3-bed house (semi)	2
		4-bed house (semi)	2
		4- bed house (detached)	1

Table 5: Affordable housing number of units and type planning consents granted 2020 -2021

- A total of 110 affordable houses are proposed across 7 applications approved in the year to 26th July 2021. This represents 25% of the consented units in these applications as required by policy.
- In 4 applications over 4 units commuted payments were made in lieu of on-site delivery of affordable housing. The reasons for seeking commuted payments included the rural location of proposals with limited access to public services and transport, proposals for flats (which can be an investment risk for affordable housing providers due to complications associated with communal repairs and maintenance) and the level of applicants on the housing list not being sufficient to justify further capital investment. In all cases the reasons for seeking commuted payment were considered to be in line with the Strategic Housing Investment Plan (SHIP) and agreed with the Housing Strategy and Development Manager.
- The Council completed 102 new build affordable units in the 2020/2021 period. This is higher than previous years.
- As set out within a report to the Economic Growth, Housing and Environmental Sustainability Committee on 8th June 2021 the Council is projected to complete 79 affordable houses in 2021/22, with the rolling 5 year average projected to be 55 houses per annum or higher.
- Other RSL's are in the process of delivering new affordable homes including at Alba Place and Hamilton Gardens in Elgin, Kinnedar/Sunbank in Lossiemouth and the Highland Yards site in Buckie.

3.4 Accessible Housing

Proposals of 10 or more units are required to provide 10% of the private sector units to wheelchair accessible standard.

Area	Type of unit	No. of Units
Buckie	4-bed bungalow	1
Elgin	1-bed flat	5
	3-bed house (terrace)	8
Forres	3-bed bungalow	13
Findhorn	PPP	3
Kinloss	PPP Bungalow	2

Lhanbryde	PPP House	1
	2-bed flat (ground floor)	8
	3-bed bungalow	3
Miltonhill	3 bed bungalow	1

Table 6: Accessible Housing number and type of unit planning consents granted 2020-2021.

- 45 houses to wheelchair accessible standard have been secured from 6 planning applications. This is in line with the 10% requirement set out in policy.
- Around 44% of these are single storey dwelling with no accommodation in the upper roof space i.e. a bungalow.
- It is anticipated that this proportion will decrease over time as through the examination of the LDP 2020 the Reporter removed the requirement for accessible housing to be single storey. In more recent applications this requirement has been met within ground floor flats. The extent of this trend will require to be monitored to identify if housing mixes reflect the trends of an ageing population.

3.4 Housing Mix

Area	No. of Bedrooms	No. of Units
Buckie	2 bed house (detached)	1
	3 bed bungalow (detached)	2
	3 bed house (detached)	1
	4 bed bungalow (detached)	1
	4 bed house (detached)	9
	5 bed house (detached)	2
Elgin	1-bed Flat	41
	2-bed Flat	6
	2 bed bungalow (detached)	1
	2 bed bungalow (terraced)	7
	2 bed bungalow (semi)	4
	3- bed house (terraced)	18

	3-bed house (semi)	22
	3- bed house (detached)	25
	4-bed House (semi)	4
	4- bed house (detached)	26
Forres	1-bed flat	12
	2-bed bungalow (semi)	20
	2- bed bungalow (detached)	2
	2- bed house (terrace)	6
	3-bed bungalow (semi)	6
	3- bed bungalow (detached)	26
	3-bed house (semi)	22
	3- bed house (detached)	7
	4-bed house (semi)	2
	4-bed house (detached)	9
Keith	2-bed flat	4
Miltonhill	3-bed bungalow (detached)	2
	3-bed house (detached)	6
Lhanbryde	1-bed flat	8
	2-bed flat	16
	2-bed bungalow (semi)	18
	3-bed bungalow (detached)	3
	3-bed house (semi)	18
	3- bed house (detached)	6
	4-bed house (semi)	2
	4-bed house (detached)	6
Lossiemouth	2-bed flat	8
	3-bed house (terraced)	2
Pluscarden	2-bed bungalow	2
	3-bed house (detached)	2
	4-bed house (detached)	5

Table 7 Housing mix –Private and Affordable (excludes application under 4 units and PPP applications)

- The greatest proportion of housing is 3 bed houses which makes up 43% (168 units) of the consented units. This is made up of 14 affordable terraced and semi-detached houses, 6 private semi-detached bungalows, 33 private detached bungalows, 16 private terraced houses, 52 private semi-detached houses, and 47 private detached houses.
- One bed flats make up just over 15% (61 units), 48 of these are affordable and 13 private flats in town centres.
- Two bed flats make up only 8% (34 units) of the consented units and are all to be provided privately. 10 of these are in a town centre, 4 on redeveloped sites and the remaining 20 on designated development sites.
- Two bed houses make up just over 15% (61 units) of the consented units, with 26 of these being affordable bungalows, 1 affordable house, 28 private bungalows, and 6 private terraced houses.
- Four bed houses make up just over 16% (64 units) of the consented units. This is made up of 8 affordable semi-detached houses, 3 affordable detached houses, 1 private detached bungalow and 52 detached houses.
- Five bedroom houses make up only a very small number of the consented units – 2 detached units in total.
- Smaller houses sizes (1 bed and 2 bed houses and flats) make up 40% (156 units) of the mix with 48% (75 units) of the smaller house sizes delivered as affordable housing.
- 23% of the consented units would be classed as bungalows. This reflects the high number of bungalows on the R1 Grantown Road site in Forres and also the legacy of old policy that required a portion of the accessible private units to be bungalows. Future monitoring will be important to see if the level of bungalows decreases.
- The housing mix is starting to reflect the trend for smaller household sizes with 4 and 5 bedroom houses making up around 17% of the consented mix. Smaller houses make up a reasonable proportion of the housing mix but a significant element of this is affordable and town centre redevelopment sites. Within the 3 bed house, which is the largest portion of the housing mix, there is a mix of bungalows, terraces, semi-detached and detached units.

3.5 Conclusion

- There is a generous supply of effective housing land meeting the targets set out in the Main Issues Report 2018. The triggers for releasing LONG land continue to ensure that an effective land supply can be maintained.
- The housing policy continues to deliver land for affordable housing with limited use of commuted payments.
- The housing policy is securing housing designed to a wheelchair accessible standard. However, the mix of types of housing is anticipated to change over time with few bungalows being secured. The developments reflected in this year's monitoring include proposals that would initially have been developed under the previous policy where a portion of the accessible houses needed to be bungalows.

- Future monitoring is required to consider if the accessible housing policy is helping to deliver a mix of housing that reflects population and household growth trends.
- The housing mix is providing a range of house sizes and types however, a significant portion of the smaller units is being delivered either as affordable or town centre redevelopment sites suggesting the general private market housing isn't yet reflecting the trend for decreasing household sizes.

4. Creating Integrated, Quality Healthy Places

The 2018 Main Issues Report sought to make Placemaking policy and the Quality Auditing process more aspirational with greater consideration given to tenure integration, green space planning, biodiversity, climate change and health issues.

Policy PP1 Placemaking is now more prescriptive with less ambiguous wording helping to provide clarity over what is required to ensure that higher standards of design are delivered. The Quality Audit process has been revised to reflect the new policy and remove the “amber” category to ensure higher design standards are being achieved. Planning Policy Guidance is now in place to provide further technical guidance on the implementation of policy PP1 and how “green” can be achieved within the QA.

4.1 Quality Audits

Settlement	Site name and designation	Application Number	Approved/Refused
Elgin	R8 – Alba Place	20/00857/APP	Approved
	R9 - Hamilton Drive	19/01614/APP	Under consideration
	R11 - Findrassie	20/00753/AMC	Approved
	R2, R3, R7 – Bilbohall	20/00905/APP	Approved
Forres	R1 - Knockomie	19/00293/APP	Approved
	OPP1 – Caroline Street	20/01455/APP	Refused
Hopeman	R1 – Manse Road	20/00278/APP	Under consideration
Lhanbryde	R1 – West of St Andrews Road	19/01080/APP	Approved

Urquhart	R1 – Meft Road	20/00120/APP	Approved
Pluscarden	Rural Grouping – Whiteland within settlement boundary	19/01090/APP	Approved

Table 8: Quality Audits completed 2020/21

- In the year since the adoption of the LDP2020 there have been 10 Quality Audits completed for applications that have now been determined. Several applications are subject to ongoing Quality Audits. The outcome of the Quality Audit is now summarised within the Committee Report.
- There has only been one application approved as a departure from PP1. This was for application R1 St Andrews Drive (19/01080/APP) where a cul de sac had all of its parking within front curtilages and therefore it did not comply with PP1. However, as the application was submitted in 2019 and adequate mitigation measures were being provided it was deemed to be acceptable departure in this instance.
- The application at OPP1 Caroline Street Forres (20/01455/APP) failed to achieve “green” in all QA categories with Open Space and Landscaping scoring red due to the quantity of open space and the lack of formal play space. This application was refused by the Planning and Regulatory Services Committee.

4.2 Observation's and Trends in Placemaking

The following highlights some of the key areas where improvements have been made to both the design of layouts and the information provided in detailed submissions since the adoption of the LDP 2020. This also highlights where additional work is required to ensure quality Placemaking is achieved.

Character & Identity

- Developers are required to submit detailed Placemaking Statements, this has made assessment of proposals easier with information provided up front.
- Greater differentiation between character areas is now being achieved not only through house types but also variation in render colours, street materials, architectural details, and landscaping/planting.

- Topographical and slope analysis as well as 3D visualisations are now required to show how proposals respond to the site and wider landscape. This allows for better design solutions to be found that reduces the need for extensive “cut and fill” for example.

Open Space

- There has been a reduction in areas of “leftover” space and open space has become a focal point in developments such as at Findrassie and Bilbohall. Open spaces have clearer multi-functional benefits such as providing play areas, seating areas, blue/green habitats, and food growing opportunities.
- All areas of open space now contain seating to encourage social interaction. Benches are also now provided along key routes which encourages social interaction and provides opportunities for rest.
- ParentAble are now consulted on proposals to ensure that play equipment is suitable for people of all mobility’s to create inclusive developments. Accessible benches and picnic tables have also been sought.
- Open spaces are now planted with a variety of species including shrubs, fruit trees, and woodland planting to create attractive spaces with seasonal variation that support biodiversity and provide pollination opportunities. Semi-mature tree planting is now sought to ensure that spaces are attractive from the outset and avoids the planting of small whips which can take a long time to fully mature and are prone to damage.
- Blue infrastructure in the form of swales and rain gardens have been successfully incorporated into areas of open space such as at Findrassie, Bilbohall, and Mosstodloch. Since the adoption of the LDP 2020 roadside swales are now coming through as standard features in developments and is a move away from relying on single SUDs ponds.
- Proposals must fully comply with both the quantitative and qualitative aspects of policy E5 Open Space. The only application identified not to meet the quantity standards was OPP1 Caroline Street.
- To comply with the qualitative aspect proposals are assessed against the criterion set out in the quality standard and must achieve a score of no less than 75%. This assessment is undertaken during the QA process. Of the proposals that have been assessed since the adoption of the LDP 2020, all have been deemed to provide good quality open space and have scored over 75%. This is with the exception of OPP1 Caroline Street 20/01455/APP which scored under 75% meaning that it failed to comply with Policy EP5 and PP1 resulting in a “red” in the QA. This was due to the applicant failing to provide a play area within the development therefore creating a space which did not have a multi-functional use.

