

## **Appendices for Grounds of Appeal**

**Proposed extension to relocate 12 touring caravan pitches on site adjacent to West Beach Caravan Park, Harbour Street, Hopeman, Elgin, Moray**

March 2016

Planning Application Ref No 15/02159/APP

Prepared by Grant and Geoghegan

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THE MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich]  
Application for Planning Permission

TO



With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed extension to relocate 12 touring caravan pitches on Site Adjacent To West Beach Caravan Park Harbour Street Hopeman Elgin**

and for the reason(s) set out in the attached schedule.

Date of Notice: **28th January 2016**



**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department  
The Moray Council  
Council Office  
High Street  
ELGIN  
Moray IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

- The proposal would be contrary to Moray Local Development Plan 2015 policies E5: Open Spaces (based on the ENV8 Foreshore designation in the Hopeman Settlement Statement) ; ED8: Tourism Facilities and Accommodation; E8: Coastal Protection Zone; E7: AGLV and impacts on wider landscape; E9: Settlement Boundaries and IMP1: Developer Requirements for the following reasons;
  - (i) the proposed development would be a substantial visual intrusion into an area of attractive coastal scenery that has significant recreational benefits for tourists and the general population
  - (ii) the proposal represents unplanned sprawl to the Hopeman settlement and would erode the traditional qualities of the village.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
015/025/03		Location plan
015/025/02		Proposed layout
015/025/04		Section plan
015/025/05		Sections A B and C
015/025/06		Sections D E and F
015/025/03		Site plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

**DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Approval, consent or agreement has been GRANTED for the following matter(s):-

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

**NOTICE OF APPEAL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callander Road, Falkirk, FK1 1XR. This form can be obtained and may also be downloaded and/or submitted online from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## **Appendix 2: Planning Statement 15/02159/APP**

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### **SUPPORTING PLANNING STATEMENT**

#### **WEST BEACH CARAVAN PARK, HOPEMAN, MORAY**

Extension to holiday caravan park to provide 14  
additional pitches for touring caravans and associated works

**Mr & Mrs B. Scott**

**18th November 2015**

**Prepared by Grant and Geoghegan**

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## **INTRODUCTION**

This planning statement has been prepared by Grant and Geoghegan on behalf of the owners and operators of West Beach Caravan Park to support an application for planning permission which seeks to extend the Park to the west.

West Beach Caravan Park is an established, family run beach front Caravan Park with pitches for touring caravans, motorhomes and tents. The applicants have worked hard to develop this into a high quality holiday park.

Ideally situated on the Moray coast, the park runs as a quiet site with no on-site entertainment or leisure facilities. Instead this park caters for visitors who wish to access the surrounding countryside and enjoy visiting local shops, public houses and restaurants in Hopeman and the surrounding area.

## **THE APPLICATION**

The applicants have purchased land adjoining the site to the west, currently part of a larger area of rough ground which extends inland to the south and along the coast to the west. The application site forms a natural westward extension to the existing holiday park to accommodate 14 pitches for touring caravans.

This application does not seek planning permission to purely increase capacity- the number of caravans on site will remain within the terms of the existing site licence. The proposed layout has been designed to improve the density and layout of the existing park, to improve the quality of pitches and to enhance the visitor experience offered.

## **SITE DESCRIPTION AND CONTEXT**

The subject site adjoins the existing holiday park to the east, and it is to be served by a new access which extends from the existing internal road network. The site itself is relatively flat but the surrounding topography is gently rolling and undulating which restricts views of the site from the south.

There are no environmental designations (National or International) covering the site; there does not appear to be any archaeological/ historic interest in it and it is outside SEPA's 1:200 year coastal flood risk envelope.

## **DEVELOPMENT PLAN CONTEXT**

A new National Planning Framework (NPF3) and Scottish Planning Policy (SPP) have recently been published by the Scottish Government. This restates a commitment to a development plan led planning system, but with an additional requirement that there should also be a presumption in favour of sustainable development.

Paragraphs 77 and 78 of SPP emphasise the importance of encouraging development that provides sustainable economic growth, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place. Paragraph 79 recognises the importance of tourism, in particular static holiday units and pitches, and supports



new tourist development where it promotes the diversification and growth of the economy while protecting the distinctiveness of these areas.

Policy PP1 Sustainable Economic Growth of the Moray Local Development Plan identifies the importance of the Moray Economic Strategy in decision making. The aims of the strategy and thereby the development plan as a whole is to support development that helps diversify the economy of Moray, to enable population growth, increased employment and reduce dependency on public sector employment.

Subsequently, there is a presumption in favour of proposals which contribute towards Moray's role and image as a tourist area in the new Moray Local Development Plan 2015 (MLDP) through policy ED8 Tourism Facilities and Accommodation as long as they;

- Are compatible with policies to safeguard and enhance the built and natural environment;
- Provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and;
- Demonstrate a locational need for a specific site.

This policy recognises the importance of tourism within the local economy but seeks to ensure that tourism development does not have a detrimental impact on the environment, which is the main attraction of the area as a tourist destination.

The subject site is identified in the Hopeman Settlement Statement as ENV8 Foreshore Areas- an area of open space which contributes to the environment and amenity of the settlement. Parent policy E5 aims to protect open spaces as identified, stating that development that would cause the loss of areas identified under the ENV designation in settlement statements should be sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site.

The subject site is also identified in the Coastal Protection Zone (CPZ). Policy E8 of the Moray Local Development Plan states that Development proposals identified as being within the CPZ will be refused except:

- where there is an existing use;
- it is an appropriate extension or change of use to existing buildings, or replacement of existing buildings;
- for low intensity recreational or tourist use;
- For uses directly related to agriculture, forestry and fishing.

The objective of the policy is to protect and enhance the Moray coast for its landscape, nature conservation, recreational and tourism benefits. As a result, proposals that are appropriate within the policy must not prejudice the objectives of the CPZ or adversely affect the ecological, geomorphological or landscape importance of the area.

Given this policy background, the proposed development finds support in principle in both National and Local Planning Policy; an extension to an established low density environmentally accountable tourism enterprise would clearly contribute positively to the role and image of Moray as a tourist area. In addition, it is clear that the proposed development is ancillary to the principal use of the ENV designation in which it sits, and that the economic benefits of the proposal outweigh the

retention of this small area of land when the overall quantity and quality of open space around Hopeman is considered.

However, having regard to the nature of the proposal, its context and relevant national and local planning policies, the applicant understands that the success of this application rests with the demonstration of adherence to the criteria identified in the body of these policies and the proposal has evolved in line with the criteria prescribed, namely;

- Locational need;
- Market need and economic impact;
- Natural and Built Heritage;
- Layout, Design and Landscape Impact;
- Neighbouring amenity;

The following paragraphs will show that the proposal is fully compliant with the development plan.

#### **LOCATIONAL NEED (POLICIES ED8, ED9)**

This is an existing well established tourism business so there is clearly a locational need for the proposed development; a combination of beautiful views over the Firth and the sites proximity to the countryside and local amenities makes the site ideal for a use of this nature.