Landscaping

- Since the adoption of the new plan, semi-mature tree planting has become a policy requirement. Semi mature planting is not always being identified at the outset and the requirement is being highlighted through the Quality Audit.
- Landscaping plans require to be provided up front and the conditioning of landscaping plans is now not acceptable. Recently approved landscaped plans provide details relating to the numbers, species type, height and girth of trees, as well as providing seasonal variation across developments. The level of detail provided varies application to application however the Additional Guidance on Moray Local Development Plan Policies provides more clarity to developers on what is required which should improve the quality of submissions moving forward.
- A recent issue has been identified whereby the proposals set out on detailed landscaping plans do not match what is shown on site layout and parking plans. This can result in going back to developers for greater clarity on what is being provided as this can have implications for landscape screening or mitigation of car parking for example.
- Food growing opportunities have been included at Bilbohall where space for community orchards has been provided.

Public Art

- Since the adoption of the LDP 2020 developments must include public art. At Manse Road Hopeman stone will be used from the local quarry to create a series of sculptures. At Bilbohall Elgin Public Art Strategy will be provided which will provide the opportunity for the new community to input into the proposed public art. At Findrassie Elgin a condition was attached requiring a public art strategy, mechanism for delivery, timescale and maintenance.

Car Parking

- The visual dominance of parked cars in developments is a recurring problem that was identified in previous Monitoring Reports. The requirement for 50% of parking on all streets to be behind the building line has seen significant improvements to the character of layouts as streets can be characterised by the materials, building designs, and landscaping rather than parked cars, large driveways, and hardstanding.
- Through the QA process developers are now often required to provide a parking plan that shows whether or not the spaces they are providing comply with policy aiding the overall assessment. However, more work needs to be done with developers to ensure car parking plans identify which spaces are behind the building line as this is often provided on a plot rather than car park space basis. Developer's interpretation often does not reflect the policy requirement with unpractical stacking of spaces to the side of properties. In more recent applications parking has been provided in parking courts to the rear of housing rather than lower density layouts that accommodate in curtilage parking to the side or rear of houses. Parking courts

can present challenges in terms of the mitigation of large areas of parking and future monitoring of this emerging trend is required. The Additional Guidance on Moray Local Development Plan Policies provides guidance on parking.

- While communal parking areas are unavoidable the policy has been successful in ensuring that spaces are broken up with landscaping at intervals of 4 spaces.
- Through the requirement of a detailed landscape plan to be provided up front, Officers have ensured that the landscape mitigation provided is of an appropriate species and height i.e. shrubs to ensure adequate mitigation is provided from the outset.

Biodiversity

- The LDP 2020 introduced Policy EP2 Biodiversity which is also embedded into PP1 Placemaking to support existing habitats as well as creating new ones within developments. A new policy requirement is for biodiversity plans to be submitted and these are assessed through the QA.
- Since the adoption of the LDP 2020 a number of features have been included in developments including hedgehog highways between all plots, swift boxes on buildings and bat and squirrel boxes. A variety of plants and shrubs are provided and the species selection now provides greater seasonal variation and pollination opportunities. Embedding blue infrastructure within development, through swales for example, has allowed new habitats to be created with these often being planted with wildflower mixes.
- Closer liaison with the North East Scotland Local Biodiversity Partnership and use of Local Record Centre data would help to better inform the approach to biodiversity in the next Local Development Plan.

Street Layout

- The policy requirement to create developments to encourage physical exercise for people of all mobility's has seen layouts now provide good quality connections and active travel routes that encourage people to walk rather than drive. Infrastructure such as cycle storage is now being provided.
- The use of different street materials and colours is now being provided to ensure differentiation between character areas, and improve visual interest and legibility. Shared surface/homezones are included within proposals at Bilbohall.

4.3 Conclusion

- The changes to PP1 Placemaking and removing the “amber” category have resulted in positive changes to the design and layout of proposals. However, given the time lag between consent to development the success of these “on the ground” has yet to be seen.
- Departures from PP1 have been limited with one application where parking was considered to be an acceptable departure. The application at OPP1 Caroline Street failed to achieve “green” in the Open Space and Landscape category, this application was refused by the Planning and Regulatory Services Committee.
- There has been a reduction in conditioning elements such as materials, play parks and landscaping within information now being provided up front.
- There are areas where work with Developers is still required to raise aspirations and ensure that the information submitted meets the standards set out in policy/additional guidance e.g. parking, landscaping.

5. **Providing a Generous Employment Land Supply**

To facilitate economic development and support diversification of the economy the 2018 Main Issues Report identified the need to provide a generous supply of employment land that meets the needs for different types and sizes of business. The Main Issues Report also identified that creating a greater mix of uses across new employment sites could aid the delivery of serviced land as some higher value uses could aid site viability.

5.1 **Effective Employment Land**

Established Supply	224.9ha	
Effective/Marketable Supply	101.68ha	21 sites
Effective General Industrial	84.86ha	16 sites
Effective High Amenity	36.82ha	8 sites
Immediately Available Supply	35.34 ha	5 sites
Constrained Supply	75.5ha	15 sites

Table 9: Summary Table Employment Land Supply 2021

- There is 84.86 of effective/marketable general industrial land, this provides a generous supply equating to around 16 years of supply.
- The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing at least the equivalent of 15 years supply.

- In Forres there is a significant shortage of general industrial land with only 2.75ha of industrial land available at BP1 Forres Enterprise Park. I4 Easter Newforres is constrained due to high infrastructure costs.
- In Keith the general industrial supply is more limited however there is a LONG allocation that could be drawn down.
- There has historically been a significant shortage of general industrial land in Speyside. This means there is a reliance on windfall proposals. Within site R1 Speyview in Aberlour 1ha of land is reserved for employment land and would become available if that site opens up.
- Immediately Available land has decreased by 2.11 ha since 2020. There continues to be a restricted choice of sites in the Immediately Available Land Supply. This is a particular issue in Forres and Speyside. The good progress on take up at I7 Elgin Business Park/Barmuckity suggest the Immediately Available supply in the Elgin Market Area will become very limited over the next few years.
- In the last year, 4.68ha of land was developed. This includes completion or occupation of sites at I7 Elgin Business Park/Barmuckity and I6 Linkwood East in Elgin; and I3 Benromach and I2 Waterford in Forres. This is an increase of 3.8ha compared to the 2020 Audit.

5.2 Observations and Trends in Employment and Business Land

- Since adoption of the LDP2020 there have been 24 applications on employment sites.
- Of these 4 were for non-employment uses including residential use at I2 Shore Street Lossiemouth, storage for camping equipment at I15 Sandy Road/The Wards Elgin, a food truck at I2 Chanonry Elgin, and a fitness/kids club at I5 Pinefield Elgin. The fitness/kids club on I5 Pinefield Industrial Estate was approved by the Local Review Body.
- There have been no applications for new industrial estates since adoption of the plan despite some of these containing a mix of uses to try to aid viability. Work needs to be progressed with landowners to develop Strategic Frameworks for key employment sites and what actions require to be taken to support delivery.
- High uptake at I7 Barmuckity/Elgin Business Park suggests that this could be developed out in the near future and given the timescales associated with delivering industrial sites there is a need to ensure that new industrial estates are progressed to meet future demand.
- Reviewing data from the Council's Address Gazetteer has allowed a high level analysis of non-employment uses on industrial estates to identify what types of non-employment uses are present on industrial estates and where the proportion of non-employment uses is greatest.
 - This highlights that there is pressure for restaurants/cafes, showrooms, and leisure activities including gyms.

- The majority of sites identified in LDP2020 as Industrial Estates have predominantly employment uses (i.e. over 85% of addresses identified within the Gazetteer were for employment uses).
- The exceptions to this are I4 Tyock, I5 Pinefield, I6 Linkwood East in Elgin and I4 Shore Street Lossiemouth where a greater proportion of addresses were for non-employment uses. Within I4 Shore Street there is a high proportion of residential addresses.
- Despite the Covid-19 Pandemic and the impacts of Brexit demand has held up particularly for smaller units and serviced small office space.
- The Council's industrial portfolio continues to show high occupancy levels with strong demand for smaller units.
- There has been notable development in new private sector small business units in Elgin – with 14 units developed by Saltire at I7 Barmuckity and 18 by Excel at I2 Chanonry.
- The Council's Economic Recovery Plan includes actions to progress employment sites and industrial units in Forres and Speyside.
- The appendix provides an overview on progress on employment and opportunity sites.

5.3 Conclusion

- Despite an overall generous supply of land there are significant shortages of industrial land in the Forres and Speyside areas. Both these areas are included within an action to deliver employment sites and industrial units as part of the Economic Recovery Plan.
- Development in Elgin, particularly at I7 Barmuckity/Elgin Business Park, is progressing well and work is needed to bring new sites forward to ensure a continued supply of land.
- Pressure for leisure and retail uses on industrial estates is anticipated to continue and will require to be monitored to assess the effectiveness of Policy DP5 Business and Industry and DP7 Retail/Town Centres.

6. Taking an Infrastructure First Approach

The 2018 Main Issues Report highlighted the need to align stakeholders, phasing, financing and infrastructure investment over the long term to provide the transportation, education, health and other infrastructure to support Moray's growing and ageing population. The preferred option identified was to have a policy on infrastructure planning include within MLDP2020. The Main Issues Report 2018 set out requirements for education and health care.

6.1 Policy PP3 Infrastructure and Services

- Policy PP3 Infrastructure and Services is a primary policy within the Moray Local Development Plan (MLDP) 2020 in recognition of the importance of an infrastructure first approach.
- New infrastructure necessary to facilitate development is set out in the MLDP 2020 on the spatial strategy maps, settlement statements and maps.
- Site specific infrastructure requirements, methodology and rates to seek developer obligations towards the identified infrastructure requirements are set out in the statutory Developer Obligations Supplementary Guidance (SG). The current SG came into effect on 30 September 2020 following approval of the Scottish Government and the Council's Planning and Regulatory Services Committee; and forms part of the adopted MLDP 2020.
- The Strategic Planning and Development Team work closely with a range of stakeholders, including other Council Services, such as Education, Transportation, Housing; NHS Grampian and Scottish Water to co-ordinate and plan an 'infrastructure first' approach to development through the LDP Delivery Group.
- The Council seeks developer obligations towards education, healthcare, transportation and a 3G pitch in Forres in accord with policy PP3 of the MLDP 2020 and the Developer Obligations Supplementary Guidance (SG).
- Commuted sums for affordable housing are not developer obligations, however the Strategic Planning and Development Team are also responsible for collecting and administering these funds as well as developer obligations. Therefore, commuted sums received and spent will be included within this section.
- Financial contributions of £403,688.29 have been received towards affordable housing, healthcare, primary education, secondary education, 3G pitch in Forres and Transportation interventions. The breakdown of these can be found in Table x.
- A total of £1,223,031.80 was secured towards affordable housing, 3G pitch in Forres, Transportation, Healthcare and Primary Education via Section 75 legal agreements and simplified agreements. These contributions will be received as triggers (i.e. completion of units) are reached in the future. The breakdown of these can be found in Table 2.
- A total of £138,542.80 developer obligations were spent between 27 July 2020 and 26 July 2021. The breakdown of this expenditure is further detailed in Table 3.

	<i>Buckie ASG</i>	<i>EA ASG</i>	<i>EH ASG</i>	<i>Forres ASG</i>	<i>Keith ASG</i>	<i>Lossiemouth ASG</i>	<i>Milne`s ASG</i>	<i>Speyside ASG</i>	TOTAL
Healthcare	3,318.04	27,348.00	1,806.00	65,378.80	7,273.80	12,162.60	1,122.30	4,070.16	122,479.70
Primary Education	2,842.92	20,062.62	17,862.66	4,012.52					44,780.72
Secondary Education									0.00
3G pitch				4,123.20					4,123.20
Transportation				363.12	302.60			726.24	1,391.96
Affordable housing	16,000.00	4,000.00	8,000.00	93,662.71	28,000.00	52,000.00	16,000.00	13,250.00	230,912.71
TOTAL	22,160.96	51,410.62	27,668.66	167,540.35	35,576.40	64,162.60	17,122.30	18,046.40	403,688.29

Table 10 Developer obligations and affordable housing commuted sums received

	19/002 60/PP P R1 Damhead	19/002 93/AP P R1 Knockomie	19/010 80/AP P R1 Lhanbr yde	19/011 27/AP P Ewing Crescent	19/010 90/AP P Pluscarden	20/006 65/AP P	20/006 66/AP P	20/006 67/AP P	20/007 79/AP P	20/008 59/AP P	20/011 59/AP P	21/001 41/AP P	Total
Primary Education	£110,600.10	£440,440.00		£65,229.45									£616,269.55
Healthcare	£36,806.90	£217,232.00	£88,494.00	£6,270.55	£24,768.00	£619.20	£619.20	£590.00	£619.20	£91.08	£934.92	£1,413.00	£378,458.05
Transportation		£49,054.00											£49,054.00

Sports and Recreation	£2,093.00	£13,104.00									£53.20		£15,250.20
Affordable Housing	£96,000.00				£36,000.00	£4,000.00	£4,000.00	£8,000.00	£4,000.00	£4,000.00	£4,000.00	£4,000.00	£164,000.00
Total	£245,500.00	£719,830.00	£88,494.00	£71,500.00	£60,768.00	£4,619.20	£4,619.20	£8,590.00	£4,619.20	£4,091.08	£4,988.12	£5,413.00	£1,223,031.80

Table11: Developer obligations and affordable housing commuted sums secured

	Buckie High ASG	Elgin Academy ASG	Elgin High ASG	Forres Academy ASG	Keith Grammar ASG	Lossiemouth High ASG	Milnes High ASG	Speyside High ASG	Total
Affordable Housing		£9,325.00							£9,325.00
Ancillary Sports Facilities							£12,532.00	£540.94	£13,072.94
Cemetery		£200.00							£200.00
Community Facilities		£16,392.00	£49,933.92						66325.92
Community Halls			£26,862.48						£26,862.48
Environmental and Access						£250.00		£1,810.00	£2,060.00

Gateway Feature	£8,500.00								£8,500.00
Libraries				£398.90	£443.00			£897.00	£1,738.90
Medical Centre			£426.56						£426.56
Playing Fields								£3,780.00	£3,780.00
Transportation				£6,251.00					£6,251.00
Total	£8,500.00	£25,917.00	£77,222.96	£6,649.90	£443.00	£250.00	£12,532.00	£7,027.94	£138,542.80

Table 12: Developer obligations and affordable housing commuted sums spent

6.2 LDP Delivery Group

- An LDP Delivery Group has been set up and led by the Strategic Planning and Development team to facilitate the alignment of investment plans, co-ordinate infrastructure and maintain an up-to-date evidence base to inform developer obligations. The group includes representatives from Transportation Services, Education Services, Housing Services, NHS Grampian and Scottish Water with scope to involve other as and when required. Due to Covid-19, the group meetings were put on hold, however, the group has now reconvened and is expected to meet every 6 months to deliver the infrastructure requirements identified within the MLDP 2020.

6.3 Learning Estate Strategy

- Developing a strategic approach to the Learning Estate-Moray document was approved by Full Council on 16 December 2020, which will guide the long-term development of the learning estate in Moray. A series of local consultations and engagement events will take place over the next 18 months to develop options for consideration within each Associated Schools Group (ASG) and then to agree on a preferred option for each area. These options will be reported to a future Council meeting.

6.4 Future Developer Obligations

- There is an ambition to prepare and consult on a Greenspace and Sports and Recreation Facilities Strategy, which would incorporate sports area, greenspaces and a play sufficiency assessment. A strategy will need to be developed to provide an up to date and robust evidence base in order to be able to seek developer obligations towards these infrastructure items from developments. However, for developing such strategy, adequate staffing resources are required and input from other stakeholders, such as Education Services, Lands and Parks, Community Councils and Community Groups.
- The Climate Change Strategy and action plan was adopted in March 2021 following the Climate Change Emergency declared in June 2019. In England, where net zero carbon developments cannot be achieved on site, within some local authority areas, the developers are required to contribute into a carbon offset fund managed by the local authorities and being spent towards carbon saving projects. The opportunity for a similar approach and whether it is a possibility within current legislation is anticipated to be explored.

6.5 Conclusion

- Developer Obligations are being collected toward infrastructure including healthcare, education, transportation and a 3G pitch in Forres in line with Policy PP3 and the Developer Obligations Supplementary Guidance.
- The LDP Delivery Group have reconvened to co-ordinate and deliver infrastructure.
- Developer Obligations may be sought towards Green Spaces, Sport and Recreation Facilities and Carbon Offsetting in the future if a robust evidence base can be established.

7 Pressures on Moray's Landscape and Rural Cultural Heritage

The pressure on Moray's landscape was identified as a main issue in 2018. Pressure from sources including large scale windfarms, solar arrays, and the cumulative build-up of housing and suburbanisation of the countryside, new pylon projects and the A96 Duelling were identified. Policy revisions were proposed for rural housing, landscape and trees/woodlands. The protection, management and expansion of woodlands and trees was highlighted as an issue not solely related to landscape but also the contribution made to quality of life, health, biodiversity, green infrastructure and reducing the impacts of climate change.

A review of landscape designations was undertaken to identify Special Landscape Areas with policy safeguarding the special qualities of these areas. Safeguarding and protecting the landscape from adverse impacts is embedded within several policy and not just with Policy EP3 Special Landscape Areas and Landscape Character.

7.1 Applications with Special Landscape Areas

Policy EP3 *Special Landscape Areas and Landscape Character* aims to protect landscapes from inappropriate development. Within Special Landscape Areas proposals must not prejudice the special qualities of the designated area, avoid adverse effects on the landscape and visual qualities and adopt the highest standards of design, in accordance with Policy DP1 and other relevant policies.

- 4 applications were refused in Urban Areas (as defined within Policy EP3) as being contrary to policy – 3 on the basis the proposal eroded traditional character and 1 on the basis that it failed to meet the highest standards of design and eroded traditional character.
- In the Rural Area (as defined by Policy EP3) one application was refused as contrary to EP3 and DP4 due to unacceptable location and siting.
- One application (21/00397/APP) was consented as an acceptable departure from Policy EP3 on the basis that the proposed use directly contributed to the aims and objectives of the Moray Food Growing Strategy and the layout of the proposal was sensitively sited and integrated into the landscape.
- A significant amount of weight is being attached to extant consents justifying development in Special Landscape Areas with 15 applications consented on this basis in the last year. It is acknowledged that this issue and associated impacts will diminish over time. 3 of these were in sensitive SLA's where no new housing is permitted, and 1 failed to meet the criteria of DP4. If these had been new applications they would have been refused under the terms of the policy.
- It is observed that the location within the Special Landscape Area and consideration of the requirements of policy EP3 is not always being referenced within Reports of Handling.

7.2 Large Scale Renewable Energy Developments

- The Council is currently considering an application for 7 turbines with max blade tip height of 190m at Garbet Wind Farm.
- Large-scale onshore wind energy developments exceeding 50MW are determined by the Energy Consents Unit (ECU). In these circumstances, Moray Council are a consultee, rather than being the determining authority.
- One application (20/01026/S36) for a 9 turbine extension (149.9m blade tip height) at Berryburn was received by the ECU in August 2020. Following consideration, the proposal was considered not to depart from policy and the Council therefore raised no objection.
- The ECU are currently still to determine two applications. Moray Council have objected to these including on the grounds of the unacceptable landscape and visual impacts that would arise from the position and height of the turbine, transportation

and the impact on tourism and recreational interests. The Clash Gour application is for 48 turbines with a blade tip height of 130m to 176m and Rothes III is 29 turbines with blade tip heights of 149.9m and 225m. Both applications were subject of a Public Inquiry in September 2020 with a decision from Scottish Ministers awaited.

7.3 Development within open spaces (ENVs)

- 8 applications directly impacting on ENV sites have been determined, including change of use of car park to allow overnight stop over for motorhomes/camper vans, expansion of staff facilities at a distillery, temporary container storage on a playing field, 3 new housing proposals, an application for nursery accommodation within the school estate and a temporary consent for nursery accommodation on the playing field within the school estate until a permanent facility is built.
- 3 of the 8 applications were refused, all related to proposals for new housing that are specifically precluded under the terms of the Open Space policy.
- The LRB considered 2 of these refusals and a proposal for 1 house was refused and a proposal for 7 houses approved.
- The storage container and nursery accommodation received temporary consents for 2 years to ensure no permanent loss of playing fields.
- Where proposals have been given permanent approval there has been no adverse impact on the ENV designation identified, in some cases development is contained within existing hardstanding areas of the distillery complex or school estate in the designation.
- The nursery proposals were deemed to be essential community infrastructure.
- The applications were exclusively on ENV 4 - Sports Areas, ENV 5 Green Corridors and ENV 6 Natural/Semi-Natural Greenspace.

7.4 Trees and Woodland Removal

- Tree Surveys and Tree Protection plans are not being submitted routinely on all sites where trees are present as required by policy.
- Between 2020 and 2021, consents resulted in the loss of 196 trees and 0.386 ha of woodland. Justification for removal in most cases was due to trees being classified as 'Unsuitable' (poor/dead health condition) or being technically unfeasible to retain (key infrastructure), in compliance with Policy EP7 Forestry, Trees and Woodland.
- Four applications did not seek compensatory planting as required by Policy EP7.

- Only 31 trees were clearly identified as compensatory planting. In most cases, compensatory planting has been incorporated within the minimum landscaping requirements for the site. Compensatory planting should be over and above any other landscaping policy requirements to ensure the loss of trees/woodland is truly compensated.
- Development linked to the Kinloss Golf Course Masterplan accounts for the majority (0.32ha) of woodland removal. The adopted Masterplan seeks to deliver a high quality development within the setting of the golf course and introduce sensitively sited housing within the landscape. Planned woodland removal and compensatory planting forms part of the Masterplan's Woodland Management Plan and as such is an acceptable departure from Policy EP7. 1.74ha of compensatory planting is provided as part of Phases 1 and 2 of the development.