Visitors walk and cycle to visit the wider countryside and attractions in the surrounding area and good public transport links are also available in Hopeman for trips further afield. The subject site adjoins the existing holiday park so the required services (roads, drainage, waste collection etc) are readily available.

In recent years it has become increasingly popular for people to go away several times a year, often for short breaks and not exclusively in the summer months and much of this demand is for self-catering accommodation. This spread of demand dramatically improves overall use of holiday accommodation with clear benefits to businesses that provide it.

Although this business and Moray as a whole has benefited from this rise in popularity, it has increased competition from around the country as many new sites have been created. The applicants see the extension of the Park as an opportunity to sensitively improve their product and consolidate their position as the premiere holiday park in Moray, thereby making a meaningful contribution to improving the overall role and image of the area as a tourist destination.

#### **MARKET NEED AND ECONOMIC IMPACT (POLICIES PP1, ED8)**

There is no doubt that tourist spend assists local businesses- this is especially true in Moray. Tourists support the local economy through direct spending on local goods and services, and through the provision of goods and services by the site owners maintaining their assets. This in turn leads to the creation of jobs both directly and indirectly. West Beach Caravan Park turned away an average of 12 tourers per night last summer, and the majority of these holidaymakers will probably have travelled to sites outwith Moray.

Extending the site and improving the pitches at West Beach will strengthen the business, allowing it to take advantage of increased demand for domestic holidays and making it more robust in the face

of increased competition and the current uncertain economic climate. Although an assessment of the potential economic impact of the proposal has been undertaken to ensure the proposed development is viable, the main driver behind this project is the improvement of the facility so it has not been considered necessary to provide a supporting business plan. However, these figures can be provided upon request.

Tourism is one of the few sectors that stand to benefit from the current adverse economic conditions- research on the matter suggests that twice as many Britons are planning to spend their holidays in the UK compared with previous years. A survey carried out by *The Guardian* in 2014 on 3000 British adults showed that upwards of half of those surveyed were planning a holiday in the UK- this is significantly higher than before the recession where the figure was around 30%.

In addition to the increase of domestic holiday makers, the Park has consistently welcomed visitors from all around the world who seek the unique combination of tourist experiences Moray offers.

#### **NATURAL AND BUILT HERITAGE RESOURCES (POLICIES ED7, ED8, E8 AND IMP1)**

As previously stated, there are no natural or built heritage designations covering the site but the entire philosophy behind this application demonstrates the applicants' commitment to minimise negative impacts on natural and built heritage resources.

The interests of the development plan and those of the applicants are aligned in this instance- Hopeman enjoys an idyllic setting surrounded by open space which is rich in wildlife and ideal for recreation. The importance of these features is most obviously manifested in the applicants design solution- a low density development which incorporates a program of land management to minimise any detrimental impact on the environment.

The aim of the land management scheme is to integrate the site into its surroundings and result in a net increase in ecological value and biodiversity over time. West Beach Holiday Park has established a reputation as an environmentally accountable tourism enterprise, and the proposed development aims to build on this.

#### **LAYOUT, DESIGN AND LANDSCAPE IMPACT (POLICIES ED7, ED8, AND IMP1)**

SNH's Moray and Nairn Landscape Character Assessment characterises the area of which the subject site forms part as 'Hard Coastal Shore'. This landscape consists of an irregular coastal edge of relatively remote, small covers and pebble strewn raised beaches backed by Old Red Sandstone cliffs. These cliffs form an abrupt margin to the Coastal Farmland to the south, and focus views out over the Firth, partially screening the rocky foreshore. This landscape character type is sensitive to new built form which detracts from the open character of views to the coast from adjacent areas.

We recognise that Moray's landscape is a major asset, contributing to its national and regional identity, adding to the quality of many people's lives and in this case providing an attractive setting which will help promote sustainable economic growth. Consequently, the site layout has been developed to minimise impact in this regard on the development site and the surrounding landscape, and has avoided the introduction of built form.

- Materials have been selected to merge with the landscape and meet high Ecological standards.
- The pitches have been located to minimise visibility from public vantage points to the south and to take advantage of the spectacular views to the north. The pitches will be virtually invisible from the main road to the south.
- Breaking of the existing ground finish will be kept to a minimum. The intention is for the site to look established and part of the landscape from the start.
- The pitches have been provided on the level area of the site making the development accessible to all.

#### **NEIGHBOURING AMENITY (ED7, ED8, E8 AND IMP1)**

In the context of the proposed low density use, and the fact that visitor numbers will remain within the existing site licence, the proposed development would involve a low number of traffic movements on an intermittent basis. Vehicles would use the existing access track that serves the Park; there will be some additional noise from the intermittent vehicle movements along the access track but this would be very limited given the background noise levels and the proposed low impact use.

The applicant already ensures that a no amplified music policy is adhered to and noise levels will be kept to an absolute minimum after 10pm and before 8am for the enjoyment of visitors and neighbours alike. The site is subject to building control and fire safety standards which are closely adhered to and monitored by the applicants and their staff.

#### **CONCLUSION**

This application seeks Planning Permission for a small scale extension of an existing low density holiday park which provides for an increasingly popular segment of the tourism market and can be considered as sustainable on a number of levels. The recent decision of the Planning Committee in relation to 15/00389/APP (30 Beach Huts at North Beach, Findhorn) establishes the Council's approach to such developments; the Committee found on balance, whilst the proposal did not clearly outweigh the value of the open space, the potential tourism and long term economic benefits to the wider community warranted approval of the application.

The current proposal will clearly enhance Hopeman as a tourist destination. It offers greater economic benefits for the local economy from the direct and indirect expenditure of visitors and socially, the proposal helps to underpin existing employment, both directly and indirectly through service providers and tradesmen.

Within the landscape context of the surrounding area it is considered that the development can be satisfactorily assimilated into the landscape without undue impact on the character of the wider area. In addition, minimising the environmental impact of the proposal is paramount so the comments of SNH to achieve this are welcomed.

It is considered that the application is in accordance with National and Local Planning Policy and through the provision of material weight in favour of the proposal contained in this statement, the acceptability of this application is considered to have been established.



## **ANNEX A**

### **DEFINING A MATERIAL CONSIDERATION**

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision,
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
  - Consider whether or not the proposal accords with the development plan,
  - Identify and consider relevant material considerations for and against the proposal, and
  - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
  - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
  - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.



5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
  - Scottish Government policy, and UK Government policy on reserved matters
  - The National Planning Framework
  - Scottish planning policy, advice and circulars
  - European policy
  - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance
  - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
  - a National Park Plan
  - the National Waste Management Plan
  - community plans
  - the environmental impact of the proposal
  - the design of the proposed development and its relationship to its surroundings
  - access, provision of infrastructure and planning history of the site
  - views of statutory and other consultees
  - legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

## 2. A successful, sustainable place

**We will create high quality, diverse and sustainable places that promote well-being and attract investment.**

### Scotland today

**2.1** Scotland has the highest level of Gross Value Added (GVA) per head in the UK outside of London and the South East of England, and productivity levels match the UK as a whole. Whilst the recession in Scotland has been shallower than that experienced elsewhere in the UK, economic recovery is expected to continue through the 5-year lifetime of NPF3.