7.5 Ancient Woodland

- In Scotland, Ancient Woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. These areas therefore contribute to the landscape significantly but also play a key role in ecosystems and soil conditions.
- Between 2020 and 2021, there were no applications which impacted on Ancient Woodland.

7.6 Woodland Creation

Location	Urban or Rural	Area (ha)	Woodland and Forestry Strategy
Mains of Moy (Keith)	Rural	6.45	Preferred
Shenval and Mid Bellandy (Glenlivet)	Rural	14.46	Preferred and Sensitive (Partial)
Myreton (Keith)	Rural	6.45	Preferred
Annfield (Archiestown)	Rural	2.90	Preferred
Lower Corryhabbie (Dufftown)	Rural	12.47	Preferred and Potentially Sensitive (Partial)
Tombain (Dufftown)	Rural	7	Preferred

Table 13: Woodland Creation Consents

- 49.73ha of new woodland received consent between 2020 and 2021, all within rural areas. Scottish Forestry administer applications for woodland creation.
- All 6 applications were within 'Preferred' areas identified within the Moray Woodland and Forestry Strategy, with two small areas also identified as 'Sensitive' and 'Potentially Sensitive'.

7.6 Listed Building and Conservation Area Consents

- Since the adoption of the LDP 2020 there have been 61 applications that have required listed building consent. Of these consents the majority have involved alterations and repair work to buildings and their historic fabric.
- One notable application was 20/00890/LBC which saw the demolition and reconstruction of the Poundland Building on the High Street. Due to the poor condition of the internal fabric of the building, demolition was the only option to bring it back into use. It will be rebuilt fully with all historic features and detailing reinstated to provide residential opportunities as well as keeping the ground floor for retail development all of which will support the vitality of the town centre.
- Since the adoption of the plan two applications for replacements windows in conservation areas were refused. Both of these applications were subject to appeal at the Local Review Body with one appeal being upheld and the other dismissed.

7.7 Conclusion

- Departures from Policy EP3 Special Landscape Areas and Landscape Character have been limited. It is noted that a number of approvals relate to changes to extant consents and the impact of this is anticipated to reduce over time.
- Impacts on the landscape from large scale wind developments will remain a pressure.
- With the exception of the LRB decision to allow a proposal for 7 houses policy EP5 Open Space has been effective in restricting new housing within ENV's.
- Where proposals on ENV's have been given permanent approval there has been no adverse impact on the ENV designation identified, in some cases development is contained within existing hardstanding areas of the distillery complex or school estate in the designation. The nursery proposals were deemed to be essential community infrastructure which is an exception to the policy.
- Ensuring that where removal of trees and woodland occurs that this is fully compensated for is necessary. Landscaping or planting requirements within other policies does not form part of the compensatory planting.
- New woodland creation has largely been in line with the Woodland and Forestry Strategy.

- Policies EP9 Conservation Areas and EP10 Listed Buildings are being used successfully to assess applications. However, there is an action within the Delivery Plan/Action Programme to develop a programme of Conservation Area appraisals.

8 Safeguarding and Promoting Biodiversity

The Main Issues Report 2018 identified that whilst policy had been successful in protecting international, national and local nature conservation designations and protected species more could be done to safeguard and promote biodiversity more widely within new developments. A new policy EP2 Biodiversity was included within LDP2020 as well as embedding biodiversity with PP1 Placemaking including within the Quality Audit process. This includes a requirement for Biodiversity Plans to be submitted for proposals of 10 or more houses.

- Policy EP1 Natural Heritage Designations continues to safeguard international, national and local nature conservation designation and protected species. No departures from this policy have been identified.
- Biodiversity Plans have been successful in delivering biodiversity enhancement including landscaping plans that incorporate local species mixes of trees and hedging, natural swales and SUDs features, wildflower planting and planting for pollinators.
- New developments are now routinely incorporating bat and bird boxes and hedgehog highways.
- Food growing has predominantly been delivered in the form of fruit tree orchards as opposed to raised beds and planters to embed food growing opportunities within developments.
- Going forward there is a desire to deliver a wider range of nature solutions including rain gardens and green roofs and walls and for biodiversity statements to be more closely aligned with the specific characteristics of the site and any supporting ecological surveys as opposed to generic solutions rolled out.

8.1 Conclusion

Biodiversity enhancement is being delivered through new development. Going forward there is a need to promote a wider range of nature solutions tailored to the specific characteristics of sites and align with any supporting ecological surveys. Closer liaison with the North East Scotland Local Biodiversity Partnership and use of Local Record Centre data would help to better inform the approach to biodiversity in the next Local Development Plan.

9 Delivering on Climate Change

In 2018 the Main Issues Report highlighted the need to embed climate change across the whole Local Development Plan including use of passive solar gain, use of sustainable materials, flood prevention, planning for greenspaces, promoting sustainable transport options and sustainable urban drainage systems. A new policy on zero and low carbon technologies in new development was also identified as an issue to further advance climate change adaption.

9.1 Low and Zero Carbon Generating Technologies

- The requirement for all new development to be designed to ensure that buildings avoid a specified and rising proportion of the projected greenhouse gas emissions through the installation and operation of low and zero-carbon generating technologies has not yet been implemented. This policy was introduced by Scottish Government into all recently adopted LDP's with no guidance on how this was to be implemented. Scottish Government Guidance is awaited to inform the guidance to support the policy and is expected shortly.
- Implementation of the policy when introduced will be monitored in future.

9.2 Renewable Energy Proposals

Planning App	Location	Type of Development	Departure Reasons
20/01606/APP	Drummuir	Biomass heating system	No departure - complies with policy
21/00049/APP	Drybridge	Solar PV system (4.6kw)	No departure - complies with policy
21/00138/APP	Garmouth	Air source heating system	No departure - complies with policy
19/01036/APP	Lower Cabrach	Storage compound for wind farm	No departure - complies with policy
19/01567/APP	Aberlour	Biomass plant	No departure - complies with policy
20/00247/APP	Portgordon	Anaerobic Digestion (AD) tanks	No departure - complies with policy

20/00421/APP	Keith	Biomass plant	No departure - complies with policy
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Table 14: Renewable energy consents

- 7 applications relating to renewable energy development were approved between 2020 and 2021. In all cases, the proposals complied with policy.

9.3 Carbon Rich Soils

- Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to greenhouse gas emissions. Policy EP16 Geodiversity and Soil Resources requires applications to minimise this release and be accompanied by an assessment of the likely effects and aim to mitigate any adverse impacts.
- There have been a limited number of planning applications for relatively minor development on identified areas of potential carbon rich soil in rural locations within Moray.
- The only proposal where a specific peat or carbon rich soils issues was identified related to a compound to serve Dorenell windfarm and a condition was applied seeking further restoration of the peat bank that had been previously altered.

9.4 Electric Vehicle Charging Points

- Policy PP3 Infrastructure and Services requires electric car charging point to be provided at all commercial and community parking facilities. Access to charging points must be provided for residential properties. Where in curtilage facilities cannot be provided to an individual property access to communal charging facilities must be made available.
- Applicants are now routinely being asked to provide detailed plans identifying the location of EV charging points with associated parking space.

9.5 Conclusion

- Planning for Climate Change and supporting the reduction of greenhouse gas emissions is embedded within several policies. PP1 Placemaking and DP1 Development Principles include criteria such as integrating multi-functional active travel routes, green and open space; maximising environmental benefits through orientation of buildings to maximise as solar gain and wind shelter; supporting and enhancing biodiversity; designing open space to be multi-functional including green/blue

networks; EV charging; cycle parking provision; avoiding areas at flood risk; dealing with surface water in a sustainable manner to have a neutral impact on flooding; and avoiding workable reserves of prime agricultural land or productive forestry.

- Once implemented the policy on low and zero carbon generating technologies will be monitored.
- There has only been one application where specific peat or carbon rich soil issues were identified and a condition relating to peat bank restoration was applied.
- Draft NPF4 is to be published in late 2021 and is anticipated will push for greater action through the planning system on reducing carbon emissions.

10 Rural Housing

The 2018 Main Issues Report identified that a largely permissive housing in the countryside policy had resulted in an unsustainable pattern of development with significant levels of plots out with towns, villages and rural groupings. Particular pressure was noted around Elgin, Forres and Buckie. The landscape and visual impacts of poorly sited and designed houses as well as the cumulative build-up of housing in hotspots was recognised as an issue. A new hierarchical policy approach was developed that restricted opportunities within pressurised and sensitive areas and directs development to Rural Groupings, then to reuse and replacement of traditional buildings and then lastly to the open countryside. New siting and design criteria have also been developed with the aim of integrating proposals better with the landscape, reducing the scale of buildings, having more traditional form and proportions, reducing excessive glazing and using better materials.

10.1 Observations and Trends in Rural Housing (DP4 Rural Housing)

Area of Rural Housing	No. of Apps	Approvals	Refusals	No of Advertised Departures	Departure Issues	Summary of Reasons for Refusal	LRB decisions
Intermediate	49 8 PPP 2 AMC	40	9	11	Acceptable departure from maximum of	ribbon development X4 cumulative build up X2 containment/enclosure X3	5 LRB cases 2 X refusal upheld

	39 APP				6.75m height and balcony feature supported on basis of extant consent for similar.	prominent/skyline X 1 access X 1	3 X approved
Pressurised	15 12 APP 2 PPP 2 AMC	9 1x conversion acceptable under policy 8x houses	6	4	Acceptable departure from pressurised and sensitive area supported on extant and commenced sites x 8	pressurised and sensitive area X 6 unsuitable for conversion X 1 height of building X 1 lack of tree info X 1 drainage X Special Landscape Area	1 LRB case 1 X refusal upheld
Re-use replacement	13 13 APP	12 2 conversions 10 replacement	1	5	No acceptable departures supported	Not eligible for replacement Design – height Lack of tree info, bat survey, drainage and access details	No LRB cases
Rural Groupings	23 Rathven Nether Dallachy Miltonhill x13	23	0	0	N/A	N/A	No LRB cases

	Fogwatt Glenallachie Roseisle Tomnabent Darklass Darklands Clochan Thomshill Pluscarden X 9 Maverston						
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Table 15: Summary of Rural Housing planning applications 2020-2021

- A large number of sites where planning permission is sought in pressurised and sensitive areas and areas of intermediate pressure have an extant consent or development has commenced on site. All proposals for new sites within the pressurised and sensitive areas were refused.
- There have been a limited number of Planning Permission in Principle (PPP) applications being submitted for new sites. Within areas of intermediate pressure there is a 50% refusal rate.
- There have been 6 rural housing LRB cases with 3 refused as per officer recommendation and 3 approved.
- A significant amount of weight is being attached to extant consents justifying development in pressurised and sensitive areas with eight sites consented on this basis in the last year. It is acknowledged that this issue and associated impacts will diminish over time.
- Extant consents have also justified the use of concrete tiles and building heights in excess of 6.75m but only on a very limited number of sites.
- A number of consents have the requirement for the use natural slate conditioned as opposed to being negotiated through the planning application. To date there have been no LRB cases seeking to appeal slate conditions.
- Planning applications for re-use and replacement of existing buildings are predominantly for the demolition of buildings. In most instances the condition of the building has been so poor that supporting structural surveys have not been sought.
- No proposals for houses sites within rural groupings have been refused. In total 34 houses in 14 Rural Groupings across Moray have been consented.