**2.2** We want to build on our success. The Scottish Government Economic Strategy aims to stimulate economic activity and investment across all of Scotland's communities. It sets out the action we are taking to accelerate economic recovery and provide jobs and identifies seven key sectors with particular opportunities for growth. These opportunities arise from existing competitive advantage and the potential to capitalise on our natural assets. Our key sectors are: energy; food and drink; life sciences; tourism; financial and business services; universities and the creative industries.

**2.3** Employment levels and community resilience vary across Scotland. Fragile places can be found not only in remote areas, but also close to and within some of our towns and cities. The Scottish Government is committed to reducing the gap between those who are most and least advantaged in society, and this has a spatial dimension. Our Cohesion Target aims to narrow the gap in economic participation between the best and worst performing regions by 2017.

**2.4** All of our people are entitled to a good quality living environment. The population of Scotland is expected to rise from 5.31 million in 2012 to 5.78 million in 2037. The population is ageing, particularly in rural areas and household sizes are getting smaller: 2010-based projections indicate that we will have 2.89 million households by 2035, an increase of 23%. Growth is projected to be highest in the local authority areas of Edinburgh, Perth and Kinross, Aberdeen, East Lothian and Aberdeenshire. In other areas, including some in the west, the increases are much smaller, although Glasgow itself is projected to grow by 28%. These contrasts between areas reflect very different circumstances around the country.



**2.5** The financial climate has reduced the amount of new housing built in recent years. In the coming years, we want to see a significant increase in house building to ensure housing requirements are met across the country.

## Scotland tomorrow

**2.6** Our strategy aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future. Planning will help to create high quality, diverse and sustainable places that promote well-being and attract investment.

**2.7** Great places support vibrant, empowered communities, and attract and retain a skilled workforce. Emerging technologies for renewable energy and improved digital connectivity are changing our understanding of what constitutes a sustainable community. We must ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions.

**2.8** We will support growth in priority sectors and locations, and promote a place-based approach to development. We want to capitalise on the distinctive potential of each of our cities as economic drivers, reinvigorate our towns and encourage innovation in our rural areas. Much can be gained by focusing on our energy resources; on the natural and cultural assets that underpin our tourism and food and drink sectors; on our highly educated and skilled people; on our emerging growth sectors including life sciences and creative industries; on our established strengths in financial services and higher education; and on our existing infrastructure in the transport, energy and industrial sectors.

**2.9** We need to close the gap between our best- and worst-performing regions. To address long-standing problems of inequity we will need new solutions that reflect the distinctive character of all our places.

**2.10** Flexibility is required to allow for different approaches to housing provision that respond to varying local requirements. Planning should focus its efforts particularly on areas where the greatest levels of change are expected and where there is pressure for development.





**2.11** Our Enterprise Areas are a particular priority for action. Successful places can emerge from areas which have, in the past, seen decline. Scotland's Regeneration Strategy promotes community-led regeneration with a particular emphasis on the economic, physical and social fabric of disadvantaged communities. The Scottish Futures Trust is helping to make more efficient use of public assets to improve the quality of places. Legislation on community empowerment will strengthen opportunities for communities to have their voices heard in decisions that affect them and their local area, as well as scope to take ownership of and manage properties to support their aspirations. The Town Centre Action Plan will help us to realise the full potential of our many and varied towns.

## Spatial priorities for change

### Cities will be a focus for investment

**2.12** Scotland's seven distinctive cities, together with their surrounding regions, will continue to be a focus for investment in the coming years. Our spatial strategy recognises the strengths which are shared across the city regions, as well as the distinctive assets of each. Each city's relationship with its surrounding region is unique.

**2.13** Cities are the main driver of our economy – notably the performance of Aberdeen and Edinburgh exceeds what may be expected from their population size. All of the seven key sectors in our economic strategy have a strong presence in the cities, in particular the creative industries, financial and business services, learning and life sciences. Many of our Enterprise Areas are located in and around our cities.

**2.14** There is considerable scope for our cities to capitalise on new and growing economic sectors. The cities and their wider regions host many of the sites identified in the National Renewables Infrastructure Plan, and other key economic development sites, for example those near our main airports. There are a number of sites within the cities network where there is scope to make use of our cool climate, skills, and fibre network to attract investment in data centres. The Scottish Cities Alliance has prepared City Investment Plans showing the key investment and development opportunities in each city.



- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

## Promoting Rural Development

### NPF Context

**74.** NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

### Policy Principles

**75.** The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

### Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>40</sup>
- National Marine Plan

### Delivery

**76.** In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

**77.** In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

**78.** In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

<sup>40</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)



range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

**79.** Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

**80.** Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

**81.** In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

**82.** In some most pressured areas, the designation of green belts may be appropriate.

**83.** In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- [Tourism Development Framework for Scotland](#)<sup>43</sup>
- [A Guide to Development Viability](#)<sup>44</sup>

## Delivery

### Development Planning

**94.** Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

**95.** Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

**96.** Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

**97.** Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

**98.** Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)<sup>45</sup>, [Enterprise Areas](#)<sup>46</sup>, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

**99.** Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009<sup>47</sup> to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

**100.** Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

<sup>43</sup> [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

<sup>44</sup> [www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf](http://www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf)

<sup>45</sup> [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

<sup>46</sup> [www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas)

<sup>47</sup> These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

**101.** Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

**102.** Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

**103.** New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

**104.** Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

**105.** Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

### **Development Management**

**106.** Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

**107.** Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

**108.** Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.





### The Challenges facing the Moray Economy

- Elgin is underperforming in its role as the primary engine of Moray's economy.
- Concentration in the food and drink sectors: while it comprises a strong manufacturing sector and some world leading brands, levels of pay are traditionally low.
- A high concentration of employment in the public sector, including defence.
- A relatively low proportion of graduates in the Moray workplace.
- The need for diversification into higher value economic sectors: despite high employment average wage levels lag 14% behind the rest of Scotland.
- Higher than average levels of economic activity, employment and self employment and low unemployment masked by high levels of outmigration, the population of young people is relatively low and almost three quarters of those brought up in the area leave, often for work or education opportunities elsewhere.
- The labour market is relatively tight: the availability of labour and appropriate skills are critical issues to businesses wishing to expand or locate in an area.
- Employment land availability is limited across all of Moray's key settlements, potentially constraining business expansion and inward investment.
- The visibility and value of Moray's tourism offer: while the appeal of the whisky sector and the area's landscape assets are clear, the sector underperforms. Other aspects of visitor infrastructure, accommodation, food, drink, retail, interpretation and other facilities need to be further developed to raise Moray's visitor profile.
- An increasing outflow of residents' retail and leisure spending to centres neighbouring Moray: investment in retail, leisure and civic infrastructure has not kept pace with Inverness and Aberdeen in particular.
- Perceived remoteness relative to the strategic road and rail network and key markets, and concerns over the capacity of broadband infrastructure.