- The Miltonhill Rural Grouping identified in the LDP 2020 is functioning well in meeting demand within the surrounding pressurised and sensitive area with 13 sites approved. The Kinloss Golf Course Masterplan prepared for this rural grouping is delivering a high quality development. Many of the houses are built off site and incorporate renewable technologies and high levels of air tightness to reduce emissions.
- There have been no rural housing proposals refused on design grounds. Reasons for refusal relate predominantly to siting criteria in terms of having adequate containment and enclosure, contributing to unacceptable ribbon development or unacceptable cumulative build up and the principle of development within a pressurised and sensitive area.
- Notwithstanding the few exceptions already highlighted, the design criteria is delivering high quality materials in particular the slate roofs and keeping buildings heights low to reduce impact.
- No new rural housing hotspots have developed out with the pressurised and sensitive areas already identified demonstrating that the policy is restricting further cumulative build up and more stringent siting requirements are having an effect.

10.2 Conclusion

- Pressurised and Sensitive Areas - With the exception of sites with an existing consent and where development has already commenced no new housing sites have been approved within any pressurised and sensitive areas. In addition to this no new rural housing hotspots have developed out with the already identified pressurised and sensitive areas demonstrating the policy is restricting further cumulative build up.
- Areas of Intermediate Pressure –It would appear the revised policy has impacted on the number of new house sites being applied for with over 50% of applications * relating to sites that already have consent or where development has already been commenced seeking to either address/alter conditions or change the house design. Of the eight PPP applications submitted to establish the principle of development on a new site half of these were refused evidencing the impact of more stringent siting requirement. **based on a sample of 25 applications*
- Rural Groupings - The rural housing policy is working well in terms of reinforcing the development hierarchy with 34 houses consented across 13 rural groupings. The Miltonhill Rural Grouping identified in the LDP 2020 has been successful in providing development opportunities within a pressurised and sensitive area with 13 houses having been consented.
- Design Quality - The policy has been successful in delivering high quality materials in particular requiring a natural slate roof instead of concrete tiles. The 6.75m height restriction is being adhered to which aids in reducing the impact of new houses in the open countryside. There are still a few examples of proposals for larger houses where the scale and massing of the

buildings could be further reduced and designs that are more suburban than traditional in appearance with excessive detailing as opposed to simple uncluttered design associated with the local traditional vernacular.

Settlement Actions

A “traffic light” coding has been used to give an overall indication on progress across residential, employment and opportunity designations in Moray:-

- Red – Site in danger of non-delivery. Officers will liaise with the developer / landowner if there is no sign of the site coming forward;
- Amber – Site where there is little happening but no specific risk to non-development; and
- Green – Site being actively progressed.

Residential Designations

Aberlour

Site	Planning Application	Progress	Action
R1 Tombain	20/00317/APP 18/01457/APP, 13/01619/APP, 13/01618/APP		Application 20/00317/APP currently under consideration.
R2 Speyview	18/01373/APP 21/00348/APP		Remix application currently under consideration. Potential site within the Housing Mix project. Commitment under the Strategic Housing Investment Plan (SHIP).

Alves

Site	Planning Application	Progress	Action
LONG Alves North			No action at this time, LONG designation.

Archiestown

Site	Planning Application	Progress	Action
R1 East End			Liaise with developer / landowner.
R2 South Lane			Liaise with developer / landowner.
R3 West End			Liaise with developer / landowner.
R4 South of Viewmount			Liaise with developer / landowner.

Buckie

Site	Planning Application	Progress	Action
R1 Burnbank	20/01691/APP, 20/00954/APP, 20/01233/APP		Further 6 plots consented in 2020.
R2 Archibald Grove	18/01108/APP		No action required – site currently under development.
R3Rathburn (N)			Liaise with developer / landowner.
R4 Rathburn (S)			Liaise with developer / landowner.
R5 High Street (E)			Liaise with developer / landowner.
R6 Barhill Road (S)	16/00620/APP		Site currently under development.

R7 Land at Muirton	21/00803/PAN		Proposal of application notices submitted 21 may 2021 on behalf of Morlich Homes Ltd. Liaise with developer / landowner
R8 Land at Barhill Road	21/01224/APP		Application for phase 1 currently under consideration.
R9 Site at Ardach Health Centre			Liaise with developer / landowner.
R10 Mill of Buckie	19/01127/APP		Consent for 11 houses in February 2021.
LONG1 South West of Buckie			No action at this time, LONG designation.
MU High Street (W)			Liaise with developer / landowner.

Burghead

Site	Planning Application	Progress	Action
R1 North Quay, Harbour	18/00359/APP		Consent for 6 units and modified S75 agreement. No action at this time.
R2 Clarkly Hill			Liaise with developer / landowner.
LONG Clarkly Hill			No action at this time, LONG designation.

Craigellachie

Site	Planning Application	Progress	Action
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R1 Edward Avenue			Liaise with developer / landowner.
R2 Site of Former Brewery			Liaise with developer / landowner.
R3 Brickfield	16/01559/APP 16/01558/APP		Potential site within the Housing Mix project. Liaise with developer / landowner.

Cullen

Site	Planning Application	Progress	Action
R1 Seafield Road			Potential site within the Housing Mix project. Liaise with developer / landowner.

Cummingston

Site	Planning Application	Progress	Action
R1 Seaview Road	20/01573/APP 21/00808/APP 17/00627/APP 10/02077/APP 10/00573/APP		Liaise with developer / landowner.

Dallas

Site	Planning Application	Progress	Action
R1 Dallas School West			Liaise with developer / landowner.

R2 Dallas School East			Liaise with developer / landowner.
R3 Former Filling Station			Liaise with developer / landowner.

Dufftown

Site	Planning Application	Progress	Action
R1 Hillside Farm			Potential site within the Housing Mix project. Liaise with developer / landowner.

Dyke

Site	Planning Application	Progress	Action
R1 North Darklass Road	17/01233/AMC 15/01909/PPP		No action required – site currently under development.
R2 South Darklass Road			Liaise with developer / landowner.
R3 Fir Park Road			Liaise with developer / landowner.

Elgin

Site	Planning Application	Progress	Action
R1 Bilbohall North			Liaise with developer / landowner.

R2 Edgar Road	20/00905/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Awaiting completion of S.75 agreement for issue of consent.
R3 Bilbohall South	20/00905/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Awaiting completion of S.75 agreement for issue of consent.
R4 South West of Elgin High School			Liaise with developer / landowner.
R5 Bilbohall West			Liaise with developer / landowner.
R6 Knockmasting Wood			Liaise with developer / landowner.
R7 The Firs	20/00905/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Awaiting completion of S.75 agreement.
R8 Alba Place	19/01217/APP		Under development
R9 Hamilton Drive	19/01614/APP		Planning application under consideration for 17 units.
R10 Spynie Hospital North	19/00811/APP 19/00800/APP 17/00607/APP 08/02766/FUL		No action required – site currently under development.

R11 Findrassie / Myreside Site	19/01085/APP 20/00753/AMC 17/00834/PPP 21/00961/AMC 21/00670/PAN		<p>Commitment under the Strategic Housing Investment Plan (SHIP).</p> <p>Consent granted for Phase 1 – which is currently under construction.</p> <p>Application for second phase on Lossiemouth Road currently under consideration.</p> <p>Proposal of Application Notice submitted for phase on Duffus Road submitted 4th May 2021.</p>
R12 Lossiemouth Road NE			Liaise with developer / landowner.
R13 Lesmurdie Field	19/01510/APP		<p>Commitment under the Strategic Housing Investment Plan (SHIP).</p> <p>Planning application under consideration</p>
R14 Spyine Hospital	20/00781/APP		Application under consideration.
R15 Pinegrove			Redevelopment opportunity. Liaise with developer / landowner.
R16 Barmuckity			Liaise with developer / landowner.
R17 Driving Range	15/02020/APP		Complete
R18 Linkwood Steading Site	19/00550/APP 15/02032/APP		No action required – site complete.

R19 Easter Linkwood and Linkwood	18/01209/APP 16/01244/APP		Part of site under construction to the south of the Moray Sport Centre. Remainder of site is constrained.
R20 Glassgreen, Elgin South	18/01209/APP 16/01244/APP 21/00739/APP 21/00206/APP 21/00304/APP 21/00396/APP		Part under development. Applications to remix parts of site currently under consideration.
R21 Palmers Cross			Liaise with developer / landowner.
LONG1 A/B North East			Liaise with developer / landowner.
LONG2 South	18/01209/APP 16/01244/APP 21/01163/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Part of site released for development under policy DP2 triggers. With application under consideration.

Findhorn

Site	Planning Application	Progress	Action
R1 Heathneuk	18/01518/APP 17/00333/APP 14/00869/APP		No action required – site currently under development.

R2 Duneland	19/01649/AMC 19/00320/PPP 16/01377/APP 16/01265/APP		No action required – site currently under development.
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Findochty

Site	Planning Application	Progress	Action
R1 Morven Crescent			Potential site within the Housing Mix project. Liaise with developer / landowner.
R2 West of Primary School			Liaise with developer / landowner.

Fochabers

Site	Planning Application	Progress	Action
R1 Ordiquish Road	15/00244/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Under construction.
R2 Ordiquish Road West			Liaise with developer / landowner.
R3 East of Duncan Avenue	16/00308/APP		No action required – site currently under development.
R4 Ordiquish Road East			Liaise with developer / landowner.
LONG Ordiquish Road East			No action at this time.

Forres

Site	Planning Application	Progress	Action
R1 Knockomie	19/00293/APP		Planning consent granted for 112 units. Under construction
R2 Ferrylea	19/00615/APP 18/01142/APP 18/00113/APP 16/00743/APP 12/01110/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Planning consent for phase 3 (316 units). Under construction
R3 Lochyhill	09/02364/APP (lapsed)		Liaise with developer / landowner. Masterplanning being progressed.
R4 Mannachie	20/00927/APP		Planning application under consideration.
R5 Balnageith			Liaise with developer / landowner.
R6 Dallas Dhu			Potential site within the Housing Mix project. Commitment under the Strategic Housing Investment Plan (SHIP). Council working with landowner to progress first phase application. Liaise with developer / landowner.
R7 Pilmuir Road West			Liaise with developer / landowner.
LONG1 Lochyhill			Liaise with developer / landowner.

Garmouth

Site	Planning Application	Progress	Action
R1 South of Innes Road			Liaise with developer / landowner.

Hopeman

Site	Planning Application	Progress	Action
R1 Manse Road	20/00278/APP		Planning application under consideration for 48 units with infrastructure for whole site.
R2 Forsyth Street	16/01663/APP		Development completed.