## Strengths and Opportunities

However, Moray has considerable strengths and opportunities with which it can begin to tackle these challenges through development of its key sectors;

- World renowned brands in food and drink – Walkers, Baxters, Speyside whisky and the individual distillers associated with it – as well as the Findhorn Foundation's world-wide profile: the high level of recognition for Moray these afford in external markets can be exploited further.
- Significant natural and industrial tourism assets, and a location in Cairngorms National Park and close to Royal Deeside, provide a firm foundation for Moray tourism to develop as a high profile, high value sector.
- Enterprise Area status designated by The Scottish Government and the allocation of £9.5 million to develop supporting infrastructure for the Forres Enterprise Park; building on University status and the completion of the Moray Life Science Centre, Moray's education and health resources form a platform for innovation across all of its key sectors. Moray can play a lead role in the development of Scotland's E-health sector.
- The potential offered by the renewable energy and other sectors; as well as a coastal location, Moray benefits from established engineering capacity and expertise; it can support Scotland's development of a world-leading and diversified renewable energy sector. Buckie harbour has particular potential as a an operations and maintenance base to service the offshore windfarms to be constructed in the Moray Firth.
- Strong indigenous demand in the engineering and manufacturing sectors.
- A well established and developing social economy sector with high levels of engagement which can provide a resource to build capacity in service delivery and in product and service development in key sectors.
- A high quality of life, with access to high-quality amenities and landscape.
- A strong work ethic.
- The development of close relationships between the public sector and business.



## Primary Policies

The Primary Policies reflect the priorities set out in Scottish Planning Policy and the objectives of the Council. These policies will be applied to all development proposals and used with the more detailed policies set out within the relevant sections to determine planning proposals.

The primary policies aim to support the Scottish Government's aims in terms of sustainable economic growth, climate change and placemaking.

### PP1 Sustainable Economic Growth

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

#### Justification:

The Moray Economic Strategy provides a long term strategy to influence decision makers in addressing the challenges in diversifying the economy of Moray. This includes the objectives for growth and inward investment in higher paid employment, to reduce the outmigration of young people and to reduce any dependency on public sector employment including the defence sector.

The aims of the strategy are to deliver population growth, create 5,000 jobs and raise earnings to above the Scottish average. The Strategy includes an Action Programme which identifies a programme of projects and enabling actions with a focus on improving regional infrastructure including, road, rail and air and broadband connectivity, opportunities to grow and diversify the economy in the sectors of life sciences, engineering, energy, food and drink and tourism. The Strategy and Action Programme also support the reinforcement of Elgin as a regional centre through the Elgin City for the Future Masterplan to support the towns of Buckie, Forres, Keith and Lossiemouth and the settlements of Speyside.

The aims of this policy must be balanced with the need to safeguard Moray's natural and built environment.



**Policy ED8****Tourism Facilities and Accommodation**

The Council will generally support proposals which contribute towards Moray's role as a tourist area. All proposals will require to

- a) Be compatible with policies to protect and enhance the built and natural environment
- b) Provide adequate infrastructure arrangements (e.g. roads, parking water, drainage), and
- c) Demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravans or chalets in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be put in place to assist in integrating the site into its rural setting, in addition to providing for on-site amenity within the layout. Rigid, formal arrangements should be avoided, with stances/pitches separated to provide discrete, screened locations.

Provision within sites for touring caravans, and tents will be encouraged.

**Justification**

Tourism is an important part of the Moray economy and is identified as a target sector in the Economic Strategy. In particular the need for additional hotel accommodation is recognised and forms part of the action plan for investments. It provides jobs and in particular supports rural areas. Much of Moray's attraction is its environment, with heritage, scenery and outdoor activities being key features.

The Council would wish to build on this asset and maximise economic and employment opportunities. However, whilst wishing to encourage and support development within this sector, care must be taken to ensure that the assets which create this attraction are not damaged by inappropriate or unsympathetic development.



## Hopeman

### Hierarchy Status/Objectives/Issues

#### Hopeman is a third tier settlement

- To protect and enhance the setting of the harbour and foreshore areas
- To provide for additional housing development
- To safeguard the Coastal Protection Zone and prevent the coalescence of Hopeman and Cummingston
- To safeguard the village character

### Infrastructure

#### Water and Drainage

Developers are advised to contact Scottish Water as early as possible in order to confirm that there is sufficient drainage capacity and water supply available to accommodate proposals.

Scottish Water has advised that they will work with developers to ensure that new development can be accommodated.

#### Roads

Comments on road access arrangements are provided in site designation texts. These are intended to be of assistance to developers and advise generally of improvements that are likely to be needed to service the site, along with the need for any off-site improvements. These requirements are not exhaustive, and do not pre-empt anything that might result through the Transport Assessment process. It is essential that developers contact Transportation at an early stage, especially where there is a requirement for a Transport Assessment identified in the site text.

#### Developer Contributions

Contributions may be sought towards some public facilities (eg core paths; library; schools; sports/leisure facilities; transportation) and this will be confirmed at application stage. Developments over 4 houses will be required to make an affordable housing contribution.

### Layout and Design

High quality design and layouts in new development is an important aspect for "placemaking", in order to achieve an attractive and interesting living environment. This is a priority objective of the Scottish Government (see Primary Policy 3).

Pre-application discussions and community consultation are only requirements for Major Applications (50 or more houses; or on sites exceeding 2 hectares). The Council would encourage early discussion pre-application on ALL proposals, and is willing to engage with developers to identify any aspects of site development that should be taken into consideration from the outset.

Some sites being proposed for development have had some "key design principles" identified for them, highlighting the key design elements that should be observed when layouts are being drafted.

### Housing

#### R1 Manse Road

##### 2.3ha, capacity 25 houses

This site extends to 2.3ha and has capacity for 25 houses within the plan period and a further 30 houses in adjacent LONG designation.

A masterplan should be prepared for R1 and LONG. Connections into adjacent streets and into footpaths and cycleways should be provided. A landscaped strip should be provided to the western edge of the site. Buildings should present a frontage onto Manse Road.

A Transport Assessment will be required. A vehicular link between the B9040 and Manse Road will be required. A north to south link between B9040 and the Coastal Path and east to west connections to Cooper Street, Duff Street and Manse Road must be provided. Provision of a footway along the length of the site frontage onto Manse Road will be required.

Ground clearance work should avoid breeding bird season. An archaeological evaluation would be required prior to development commencing.

Proposals should ensure that surface water and drainage do not adversely impact on the interests of the Special Area of Conservation. Avoidance of new drainage outfalls direct to the sea should mean there is no impact on the interests of the Special Area of Conservation.

A landfill gas risk assessment is required.

### LONG

In order to indicate the longer term direction of growth and provide a reserve housing land supply, a LONG site has been identified on the settlement statement map. This site is not proposed to be developed during the currency of this Local Development Plan, but should any of the "triggers" for early release apply, the site can be brought forward under the terms of Policy H2.

### LONG Manse Road south

#### Business Activities

##### I1 Forsyth Street

This site is occupied by Tullochs of Cummingston

##### HBR1 Harbour Area

The harbour has scope for further recreational or tourism use. The setting of the harbour and the cluster of the buildings at the harbour promontory must not be adversely affected by new development.