Keith

Site	Planning Application	Progress	Action
R1 Nelson Terrace	19/00565/APP 17/01253/APP 17/00287/APP 14/02313/APP		Liaise with developer / landowner.
R2 Dunnyduff Road			Liaise with developer / landowner.
R3 Balloch Road			Liaise with developer / landowner.
R4 Banff Road North	18/01497/APP		Commitment under the Strategic Housing Investment Plan (SHIP). Under construction

R5 Edindiach Road West	07/01419/FUL 13/01735/APP 14/01114/APP 17/01600/APP 19/00513/APP 19/01192/APP		Liaise with developer / landowner. Small part of site to be completed.
R6 Former Caravan Site, Dunnyduff Road			Currently being used as caravan/camping site. Consider changing designation in next LDP.
R7 Denwell Road			Liaise with developer / landowner.
R8 Edindiach Road East			Liaise with developer / landowner.
LONG 1 Nursery Field			Liaise with developer / landowner.
MU Banff Road South			Liaise with developer / landowner.

Kinloss

Site	Planning Application	Progress	Action
R1, West of Seapark House	15/01605/PPP 17/00780/APP		Liaise with developer / landowner.
R2 Findhorn Road West	17/01906/APP		Consent for 5 units under construction
R3 Damhead	19/00260/PPP		Planning permission in principle for 23 units.

Lhanbryde

Site	Planning Application	Progress	Action
R1 West of St Andrews Road	19/01080/APP		Planning consented for 77 houses. Work ongoing to purify conditions.
R2 Garmouth Road	20/01615/APP		Planning application under consideration for 25 affordable houses and 8 specialist supported housing.

Lossiemouth

Site	Planning Application	Progress	Action
R1 Sunbank / Kinneddar	14/01486/APP 19/00100/APP		Commitment under the Strategic Housing Investment Plan (SHIP). No action required – site currently under development.
R2 Stotfield Road			Liaise with developer / landowner. 2 plots remaining.
R3 Inchbroom	19/01178/APP 20/00265/APP 08/01685/FUL 08/01692/FUL 10/00492/APP 11/01215/APP		No action required – site currently under development.

Mosstodloch

Site	Planning Application	Progress	Action
R1 Stynie Road	19/00517/APP 18/01536/APP 16/00083/APP 10/01267/APP		Site under construction with first phase occupied. Commitment under the Strategic Housing Investment Plan (SHIP).
R2 Garmouth Road			Liaise with developer / landowner.
MU LONG 1 South of A96			Liaise with developer / landowner.

Newmill

Site	Planning Application	Progress	Action
R1 Isla Road			Liaise with developer / landowner.

Portgordon

Site	Planning Application	Progress	Action
R1 West of Reid Terrace			Liaise with developer / landowner.

Portknockie

Site	Planning Application	Progress	Action
R1 Seabraes			Potential site within the Housing Mix project. Liaise with developer / landowner.

Rafford

Site	Planning Application	Progress	Action
R1 Brockloch			Potential site within the Housing Mix project. Liaise with developer / landowner.

Rothies

Site	Planning Application	Progress	Action
R1 Spey Street			Liaise with developer / landowner.
R2 Green Street			Liaise with developer / landowner.

Rothiemay

Site	Planning Application	Progress	Action
R1 Castle Terrace	14/01431/AMC 11/00991/APP 07/02477/OUT		Liaise with developer / landowner.
R2 Anderson Drive			Liaise with developer / landowner.
R3 Deveronside Road			Liaise with developer / landowner.

Urquhart

Site	Planning Application	Progress	Action
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R1 Meft Road	20/00120/APP		Application for 10 units approved at Committee on 3 rd August 2021, awaiting S.75.
R2 Station Road			Liaise with developer / landowner.
LONG1 Meft Road			No action at this time.

Employment and Opportunity Sites

Aberlour

Site	Planning Application	Progress	Action
I1 Fisherton			Fully developed. No action at this time.
I2 Aberlour / Glenlivet Distillery Area	19/01567/APP		Site expanded as part of MLDP 2020. Proposals for redevelopment and expansion of Aberlour Distillery consented.
I3 Mary Avenue			Fully developed. No action at this time.
I4 Fisherton Yard			Fully occupied./vacancies actively managed.
OPP1 Mary Avenue			Fully occupied. No action at this time.

Buckie

Site	Planning Application	Progress	Action
I1 March Road (NW)			Fully developed. No action at this time.

I2 March Road (NE)			Fully developed. No action at this time.
I3 Rathven Industrial Estate	20/01468/APP 17/00193/APP		Partially developed and occupied. Site is being actively marketed. No action at this time.
I4 Maltings	19/01026/APP 16/01261/APP		Part of site is occupied by the Maltings. Various applications over years to expand the malting operations.
I5 The Harbour Area			Partially occupied with vacancies actively managed. No action at this time.
LONG 2 March Road			No action at this time, LONG designation.
OPP1 Highland Yards	19/00416/APP 17/01468/APP		Site partially occupied by Lidl. Consent for 31 affordable houses for remainder of site. Under construction.
OPP2 Blairdaff Street			Liaise with developer / landowner.
OPP3 Barron Street			Liaise with developer / landowner.
OPP4 Bank Street			Liaise with developer / landowner.

OPP5 The Former Jones Shipyard			Officers investigating options with the landowner to bring the site forward to support the regeneration proposals for Buckie Harbour Major access constraints.
OPP6 Former Grampian Country Park	19/00700/APP 19/01511/APP		Planning consent for indoor trampoline/activity centre.
OPP7 Former Millbank Garage Site	08/01098/FUL		No action at this time – site currently under development.
OPP8 Site at March Road West			Liaise with developer / landowner.

Burghead

Site	Planning Application	Progress	Action
I1 Burghead Maltings			Fully occupied. No action at this time.
I2 Crematorium			Fully occupied. No action at this time.
OPP1 West Foreshore			Potential site within the Housing Mix project. Continue to liaise with developer / landowner.

Craigellachie

Site	Planning Application	Progress	Action
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I1 Distillery			Fully occupied. No action at this time.
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Cullen

Site	Planning Application	Progress	Action
I1 South of Cemetery			Liaise with developer / landowner.
OPP1 Blantyre Street			Liaise with developer / landowner.
OPP2 Port Long Road	19/01406/APP 19/00703/APP 20/00178/APP 20/00520/APP 19/01247/APP		Applications for tourist accommodation/facilities and also change of use to residential.

Dufftown

Site	Planning Application	Progress	Action
I1 Balvenie Street	19/00131/APP		Vacancy being actively marketed. No action at this time.
I2 Mortlach Distillery			Fully occupied. No action at this time.

OPP1 Auction Mart, Hill Street	14/00320/APP		Southern part of site fully developed. Consent remains for 5 affordable units in northern part. Commitment under the Strategic Housing Investment Plan (SHIP). No action at this time.
OPP2 Hill Street			Liaise with developer / landowner.
OPP3 Balvenie Street			Fully occupied. No action at this time.

Elgin

Site	Planning Application	Progress	Action
I1 Linkwood Industrial Estate	18/01187/APP 17/00816/APP		Vacancy being actively marketed. No action at this time.
I2 Chanonry Industrial Estate	21/00219/APP 20/01452/APP 19/01317/APP		Vacancy being actively marketed. No action at this time.
I3 Moycroft Industrial Estate			Fully developed. No action at this time.
I4 Tyock Industrial Estate	18/01484/APP 17/00018/APP		Fully developed. Vacancies being actively marketed. No action at this time.

I5 Pinefield Industrial Estate	19/00340/APP 17/00952/APP 17/00785/APP		Fully developed. No action at this time.
I6 Linkwood East	20/00018/APP 18/01472/APP 18/01126/APP		Retail and distribution centre under construction.
I7 Barmuckity	21/00448/APP 21/00207/APP 20/00012/APP 19/01218/APP 19/01195/APP 18/01000/APP 17/01958/APP 17/01930/APP 17/01282/APP		Construction on several sites started. Site being actively marketed with strong interest. No action at this time.
I8 Newfield			Forms part of Findrassie Masterplan. Continue to liaise with developer / landowner.
I9 Railway Sidings / Ashgrove Road	17/00266/APP		Partially occupied. No action at this time.
I10 Edgar Road			Fully developed. No action at this time.
I11 Johnstons Woollen Mill			Fully occupied. No action at this time.

I12 Glen Moray Distillery, Bruceland Road			Fully occupied. No action at this time.
I13 Linkwood Distillery			Fully occupied. No action at this time.
I14 Ashgrove Road			Fully developed. No action at this time.
I15 Sandy Road (The Wards)	19/00486/APP 18/00420/APP 17/01567/APP		Fully developed. No action at this time.
I16 Burnside of Birnie			Liaise with developer / landowner.
LONG 3 Burnside of Birnie			Liaise with developer / landowner.
MU1 Riverview			Liaise with developer / landowner.
MU2 Lossiemouth Road			Liaise with developer / landowner.
OPP1 Flemings Sawmill / Former Morayshire Tractors, Linkwood Road			Officers investigating with landowners options to address constraints affecting OPP5 and OPP1
OPP2 Hill Street / Ladyhill			Potential site within the Housing Mix project. Liaise with developer / landowner.
OPP3 Wards Road	19/00368/APP		Vacancy being actively marketed. No action at this time.

OPP4 Ashgrove Road	20/00721/APP 20/01757/APP		Under development and being actively marketed for industrial and storage and distribution.
OPP5 Auction Mart, Linkwood Road	19/01644/APP 17/00120/PPP (Refused)		Consent for temporary compound during A96 site investigation works. Officers investigating with landowners options to address constraints affecting OPP5 and OPP1 Liaise with developer / landowner.
OPP6 Grampian Road	19/00821/APP 20/01423/APP 20/01060/APP		Consents for garages and storage.
OPP7 Gordon Macphail Borough Briggs			Liaise with developer / landowner.
OPP8 Lossie Green			Elgin City Centre Masterplan
OPP9 Town Hall			Elgin City Centre Masterplan/Moray Growth Deal
OPP10 Grant Lodge			Elgin City Centre Masterplan/Moray Growth Deal
OPP11 Lesser Borough Briggs	20/00364/APP		Multi Use Games Area completed.

Findhorn

Site	Planning Application	Progress	Action
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OPP1 Boatyard			Continue to liaise with developer / landowner.
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Findochty

Site	Planning Application	Progress	Action
OPP1 North Beach	18/00700/APP		No action at this time.

Fochabers

Site	Planning Application	Progress	Action
OPP1 Institution Road			Liaise with developer / landowner.
OPP2 Lennox Crescent			Liaise with developer / landowner.

Forres

Site	Planning Application	Progress	Action
BP1 Enterprise Park	20/00749/APP 20/00814/APP 20/01714/APP		Extension to road Consent for new small business units. Consent for office pods within Horizon Scotland.
I1 Greshop	20/01156/APP 19/01058/APP 18/00439/APP		Vacancy being actively marketed. Expansion to James Jones under construction. No action at this time.
I2 Waterford			Vacancies being actively marketed. No action at this time.

I3 Benromach Distillery	18/00811/APP		Fully occupied. Consent for expansion for warehouses.
I4 Easter New Forres			Viability concerns.
OPP1 Caroline Street	20/01455/APP 18/00217/APP		20/01455/APP –refused at Committee 3 rd August 2021 Partially developed and occupied. Main area remains vacant. Commitment under the Strategic Housing Investment Plan (SHIP). Liaise with developer / landowner.
OPP2 Bus Depot, North Road	20/01226/APP		Consent for change of use from disused former council yard to car park
OPP3 Castlehill Hall			Liaise with landowner/developer.
OPP4 Auction Hall, Tytler Street			Potential site within the Housing Mix project. Liaise with developer / landowner.
OPP5 Edgehill Road			Liaise with developer / landowner.
OPP6 Leancoil Hospital	17/01795/LBC		Liaise with developer / landowner.

OPP7 Whiterow	20/00185/APP 17/01877/APP 18/00519/APP 18/00664/APP		Consents for 4 individual houses. Physical constraints to be overcome. Initial discussions for wider site held with landowner. Continue to liaise with developer / landowner.
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Hopeman

Site	Planning Application	Progress	Action
I1 Forsyth Street	20/00474/APP (refused)		Application for retail unit, industrial unit and flats partly on I1 refused.

Keith

Site	Planning Application	Progress	Action
I1 Westerton Road North			Fully developed. No action at this time.
I2 Westerton Road South			Vacancies but site is being actively marketed. No action at this time.
I3 Westerton Road East	20/00237/APP 20/00877/APP		Under construction for energy management facility.
I4 Bridge Street			Mostly occupied by Keith Builders Merchant. No action at this time.

I5 Edindiach Road			Fully developed. No action at this time.
I6 Newmill Road			Fully developed. No action at this time.
I7 Isla Bank Mills			Vacancies but site is being actively marketed. No action at this time.
I8 Grain Store, Dufftown Road			Fully occupied. No action at this time.
I9 Burn of Haughs Bonded Warehouses			Fully occupied. No action at this time.
I10 Railway Land and Blending Works	18/01174/APP		Fully occupied. No action at this time.
I11 Westerton Road East Expansion			Liaise with developer / landowner.
LONG 2 Westerton Road			No action at this time, LONG Designation.
OPP1 The Tannery	17/00314/APP		Consent for dwellinghouse on part of site. Wider site still to be redeveloped.
OPP2 Former Primary School, Church Road			Fully occupied. No action at this time.
OPP3 Newmill Road South			Liaise with developer / landowner.

Kinloss

Site	Planning Application	Progress	Action
OPP1 Kinloss Home Farm			Liaise with developer / landowner.
OPP2 Land at Former Abbeylands School			Liaise with developer / landowner.

Lossiemouth

Site	Planning Application	Progress	Action
I1 Coularbank Industrial Estate	19/01037/APP		Vacancy being actively marketed.
I2 Shore Street	20/00426/APP		Fully developed. Consent to demolish warehouse and replace with housing. No action at this time.
OPP1 Sunbank			Liaise with developer / landowner.

Mosstodloch

Site	Planning Application	Progress	Action
I1 Garmouth Road			Fully developed. No action at this time.
I2 North of Baxter's			Liaise with developer / landowner. Reserved for expansion of Baxters if required in future.

I3/LONG 2 West of Mosstodloch			Discussions ongoing with landowner with regards to masterplan.
I4 Sawmill			Fully occupied. No action at this time.
I5 Baxter's			Fully occupied. No action at this time.
MU LONG 1			Discussions ongoing with landowner with regards to masterplan.
OPP1 Balnacoul			Liaise with developer / landowner.

Newmill

Site	Planning Application	Progress	Action
OPP1 The Square	18/00047/APP		2 houses built on part of site

Portknockie

Site	Planning Application	Progress	Action
OPP1 Patrol Road	19/01659/APP		Consent for visitor café following review of decision by LRB. Liaise with developer / landowner.

Roths

Site	Planning Application	Progress	Action
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I1 Back Burn			Being utilised for storage. Liaise with developer / landowner.
I2 The Distilleries			Fully occupied. No action at this time.
I3 Reserve Land Rear of Dark Grains Plant			Fully occupied. No action at this time.
I4 Station Yard	18/01199/APP		Mostly occupied with some gap sites. No action at this time.
OPP1 North Street			Liaise with developer / landowner.

APPENDIX3

Moray Local Development Plan Action Programme/Delivery Plan – Progress Table

Action Number	Action	Progress/Comments
Action 1	Regional Planning -Develop a Regional Spatial Strategy	Indicative strategy completed. Final strategy awaiting publication of NPF4.
Action 2	Develop a long term programme for engagement with young people	Ongoing – engagement programme in preparation and to be reported to Planning and Regulatory Services Committee. Revised timescales 2022.
Action 3	Local Development Plan Delivery Group	LDP Delivery Group have reconvened after being paused during Covid-19 restrictions.
Action 4	Masterplan/Growth Area Delivery Groups	Ongoing
Action 5	Prepare and Review Masterplans and Support their Delivery	In progress See below table with Masterplan review progress.
Action 6	Prepare and Review Development Briefs	Not progressed due to staff resources.
Action 7	Complete Quality Audits	Ongoing – completed for new applications over 10 units.
Action 8	Planning Policy Interpretation Guidance	Complete with exception of guidance relating to carbon emissions/use of renewable technologies where Scottish Government Guidance is awaited.
Action 9	Preparation of LDP: Invitation to prepare Local Place Plans and preparation of evidence report	Programmed for 2023. Regulations providing for the preparation of Local Place Plans were laid before the Scottish Parliament in October 2021 and further guidance is awaited.

Action 10	Prepare and implement food growing strategy	Food Growing Strategy is now published and in the implementation stage. Implementation has been limited due to the impacts of the Covid-19 Pandemic and restricted resources
Action 11	Site delivery strategies and monitoring of effectiveness	Not progressed. Timescales to be revised to 2022 Q1-Q2.
Action 12	Annual Monitoring of Supply through housing land audit	Completed annually.
Action 13	Develop programme to support delivery of stalled sites and vacant and derelict land	Being progressed as part of the Housing Mix Growth Deal project. Programmed 2021-2023
Action 14	Review of Vacant/Derelict Land and Empty Properties	Early work commenced on review of brownfield sites. Delivery Plan timescales to be revised to 2022 Q2-Q3.
Action 15	Investigate options for longer term development beyond LDP2020	Programmed for 2023
Action 16	Site search and consultation for new Gypsy Traveller Halting site	Programmed for 2023
Action 17	Site Delivery Strategies and Monitoring of Site Effectiveness	Not progressed. Timescales to be revised to 2022 Q1-Q2.
Action 18	Annual monitoring of supply through Employment Land Audit	Completed annually.
Action 19	Prepare and Review Development Frameworks	Early discussions with landowners of some sites but development of new Development Frameworks has not progressed.
Action 20	Large Scale Rural Inward Investment Sites Identification	Programmed for 2022 Q3-Q4. The proposed MAATIC site has been identified as an inward investment site.
Action 21	Delivery of Infrastructure	See detailed table below.
Action 22	Update Elgin Traffic Modelling	Updated modelling being commissioned.
Action 23	Greenspace and Sport and Recreation Facilities Strategy	Not progressed due to staff resources. Timescales 2022/23.

Action 24	Developer Obligations Supplementary Guidance Review	Developer Obligations Supplementary Guidance came into effect on 30 September 2020 following approval by the Scottish Government and the Moray Council Emergency Cabinet (14 May 2020). Programmed to be reviewed in 2022.
Action 25	Developer Obligations Assessment and Management of Funds	Ongoing.
Action 26	Prepare and implement Elgin Town Centre Masterplan	Draft Elgin City Centre Masterplan consulted on between March and July 2021. Comments on Masterplan and Delivery Plan reported to Planning and Regulatory Services Committee on 16 November 2021. A Steering Group of key partners and stakeholders is to be set up to co-ordinate implementation.
Action 27	Town Centre Action Plans Buckie and Forres	Town Centre Improvement Plans currently being progressed and scheduled to be reported to the Planning and Regulatory Services Committee in early 2022.
Action 28	Monitoring the Health of Town Centres	Town Centre Health Check not completed in 2020 as scheduled due to Covid-19 restrictions. A Town Centre Health Check for 2021 is being completed as part of the Moray Retail Study and model work which is part of Action 29.
Action 29	Update Retail Model	In progress and scheduled for completion in early 2022.
Action 30	Planning Policy Interpretation Guidance	Complete with exception of guidance relating to carbon emissions/use of renewable technologies where Scottish Government Guidance is awaited.
Action 31	Encourage Active Travel	Ongoing. An upgrade of the Speyside Way to Cragganmore should also be identified in the action.
Action 32	Tree Preservation Orders	New TPO's in place following adoption of the LDP including at Knockomie and Miltonhill.

		Review of existing TPO's not completed with timescales to be revised to 2023.
Action 33	Compensatory Planting Areas	Sites assessed and confirmed by Planning and Regulatory Services Committee 25 February 2020. Delivery mechanism to be developed.
Action 34	Compensatory Planting Procedure	Not completed. Timescales revised to 2022.
Action 35	Wards Wildlife Site Management Plan	Management Plan being prepared through Nature Restoration Fund late 2021/early 2022.
Action 36	Biodiversity Duty Report	Completed every 3 years. Last report for 2018-2020 completed in December 2020.
Action 37	Conservation Area Appraisals	Programmed for 2022.

Masterplan Progress Table

Masterplan	Sites	Timescales	Progress
Barhill Road Buckie	<i>R8, Long 1</i>	<i>2022</i>	Preparation of draft masterplan in progress. Consultation programmed for 2022.
Clarkly Hill, Burghead	R2/LONG	Tbc	Core stakeholder team to be established.
Central Elgin Masterplan	Including TC, OPP7, OPP8, OPP9, OPP10, OPP11	Implementation stage	Draft Elgin City Centre Masterplan consulted on between March and July 2021. Comments on Masterplan and Delivery Plan reported to Planning and Regulatory Services Committee on 16 November 2021. A Steering Group of key partners and stakeholders is to be set up to co-ordinate implementation.
Findrassie Elgin	R11, I8	Review programmed 2022	Early discussions with landowner regarding review being progressed.

Elgin South	R19, R20, LONG2	Complete	Review of masterplan completed in 2021 with the updated masterplan agreed by the Planning and Regulatory Services Committee on 3 August 2021.
Bilbohall Elgin	R2,R3, R4, R6, R7	Complete	Masterplan approved as Supplementary Guidance 13 November 2018. Issue of planning consent for sites R7, R2 and R3 awaiting completion of S.75 agreement.
Dallas Dhu	R4/R6	Complete	Masterplan adopted as Supplementary Guidance.
Lochyhill Forres	R3/LONG1	Tbc	Core stakeholder team to be established.
Kinloss Golf Club	Miltonhill Rural Grouping	Complete	Planning consent for phase 1a, 1b, 2a and 2b approved. Application for phase 3 submitted.

Infrastructure Progress Update

Detailed Infrastructure tables are included within the Action Programme/Delivery Plan. The table below does not include all infrastructure actions within the Action Programme/Delivery Plan and only those where there is an update on progress since the Action Programme/Delivery Plan was published in September 2020 are listed below.