#### Tourism

##### T1 The Caravan Park

This area provides Hopeman with a major tourist asset. Facilities appropriate to tourist developments will be encouraged within this area, but must not intrude, physically or visually, on the foreshore area to the north.

### Moray Coastal Trail

The Moray Coastal Trail passes through Hopeman and its route will be protected.

#### Environment

The following sites are identified as open spaces which contribute to the environment and amenity of Hopeman. The over-riding policy E5 applies to each of these sites.

##### ENV3 Amenity Greenspace

Farquhar Street

##### ENV4 Playspace for Children and Teenagers

Beach Play Area, Golf View

##### ENV5 Sports Areas

Skate Park and playing fields

##### ENV8 Foreshore Areas

West Foreshore, East Foreshore

#### Wider Environmental Designations

There are a number of environmental designations immediately outside the settlement boundary which will require to be observed.

##### SAC Special Area of Conservation

##### AGLV Area of Great Landscape Value

##### CPZ Coastal Protection Zone

Parts of Hopeman lie within aircraft noise contours published by the Ministry of Defence. Developments within such areas will be subject to consultation with MoD and consideration against Policy EP8 regarding noise pollution.



## HOPEMAN

Population: 1724  
Households: 701  
2011 Census



## Policy E5 Open Spaces

### Safeguarding Open Spaces

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

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

### Provision of new Open Spaces

#### Quantity

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

#### Justification

The aim of this policy is to protect open spaces identified in the settlement statements and rural grouping statements as well as to provide standards for the quantity and quality of provision in new development. Open spaces provide opportunities for social contact and recreation and provide biodiversity and landscape benefits. Open spaces should be safe, secure, accessible, well maintained and linked together to create green and blue corridors.

Green corridors link woodlands and open spaces, while blue corridors link watercourses which can have high biodiversity value and offer additional recreational opportunities. Blue corridors is a collective term for a number of interconnecting features, which could include rivers, flood storage areas, floodplains, ponds, wetlands and drains.

Decisions on excess and new provision of sports areas will be made in consultation with Sport Scotland. Open air sports facilities will be considered to contribute towards the overall provision of open space in new developments.

Requirements for new playspaces, sports fields and play equipment will be considered on a case by case basis until the Open Space strategy is operational and should be incorporated within the sliding scale of requirements identified in the policy. The percentage requirements identified in the policy represent the percentage of the application site to be used for providing green space. The Council will, however, take into consideration site topography, existing and surrounding features and other matters when considering green space provision in new developments. *Continued on next page.*

### Quality

New green spaces should be;

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

### Allotments

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

Greenspaces have been categorised as follows in the settlement statements:

- ENV1 Public Parks and Gardens
- ENV2 Private Gardens and Grounds
- ENV3 Amenity Greenspaces
- ENV4 Playspace for children and teenagers
- ENV5 Sports Areas
- ENV6 Green Corridors/ Natural/ Semi Natural
- ENV7 Civic Space
- ENV8 Foreshore Areas
- ENV9 Other functional Greenspaces
- ENV10 Regeneration Proposals
- ENV11 Cemeteries and proposed extensions

Green spaces in rural grouping statements have been identified as Amenity Land.

The Council will prepare an Open Space Strategy which will provide further guidance on these requirements and identify green space networks and corridors.





### Policy E6 National Parks and National Scenic Areas (NSA)

Development that affects National Parks or National Scenic Areas will only be permitted where:

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

#### Justification:

The aim of this policy is to safeguard areas of nationally important landscapes from inappropriate development. The Cairngorm Mountain National Scenic Area and Cairngorms National Park lie outwith the scope of this Local Development Plan and are covered by the policies of the Cairngorms National Park Authority (CNPA). However, development proposals outwith the Park boundary may have an impact upon these designations.

Where appropriate, consultation with the CNPA will be carried out.

### Policy E7 Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape.

Development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- a) They incorporate the highest standards of siting and design for rural areas
- b) They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study.
- c) They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

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

Proposals for new hill tracks should ensure that their alignment minimises visual impact; avoids sensitive natural heritage features, avoids adverse impacts upon the local hydrology; and takes account of the likely type of recreational use of the track and wider network

#### Justification:

The aim of this policy is to protect areas of strategically important landscapes from inappropriate development. The policy also aims to promote the highest standards of design (ref the Housing in the Countryside guidance) to retain the traditional character of these areas. There are 8 AGLV's in Moray shown on the Proposals Map (Environment).

Moray enjoys a high quality landscape and proposals which are likely to result in a significant adverse impact on the landscape will not be supported. The creation of new hill tracks can have a significant impact primarily from the visual appearance of the new track, but also from the drainage and erosion effects on the local area.

### Policy E8 Coastal Protection Zone

Development proposals within the Coastal Protection Zone (CPZ), as identified on the proposals map, must not prejudice the objectives of the CPZ or the Water Framework Directive and will be refused except:

- a) where there is an existing use,
- b) it is an appropriate extension or change of use to existing buildings, or replacement of existing buildings,
- c) for low intensity recreational or tourist use e.g. golf courses, driving ranges, sports fields
- d) for uses directly related to agriculture, forestry and fishing.

Proposals must not prejudice the objectives of the CPZ or adversely affect the ecological, geomorphological or landscape importance of the area.

Development will not be permitted on any parts of the coast that are identified as being at risk of flooding or erosion.

#### Justification:

The objective of the policy is to protect and enhance the Moray coast for its landscape, nature conservation, recreation and tourism benefits. The undeveloped coastline is protected through identification of a Coastal Protection Zone (see Proposals Map) within which only certain types of development will be acceptable.

### Policy E9 Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

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

#### Justification

Settlement boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

The five main towns also have a Countryside Around Town (CAT) designation which further restricts development in the vicinity of the settlement boundary.



### Policy IMP1 Developer Requirements

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

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

#### Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

**Policy T2****PROVISION OF ACCESS**

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

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

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

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

**Justification**

Policy supports the creation of sustainable communities accessible by a range of transport modes including viable alternatives to private vehicles. Pedestrian movement, cycling and public transport routes will be a priority. At the early design stages consideration should be given to the likely desire routes (public transport, schools, and facilities) which shall inform the layout and design of the development. Inclusion of aspirational core paths and active travel audit proposals will provide new links that have a focus on facilitating active travel and sustainable transport helping to maximise new development's accessibility and connections to existing networks and facilities.

The street design guidance within Designing Streets can be used as a material consideration in determining applications. Proposals must incorporate the principles of "Designing Streets" and the Council's supplementary guidance "People and Places – A design Guide for Moray". Consideration should also be given to any active travel audits in place. For smaller developments in the countryside the Council's guidance "Transportation Requirements in Small Developments in Rural Parts of Moray" should be considered. The Planning Authority will be realistic about the likely availability of public transport services in rural areas. Innovative solutions such as demand responsive public transport and small scale park and ride facilities at nodes on bus corridors are encouraged to reduce travel demands by private vehicles.

*Continued on next page.*

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

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

Significant travel generating proposals will only be supported where:

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

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

It is important to ensure that new development is served by appropriate infrastructure. The access arrangements should be suitable to the proposed development and ensure that there are adequate safety provisions and provision for public transport, cycling and pedestrians. Road access design should be carefully designed to fit in with the surrounding landscape and environment. Where the access to a site is unmade or a private track it may require to be surfaced to a suitable standard and require the provision of passing places or be widened accordingly.

Sufficient information must be provided with planning applications to enable a reasoned decision to be made in assessing transport impact of new development.

### Policy T3

### ROADSIDE FACILITIES

The Council will approve applications for roadside facilities if there is a specific locational need; no adverse impact on the built and natural environment that cannot be satisfactorily mitigated; and where appropriate access, parking and safety standards can be met.

#### Justification

Roadside service facilities ranging from comprehensive service areas to lay-bys, provide an important safety feature particularly for long distance travellers. They can also provide an input into the local economy. Therefore where environmental access, parking and safety issues can be satisfactorily resolved there should be a positive approach to their provision.

**Policy T4****SAFEGUARDING BUS, RAIL AND HARBOUR FACILITIES**

The Council will promote the improvement of bus, rail and harbour services and facilities within Moray. Development proposals that may compromise the viability of these facilities will not be acceptable.

Where proposals have the potential to impact on the rail network this should be assessed and adverse impacts mitigated.

Diversification of commercial harbours for freight and as operations and maintenance base for offshore renewables will be encouraged. Harbours are identified within settlement statements along with the uses that will be supported.

**Justification**

The vision for Moray includes to have good efficient transport links to the rest of the country and to reduce the number of journeys made by car. Therefore, it is appropriate to safeguard existing railway and bus stations, rail freight facilities and harbours from development that may compromise their viability.

Notwithstanding the above there are likely to be opportunities, particularly related to the area's commercial and leisure harbours, where more diversified development would be acceptable.

**Policy T5****PARKING STANDARDS**

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

**Justification**

The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.



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

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

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

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

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

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

#### Justification

Under the Water Environment Controlled Activity (Scotland) Regulations 2011, SUDS are a statutory requirement for almost all development and therefore this needs to be considered during the site design to ensure adequate space will be available. Well designed and maintained, SUDS can reduce diffuse pollution from surface water run-off, free up capacity in water management infrastructure, contribute to green/blue networking thereby supporting River Basin planning. Blue networks are identified to ensure that new development is set back from and planned around watercourses to create networks and corridors to facilitate natural hydrological process, enhance biodiversity and help create a "unique sense of place" on-site. Systems should be designed to comply with the Controlled Activity Regulations (CAR) general binding rules (GBR's). SUDS also have a role in reducing flood risk and mitigating against the effects of climate change.



## Policy EP 8 Pollution

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

### Justification

The aim of this policy is to ensure that new developments do not create pollution, which could adversely affect the environment or local amenity. Pollution can take various forms including run off into watercourses, noise pollution, air pollution and light pollution. Furthermore, the policy seeks to regulate the effects of development in terms of pollution and allows the Council to monitor and control development proposals.

The decision as to whether a proposed development is likely to create "significant" pollution and require a detailed assessment report will be made in consultation with the Council's Environmental Health Section, the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) and any other relevant regulatory body.

## Policy EP 9 Contaminated Land

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

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

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

### Justification

This policy aims to encourage proposals for appropriate development on previously used land, while also ensuring that public health and environmental quality are not compromised. Where significant contamination is found to be present, the Council will seek to ensure that appropriate mitigation or remediation measures are implemented prior to, or as part of, the development but the level of remediation can be limited to that required for the purpose of the specific intended use.

### Policy EP10 Foul Drainage

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

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

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

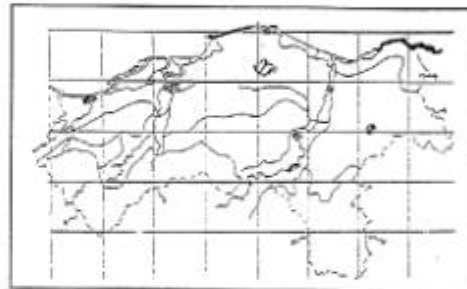
#### Justification

This policy aims to achieve the satisfactory disposal of sewage. The policy encourages new development to connect to the mains system whenever possible but recognises that in some cases this will not prove possible. The policy seeks to ensure that drainage systems can be designed to a standard that can be adopted by Scottish Water and which could be connected to a public system in the future.

## Hard Coastal Shore

### Location

Two stretches of Hard Coastal Shore are located within the study area, the first between Burghead and Covesea, the second between Portgordon and Cullen, which extends east into Banff and Buchan. These areas accord with the 'Hard Coastal Shore' defined in the IMFLCA Report (Fletcher, 1998).

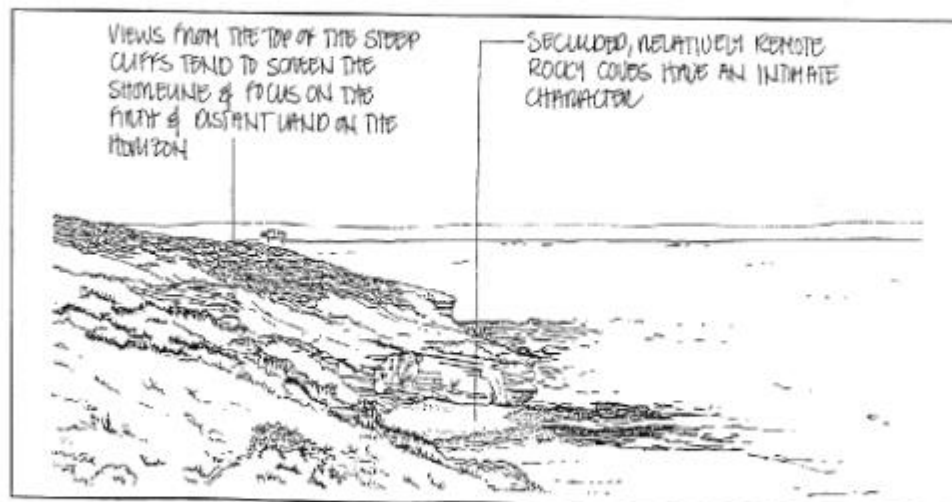


### Overall Description

This landscape consists of an irregular coastal edge of relatively remote, small coves and pebble strewn raised beaches backed by Old Red Sandstone cliffs. These cliffs form an abrupt margin to the Coastal Farmland to the south, and focus views out over the Firth, partially screening the rocky foreshore.

Vegetation is low, scrubby and patchy, reflecting the coarse, broken texture of the rocky coast and includes gorse and tussocky grasses.

Traditionally, planned settlements of low stone houses laid out on a grid plan, have developed away from the main coastal roads on isolated rocky promontories and stable headlands; whilst fishing villages/ports, such as Findochty, are located in secluded coves at the foot of the cliffs by natural harbour areas of relatively deep waters and sheltered bays. Recent housing development tends to be located in more prominent positions closer to the main roads on open cliff tops, or on the outskirts of existing traditional settlements.





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## Hard Coastal Shore

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Rough grass and gorse clothe the smoother upper shores above the cliffs and form a transition between the fragmented Rocky Shore and the smooth, undulating fields of Coastal Farmland bordering it.



Settlements such as Burghead are often located on rocky promontories between the Hard and Soft Coastal Shores and are highly visible.



Traditional harbour settlements such as Findochty, with its narrow streets and stone buildings set perpendicular to the coast, are typically enclosed and sheltered by the cliffs behind and are largely hidden from the Coastal Farmland to the south.

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## Hard Coastal Shore

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### Hard Coastal Shore

#### Designations/Policies

Stretches of this coast between Burghead and Lossiemouth and Portnessie and Cullen are identified as Areas of Great Landscape Value, whilst all of the coastline within the Landscape Character Area is defined as a Coastal Protection Zone in the Local Plan.

#### Key Issues

Potential change within this landscape is likely to be associated with built development, much of it concentrated on existing settlements, and would be likely to include:

- Existing and potential built development
- Tourism/recreation development
- Windfarm development
- Mineral extraction

#### Sensitivity to Change

This is a highly sensitive landscape where the open character of views to the coast from adjacent areas and the contained nature of settlements makes it difficult to visually accommodate new built development.

#### Guidelines

##### Existing Built Development

In some settlements within this area, for example Findochty, original buildings have had roof or building extensions and in some instances this has eroded the individuality of the traditional compact built form. Changes of surfacing materials, from the irregular textures of stone setts and cobbles, to the smooth and dark bituminous roads, create large, uniform areas which visually contrast with the intimate size and shape of dwellings. The appearance of rusted and cracked concrete harbour walls frequently gives an air of neglect to the harbour areas of some settlements, while the clutter of car parking and often incongruously designed toilet blocks detracts from the distinctive historic character of the urban core.

A programme of environmental improvements using traditional materials should be instigated to address these problems, along with a strategy for traffic and parking management within the core of these areas. Incentives to encourage the amelioration of inappropriate extensions to traditional buildings should also be considered.

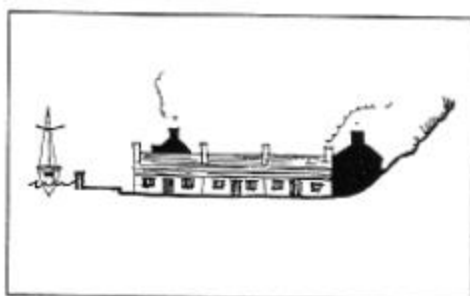
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## Hard Coastal Shore

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### Potential Built Development

Recent housing development has tended to be concentrated on the periphery of the existing traditional fishing villages which are a distinctive feature of the Landscape Character Area. This has brought about considerable visual problems as the original visual containment of the settlement is transgressed by development occurring on the slopes above the coastal edge. Much recent housing development is therefore highly visible from the hinterland, diminishing one of the principal characteristics of the Hard Coastal Shore. Housing is also often incongruously designed and scaled in relation to the architecture of the original settlement.



Where possible, new housing should be sited within existing settlements and should reflect the nature and scale of the coast.

Development should also be sited to be contained by the natural landform.

There is little scope for the sensitive accommodation of new housing and industrial development in this area. In view of this, the natural landform setting of individual settlements should be identified, with the aim of defining firstly where any further development should respond to the character of the core urban area, and secondly the areas beyond which new development would begin to modify the distinctive character of the settlement within the landscape. The coalescence of individual settlements should be avoided so as to conserve the traditional nucleated pattern of small clustered villages along the coastline. Where there is space for expansion within the settlement setting, any potential housing and industrial development should be designed to respond to the narrow, intimate and compact scale of existing buildings and roads. Materials and colour finishes used in new buildings and extensions to existing buildings should accord to those commonly found in older dwellings.

### Tourism and Recreational Development

The presence of caravans, generally located close to settlements on the coastal fringe can cause adverse visual impacts. Where possible, existing vernacular buildings should be used for tourist accommodation, toilet and visitor facilities, and new caravan developments restricted. The environmental improvement of existing caravan sites should be considered, with measures such as stone walling, low irregular earth mounding and low, predominantly native, shrub planting used to screen clutter and car parking around the site, the use of traditional styles and materials in new buildings associated with the site, and the possible use of muted, matt colour finishes on the caravans themselves.

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## **Hard Coastal Shore**

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Car parking facilities should be distributed evenly throughout the urban fabric where possible, using small pockets of open space rather than expansive areas of hard standing that become eyesores in the winter season and increase clutter when in use.

### **Windfarm Development**

It is considered that the rugged and natural character of the cliffs and open sea views of this Landscape Character Area are valuable landscape features of the study area as a whole, and the installation of wind turbines in this Landscape Character Area would adversely affect these qualities.



## Appendix 9: Report of Handling 15/02159/APP

### REPORT OF HANDLING

<b>Ref No:</b>	15/02159/APP	<b>Officer:</b>	Maurice Booth
<b>Proposal Description/ Address</b>	Proposed extension to relocate 12 touring caravan pitches on Site Adjacent To West Beach Caravan Park Harbour Street Hopeman Elgin		
<b>Date:</b>	28/01/16	<b>Typist Initials:</b>	FJA

### RECOMMENDATION

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

### CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Protection Manager	22/01/16	The Access Manager raises no objection to the proposal but states that the proposal will affect Core Path MCT06 which links through the Caravan site as part of the Moray Coast Trail. This route should be retained free from obstruction during and after the construction period for the development.(see attached Moray Core Path Map 4A)
Spey Fisheries Board		No response - consultation in error
Developer Obligations Unit	18/12/15	No contribution required
Development Plans (Environment)	11/01/16	Objections to the proposals on the policy grounds discussed below, and forming the basis of the refusal decision
Moray Flood Risk Management		No objection -see Observations
Scottish Environment Protection Agency	19/01/16	No objection subject to the condition requested – see Observations
Scottish Water		No response
Environmental Health Manager	21/12/15	No objection
Contaminated Land	18/12/15	No objection
Transportation Manager	14/01/16	No objection (no conditions requested)

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
E9: Settlement Boundaries	Y	
PP1: Sustainable Economic Growth	Y	
IMP3: Developer Obligations		
EP9: Contaminated Land		
T5: Parking Standards		
T2: Provision of Access		
IMP1: Developer Requirements	Y	
E8: Coastal Protection Zone	Y	
EP7: Control of Develop in FloodRiskArea		
E7: AGLV and impacts on wider landscape	Y	
E5: Open Spaces	Y	
ED8: Tourism Facilities and Accommodation	Y	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received 1		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
<p><b>Issue:</b> The proposals should be supported since they will substantially improve and enhance the character of the surrounding area and also the money spent by the additional visitors would be most welcome by the local businesses. Proposals reflect the owner's continuing commitment to invest in the site</p> <p><b>Comments (PO) :</b> The benefits of investment and encouragement to tourism have to be balanced against protection of the natural environmental qualities that Moray has to offer.</p>		
<p><b>Issue:</b> The proposals should be supported since the stances proposed have some of the best views over the Firth</p> <p><b>Comments (PO):</b> The views to be had from the site reflect the visual impact that the development will have for those enjoying the coastal landscape in the area.</p>		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Development Plan 2015 unless material considerations indicated otherwise. In this case the main planning issues are considered below.

### The Site

The site is part of an extensive area of naturally vegetated duneland mounds rising as a backdrop to the rocky coastline immediately to the west of Hopeman. It runs along the shore line and has a Moray Core Path running across it.

A short distance to the south there is the Moray Coast Trail running along the route of the former railway line.

### The Proposal

Proposed extension to relocate 12 touring caravan pitches with an access roadway and hardstandings. It is noted that although described as being for the relocation of existing pitches, the proposal would involve a substantial undeveloped area to the west of the caravan park which would be in addition to what has been consented in the established caravan park area.

### Flooding and Drainage (EP5: Surface Water Drainage, EP7: Control of Development in Flood Risk Areas)

SEPA advise that with regards to the risk from coastal flooding, as the site is adjacent to the indicative coastal flood envelope, and in the absence of a detailed topographic survey of the site, a conservative approach to flood risk should be taken. As such they request that it should be ensured by condition that no built development takes place below 5mAOD to ensure that the development is adequately protected against flood risk. A revised plan submitted by the agent shows a 5mAOD contour line with all the development proposed above this, and on this basis SEPA's requirement should be able to be satisfied.

SEPA state that they consider any potential surface water flooding issue to be the primary concern of Moray Flood Risk Management (MFRM).

Following discussions with MFRM the agent has provided further plans showing the development to all be above a 6m AOD contour line, and MFRM confirm that this satisfies their requirements.

### Impact on Environment (E5: Open Spaces-based on the ENV Foreshore designation in the Hopeman Settlement Statement- , ED8: Tourism Facilities and Accommodation, E8: Coastal Protection Zone, E7: AGLV and impacts on wider landscape, E9: Settlement Boundaries, IMP1: Developer Requirements, PP1: Sustainable Economic Growth)

The application site is within and to the West of ENV8 Foreshore Area designation in the settlement map for Hopeman. The majority of the application site is located outwith the settlement boundary of Hopeman with part falling with the ENV8 designation. Approximately two thirds of the site is in both the AGLV (policy E7) and the CPZ (policy E8), with this area also being outwith the settlement boundary and the remainder being in the ENV8 area.

The touring caravan provision would help Hopeman as a tourist destination by encouraging visitors to stay with associated economic benefits, as promoted by ED8. However, the proposal fails to satisfy the relevant environmental policies E7 (AGLV), E8 (CPZ) and IMP1, and also breaches the settlement boundary and therefore would be contrary to E9 (settlement Boundaries). Because it breaches E7 and E8 it also breaches the part of ED8 that requires proposals to be compatible with policies to protect and enhance the built and natural environment.

The Coastal Protection Zone (E8) aims to protect and enhance Moray's landscape and only certain types of development are acceptable in this area. The application site is currently undeveloped

coastland with no existing use. The proposal would result in caravans, parked cars and a long access track using this area which is contrary to this policy as it is not considered a low intensity tourist use and none of the stated exceptions apply.

Policy E7 Areas of Great Landscape Value (AGLV) aims to protect Moray's strategically important landscapes from inappropriate development. This policy requires development proposals to be of a high standard of design and be in general accordance with the Moray and Nairn Landscape Character Assessment. The Landscape Character Assessment states that caravans located close to settlements can cause adverse visual impacts and that new caravan developments be restricted. It also states that large areas of hardstanding can become an eyesore in the winter. The proposals would have a significant adverse impact on the area and therefore would be contrary to this policy.

It would be contrary to policy E9 Settlement Boundaries since it is an unplanned expansion of the settlement. This policy aims to stop encroachment into surrounding countryside. The sprawl represented by the proposals would have a detrimental impact on the traditional qualities of Hopeman which is notable for its traditional harbour setting, the latter being nearby to the east.

The development would also have a visually detrimental impact from sea for the many who enjoy the various watersport opportunities offered by the area.

The development would be visible from the Moray Coastal Path (situated to the south of the site) on approach from the west. This would have a negative impact on the wild coastal nature of this area immediately outside the Hopeman settlement boundary, which is what CPZ and AGLV was designated to protect. Also, it is on a Core Path and reflecting this would have a highly intrusive impact for the many people using this route.

Given the topography of the site and its proximity to the sea shore the site would be particularly prominent and landscaping would be unlikely to diminish this. The infrastructure associated with the development would be permanent and caravans are highly intrusive due to their shape, size and colour. This is the case even if the caravans are only sited during the summer months, and in any case this is the time when a far greater number of tourists and the general population would be using the area for general recreation.

Part of the application site falls within the ENV8 Foreshore Areas designation so Policy E5: Open Spaces applies. Policy E5 states that development will be refused unless the proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance the use of the site for sport and recreation. The ENV designation is currently undeveloped coastal foreshore. The proposal is primarily for private use relating to the existing caravan park and has no public or community use element to it. Any economic benefits of the proposed development do not outweigh the loss of open space and it is therefore contrary to policy E5. The proposed development is not ancillary to the principal recreational use of the designation as it does not enhance the use of the site for sport and recreation.

Policy PP1 is a general policy essentially referenced to the more specific environmental policies considered above, and IMP1 also contains general provisions more specifically stated in the other policies considered above.

#### Conclusions

Any potential economic benefits of the proposed development are far outweighed by the significant detrimental visual impact that will result from the proposals, particularly affecting tourists to the area and the general recreational population.

The coastal heritage of the Moray Firth is a notable feature of the area and this development would also impact on the setting of an historical harbour town.

#### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

There are no other material considerations that would alter this assessment.



<b>HISTORY</b>				
<b>Reference No.</b>	<b>Description</b>			
09/00898/FUL	Retrospective application for retaining walls and land upfill at Station Caravan Park Harbour Street Hopeman Elgin Moray			
	<b>Decision</b>	Refusal by Scottish Executive	<b>Date Of Decision</b>	24/02/10
05/01011/FUL	Extend occupancy of site to allow 12 month holiday occupation of whole caravan park at Station Caravan Park (West Beach) Hopeman Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	19/07/05
04/02141/FUL	Site 2 twin unit caravans at Station Caravan Park (West Beach) Hopeman Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	01/03/05
99/01253/OUT	Outline to erect new dwellinghouse at Station Caravan Park (West Beach) Hopeman Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	09/02/00
94/00680/OUT	Outline application to erect dwellinghouse with integral garage at Station Caravan Park (West Beach) Hopeman Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	20/10/94
91/00143/FUL	Provide additional 52 static and 17 touring caravan facility at Station Caravan Park (West Beach) Hopeman Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	29/08/91

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	Departure from development plan No Premises	25/01/16
PINS	Departure from development plan No Premises	25/01/16
<b>DEVELOPER CONTRIBUTIONS (PGU)</b>		
<b>Status</b>	<b>NONE SOUGHT</b>	

**DOCUMENTS, ASSESSMENTS etc. \***

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

**DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)**

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			