Action	Progress Update
EDUCATION	
Learning Estate Strategy (LES)	The LES is currently in preparation. Consultation events to develop options are programmed for 2021/2022
Linkwood Primary School Elgin	Linkwood Primary School was completed on 8 December 2020 and the school opened in January 2021.
Replacement Lossiemouth High School	<p>The school opened on 14 April 2021.</p> <p>Phase 3, including the demolition of the old school building, construction of the 3G pitch, completing the landscaping, paths and roads, is due to be complete March 2022.</p>

SPORTS AND RECREATION	
Enclosed Floodlit Synthetic Turf Pitch Forres	Feasibility Study under preparation and will be reported to a future Committee.
HEALTH CARE	
Extension to Elgin Community Surgery	Surgery closed permanently. Patients have been transferred to Maryhill Health Centre where the Action Programme/Delivery Plan identifies a requirement for extension.
ROAD INFRASTRUCTURE IMPROVEMENTS	
Buckie TSP 2 - Barhill Road- Two new accesses to serve Site R6 and R8	Completed
Buckie TSP 6 - March Road- Two new points of access to serve industrial areas	Completed
Elgin TSP 18 - A941 Lossiemouth Road- New junctions to provide access for Findrassie development	Construction of a new access for the southern part of the development is currently underway as part of planning permission 19/01085/APP. This 'ghost island' priority junction will be in place until the land on the Eastern side of the A941 is developed.
Elgin TSP 26 - Edgar Road extension to form primary access to Bilbohall development	Road layout has been agreed through planning application 20/00905/APP for R2, R3 and R7. Application for Road Construction Consent is in progress.
Elgin TSP 27 - Edgar Road/The Wards/Glen Moray Drive- Junction improvements associated with Bilbohall development and Site LONG2	Developer Obligations identified and agreed as part of planning application 20/00905/APP for R2, R3 and R7
Elgin TSP 55 - Linkwood Road- New accesses to serve Elgin South development	Work on site partially completed, further design and works to be progressed by the developer. New access to Elgin South Village Garden Housing and Linkwood Primary School was completed in October 2020.
Elgin TSP 58 - Birnie Road- New junctions to serve Elgin South development, including LONG2	Work on site partially completed. Design for further accesses to be progressed by developer. New accesses have been provided to the Driving Range in July 2019 and Elgin South Crescent North development in August 2020.

Elgin TSP 59 - Birnie Road widening to serve Elgin South development and provision of footway/cycleway to connect development to existing network	Road widening partially complete. Work to be continued and further improved as part of subsequent development.
FORRES TSP 12 - A940- New junction access to OPP7. Existing U83E to Whiterow access onto A940 to be stopped up the vehicular traffic and new connection to be made through OPP7 between U83E and A940	New access has been formed onto A940. Access to remain private until further development is constructed.
FORRES TSP 15 - A940/R1 - Access from A940 to site R1 and improvements to A940 alongside the frontage including drainage, kerbing and surfacing. Review of speed limit required for any new development proposals	Works to provide new access commenced in Summer 2021.
FORRES TSP 18 - Orchard Road/Thornhill Road/Grantown Road junction improvements required in association with development in the South West of Forres	Preliminary design prepared, some developer obligations have already been received and further have been secured. Forward funding approved to implement scheme in advance of receiving developer obligations secured towards this junction improvement.
KEITH TSP 6 - Banff Road- New junction onto A95/Banff Road to serve Site R4 and Muto include extension of Footway/cycleway and relocation of speed limits once the roundabout has been constructed	New access and footway/cycleway currently under construction to be completed mid 2022.
LOSSIEMOUTH TSP 1 - B9135/Kinnedar- New junction to serve Site R1	New site access was completed in July 2021.
MOSSTODLOCH TSP 3 - Stynie Road- Improvements (including road widening, provision of footways/ cycleways, relocation or provision of new speed limits) associated with Site R1	Completed April 2021
MOSSTODLOCH TSP 4 - Stynie Road- Two new points of access/junctions required to access Site R1	New site accesses were completed in April and August 2021.



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 16 NOVEMBER 2021

SUBJECT: NATURE RESTORATION FUND

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee of a grant of £101,000 which has been made available to the Council by the Scottish Government from the Nature Restoration Fund and to ask the Committee to agree how the grant is allocated.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to the functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- i) **note receipt of the £101,000 grant from the Scottish Government's Nature Restoration Fund; and**
- ii) **agree the proposed projects and budgets as set out in para 4 of this report.**

3. BACKGROUND

- 3.1 On 2 August 2021 the Scottish Government wrote to Moray Council detailing the allocation of capital funding from the new Nature Restoration Fund to all Scottish Local Authorities.
- 3.2 The purpose of the fund is to support actions that help nature to recover in Scotland, by either 1) Making Space for Nature (urban focus) and/or 2) Helping Nature to Recover (rural focus).
- 3.3 Projects using the fund must enhance biodiversity and local ecosystems and/or use nature based solutions to mitigate and adapt to the climate emergency and its impacts. Projects should also promote community health and wellbeing and reduce inequalities.

3.4 Projects are required to be completed within this financial year.

4. PROPOSALS

4.1 The Council's allocation of funding from the Nature Restoration Fund has been discussed between officers from Strategic Planning and Development, Environmental Protection and Education and a number of projects have been identified as suitable for the budget and timescale. The following projects are proposed to receive this funding:

Clovenside Rain Garden £15,000

4.2 Clovenside Cemetery in Forres was impacted by significant flooding in 2020 and summer 2021, an event that is likely to be repeated due to the increased likelihood of extreme weather events in the future.

4.3 Rain gardens are dry, shallow hollows planted with native plants suited to short term waterlogging. These are designed to capture excess surface water run-off in times of heavy rainfall. The rain garden will look like a small dip planted with meadow grasses and small shrubs. The soil beneath will have high sand content with a deep layer of stone under that to maximise the drainage. Storm water fills the hollow and then drains away safely, filtering pollutants in the process.

4.4 The rain garden is the key project / focus to maximise the drainage capacity during extreme flooding events at the cemetery, already allocated £56,000 and the proposed £15,000 from the Nature Restoration Fund will contribute to this total construction cost. The funds will be used to support the project including final ground preparation and sowing of meadow mix, not only alleviating the problem of standing water after heavy rain but also enhancing biodiversity and adding to the character of the cemetery.

Wildflower Plantings £10,000

4.5 The introduction of wildflowers plays an important part in improving the biodiversity of our open spaces and in turn helps wildlife, people and the environment in general and is supported by the Moray Local Development Plan and wider legislation.

4.6 The Economic Growth, Housing and Environmental Sustainability Committee approved the introduction of new wildflower sites across Moray on 1 December 2020 (para 19 of minute refers).

4.7 This work is being undertaken by Environmental Protection and the contribution from the Nature Restoration Fund will be used to support resourcing labour and materials to deliver 8 wildflower planting projects across Moray.

4.8 Using feedback received through consultation with Community Councils a draft 3 year programme has been developed and shared with Community Councils. Engagement with communities on the potential projects for the first tranche is taking place this autumn with planned on site delivery programme for early Spring 2022. This includes sites at:

- Queen Street Orchard, Buckie
- Mannachie Park, Forres
- Fiddich Park, Craigellachie
- Provost Christie Drive, Rothes
- Reikit Lane, Elgin
- Cooper Park, Elgin
- Moray Sports Centre, Elgin
- Clovenside Cemetery, Forres

Site management plans and minor biodiversity enhancements £66,000

- 4.9 Two areas have been identified that would benefit from improvements, neither of which have been actively managed in recent years.
- 4.10 Millbuies is the only Country Park in Moray, having been taken over by Moray District Council in 1975, and is an excellent amenity resource, offering a picnic area and gentle walks through the woodland around the loch. The varied flora in the park supports native wildlife such as red squirrels and pine marten, with the additional benefit of providing a rich aquatic ecosystem.
- 4.11 The Wards wildlife site is the only area that has received the designation of non-statutory wildlife site by Moray Council, and provides a sanctuary for wildlife within Elgin. It is an important wetland habitat, surrounded on all sides by existing and planned future development, and is also a valuable natural space for the community being in close proximity to Greenwards primary school and Elgin High as well as many residences and the Edgar Road retail area.
- 4.12 Both sites require renewed management in order for the biodiversity and community health and wellbeing opportunities to be maximised. Management plans will be commissioned by Strategic Planning and Development to support Environmental Protection to identify priorities for enhancing each space for the benefit of local biodiversity, and maximising the engagement of residents and communities. These management plans will identify opportunities relating to woodland management, restoration and rewilding, aquatic benefits, access improvements and educational enhancements relevant to each site.
- 4.13 It is proposed that Ecological assessments of each site also be undertaken, providing up to date information that would support working with the North East Scotland Local Biodiversity Partnership to ensure that key species and habitats are protected and promoted. A hydrological assessment of the Wards wildlife site will explore changes to the hydrology of the site, the impacts upon biodiversity and mitigation measures.
- 4.14 Minor biodiversity enhancements will then be actioned with the remaining funds, and the Council will be in a position to action wider improvements identified by the site management plans when future funds become available.

Education £10,000

- 4.15 Officers from Strategic Planning and Development will engage with head teachers across Moray to identify priority projects for schools that enhance

outdoor learning opportunities and protect biodiversity, for example through native planting.

5. SUMMARY OF IMPLICATIONS

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

Enhancing local biodiversity delivers a wide range of social and environmental benefits, that will support the corporate and community planning objectives.

(b) Policy and Legal

The Nature Conservation (Scotland) Act 2004 places a duty on public bodies in Scotland to further the conservation of biodiversity when carrying out their duties.

The projects outlined in paragraph 4.1 will contribute to the Council meeting its biodiversity duty and align with the Council's Climate Change Strategy aim to 'Work to retain, protect and enhance biodiversity across Moray'.

(c) Financial implications

All projects are designed to minimise future maintenance costs. Any ongoing maintenance issues will be managed by Environmental Protection and Strategic Planning and Development within existing budgets.

(d) Risk Implications

If the proposed allocation of funding is not agreed, there is a real risk that this money will not be used due to the limited time available to spend it within this financial year.

(e) Staffing Implications

A Climate Change Officer from within Strategic Planning and Development will manage the budget and work with officers from Open Space to deliver the projects.

(f) Property

All proposals are considered to enhance land owned and/or managed by the Council.

(g) Equalities/Socio Economic Impact

By increasing biodiversity, projects should also contribute to community health and wellbeing and reduce inequalities of access to nature.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, Legal Services Manager, Open Space Manager, L Rowan, Committee Services Officer and Equal Opportunities Officer have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

- 6.1 The Scottish Government's Nature Restoration Fund has made available £101,000 to help nature recover in Moray, to be spent in FY 2021/22.**
- 6.2 It is proposed that the projects and budgets outlined in this report are approved, so that Moray can benefit from this much needed boost for local biodiversity.**

Author of Report: Sophie Ward, Climate Change Strategy Officer (Projects, Communications and Funding)

Background Papers:

Ref:

