



the **MORAY** council

The Moray Council Council Office, High Street Elgin IV30 1BX

Tel: 01343 563 501

Fax: 01343 563 263

Email: development.control@moray.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000137567-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use of vacant land opposite Seaview Caravan Park to provide fenced enclosure for ancillary use to existing business.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☒ Yes ☐ No

Have the works already been started or completed? *

☐ No ☒ Yes - Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/11/15

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

The applicant incorrectly understood that the erection of the fence did not require planning permission.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Wittets Ltd"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Cynthia"/>
Last Name: *	<input type="text" value="McKay"/>
Telephone Number: *	<input type="text" value="01343 543 237"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text" value="01343 540 542"/>
Email Address: *	<input type="text" value="cm@wittets.co.uk"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="26"/>
Address 1 (Street): *	<input type="text" value="Hay Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Elgin"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="IV30 1NQ"/>

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>
Other Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Company/Organisation: *	<input type="text" value="Seaview Caravan Park"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Seaview Caravan Park"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Kinloss"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Kinloss"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="IV30 1NQ"/>

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Site adjacent to Seaview Caravan Park, Kinloss

Northing

862196

Easting

305966

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

4615.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Vacant ground

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☐ No ☒ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☐ No ☒ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details:(Max 500 characters)

There will be no waste generated by the site.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 ? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Cynthia McKay

On behalf of: Seaview Caravan Park

Date: 10/12/2015

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☒ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Cynthia McKay

Declaration Date: 10/12/2015

Submission Date: 10/12/2015

Payment Details

Created: 10/12/2015 14:48

Town & Country Planning
(Scotland) Act, 1997
as amended

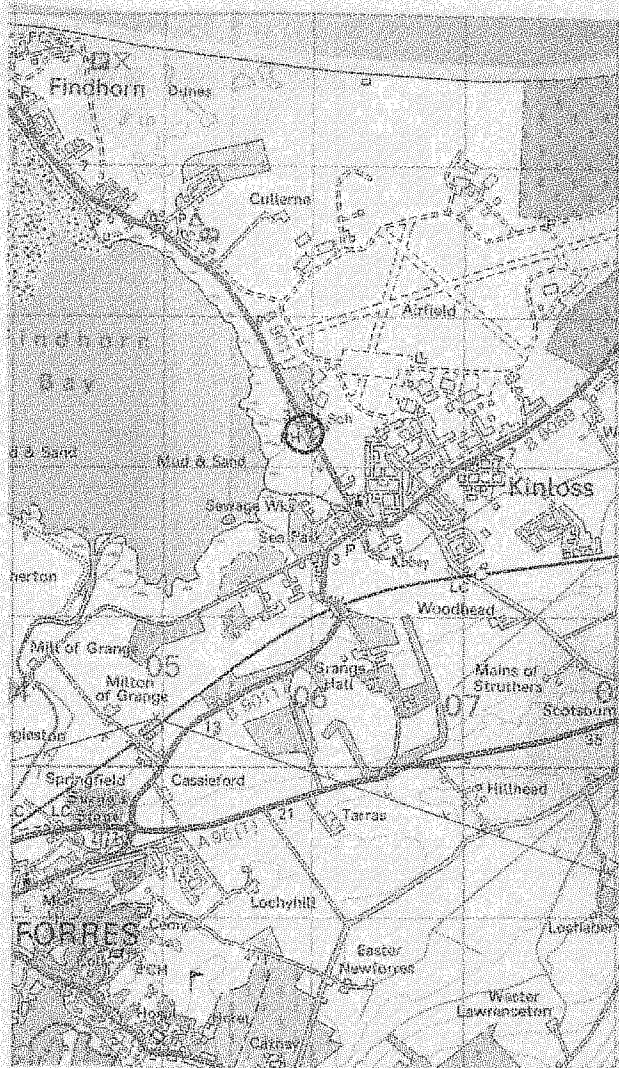
REFUSED

29/01/16

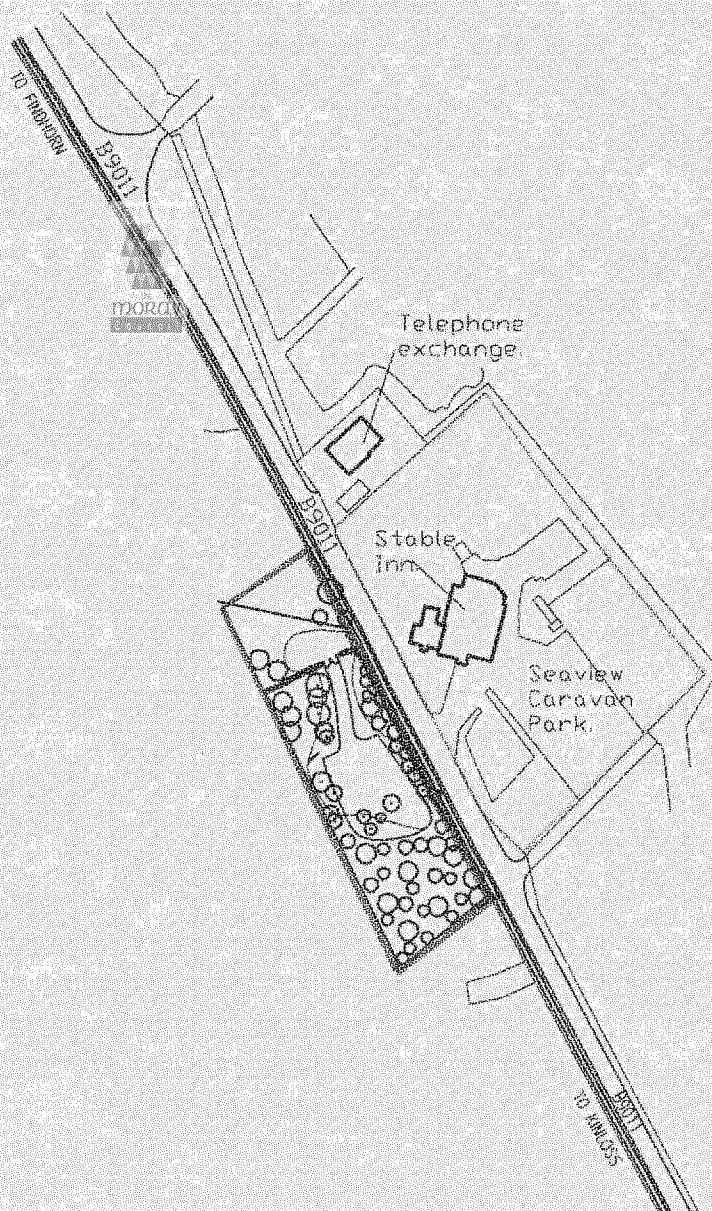
Development Management
Environmental Services
The Moray Council



USE GIVEN DIMENSIONS ONLY
COPYRIGHT RESERVED



LOCATION PLAN : Scale 1:50,000

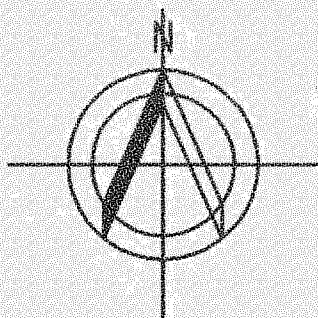


SITE LOCATION PLAN : Scale 1:2500

Retrospective planning application
and change of use adjacent to
Seaview Caravan Park, Kinloss

for Mr D Brown

LOCATION PLAN



WITTETS
ARCHITECTS

26 Hay St, Elgin, Moray IV30 1NQ
T 01343 543237 F 01343 540542
e info@wittets.co.uk www.wittets.co.uk

1:2500/50000 at A4
Nov 2015

15:43:03



Change of use of vacant land opposite Seaview Caravan Park to provide fenced enclosure for ancillary use to existing business.

Design Statement

A retrospective application is required further to the erection of a 1.8m high fence to land within the ownership of the applicant, opposite the existing Caravan Park also owned by the applicant.

The fence was erected at the same time as an access being formed by Ministry of Defence within land owned by the applicant to enable access to an existing ditch providing surface water discharge from Kinloss Barracks. Ministry of Defence intend to retain this access to enable ongoing maintenance.

The fence enclosure is required to facilitate the upgrading of the existing caravan facilities and maximise the current licence which is granted for 38 stances, ref consent 12/00987/APP. Policy ED7 permits rural business proposals if (a) there is a locational justification for the site concerned (b) capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved, (c) where account is taken of environmental considerations and (d) there is careful control over siting design, landscape and visual impact.

Policy ED8 encourages tourism facilities and accommodation in relation to both of these policies.

There is thought to be clear compliance with policy requirements, adequate infrastructure arrangements and need for a specific site. Transportation have been consulted and the proposed location and visibility of the access is thought to be accepted. Drainage is not required with no impermeable surfaces proposed requiring SUDS. The location of the fenced enclosure is critical to the business base and security is required for the items which would be stored within the proposed site.

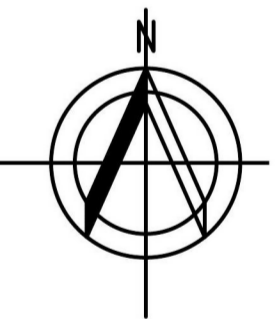
Regarding compliance with policies to protect and enhance the built and natural environment, a reduction in the area of the fence currently erected is shown and substantial indigenous evergreen planting is proposed as landscaping measures under policy ED8 to screen the area from the public roadway and assist integrating the proposed site into its rural setting.

Refusal would severely impact upon the viability of the business. It is understood that local Councillors are sympathetic to the proposals and a response is awaited from Angus Robertson MP, Moray.

Development Management
Environmental Services
The Moray Council

Seaview
Caravan
Park.

SEAVIEW CARAVAN PARK



26 Hay St, Elgin, Moray IV30 1NQ
T 01343 543237 **F** 01343 540542
e info@wittets.co.uk **www** www.wittets.co.uk

1:500/1000 at A2
NOV 2015

15:45:02

VISIBILITY SPLAY
Scale 1:1000

SITE PLAN
Scale 1:500

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	30th December 2015
Planning Authority Reference	15/02188/APP
Nature of Proposal (Description)	Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on
Site	Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133059475
Proposal Location Easting	305968
Proposal Location Northing	862212
Area of application site (Ha)	4615 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NZ6M5EBGAK000
Previous Application	13/00122/PE 10/01285/GPA 09/01192/GPA
Date of Consultation	16th December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Seaview Caravan Park
Applicant Organisation Name	
Applicant Address	Seaview Caravan Park Kinloss Kinloss IV30 1NQ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray for Seaview Caravan Park

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal |
X |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below |
<input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below |
<input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date.....21/12/15.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	30th December 2015
Planning Authority Reference	15/02188/APP
Nature of Proposal (Description)	Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on
Site	Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133059475
Proposal Location Easting	305968
Proposal Location Northing	862212
Area of application site (Ha)	4615 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NZ6M5EBGAK000
Previous Application	13/00122/PE 10/01285/GPA 09/01192/GPA
Date of Consultation	16th December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Seaview Caravan Park
Applicant Organisation Name	
Applicant Address	Seaview Caravan Park Kinloss Kinloss IV30 1NQ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray for Seaview Caravan Park

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | x |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Kevin Boyle
email address:
Consultee:

Date: 18/12/15.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on; Site Adjacent To Seaview Caravan Park, Findhorn Road, Kinloss, Moray

I consider:-

- | | Please |
|---|-------------------------------------|
| | x |
| (a) that the application should be refused (<i>please state reasons below</i>) | <input type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input type="checkbox"/> |
| (c) that the application should be approved, subject to certain condition
(<i>please state conditions and comments below</i>) | <input type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be
passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input checked="" type="checkbox"/> |

Further information to be passed to applicant

Policy EP6 requires a buffer strip of at least 6m between any new development and all water features.

SEPA's indicative flood maps show that a large proportion of the development site is at risk from 1:200 year coastal flood event.

SEPA's indicative flood maps show that the majority of the development site is at risk from 1:1000 year coastal flood event.

SPP states that developments with vulnerable uses are not suitable where the flood risk is higher than a 1:1000 year flood event.

Further information required to consider the application

In order for an informed decision to be made, the following information is required;

1. Confirmation is required for the distance between the ditch and the new fence.
2. Further information on the proposed land use.

Contact: Carl Coghill

Date 16/12/15

email address: Carl.coghill@moray.gov.uk

Phone No 01343 563771

Consultee: The Moray Council, Flood Risk Management

Return response to consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

The advice provided for this application is based on the documents submitted by the applicant.

These documents have been reviewed but a detailed check of the calculations, on which the outcome of the assessment/s is/are based, has not been carried out.

It is assumed that the person / organisation / company employed to carry out these assessments is a competent professional and the required checks were done before the reports were finalised and submitted in support of this application.

Responsibility for the accuracy of the assessment/s lies with the applicant.

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on; Site Adjacent To Seaview Caravan Park, Findhorn Road, Kinloss, Moray

I consider:-

- | | Please |
|---|-------------------------------------|
| | x |
| (a) that the application should be refused (<i>please state reasons below</i>) | <input type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input checked="" type="checkbox"/> |
| (c) that the application should be approved, subject to certain condition
(<i>please state conditions and comments below</i>) | <input type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be
passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input type="checkbox"/> |

Contact: Carl Coghill

Date 17/12/15

email address: Carl.coghill@moray.gov.uk

Phone No 01343 563771

Consultee: The Moray Council, Flood Risk Management

Return response to	consultation.planning@moray.gov.uk
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It is assumed that the person / organisation / company employed to carry out these assessments is a competent professional and the required checks were done before the reports were finalised and submitted in support of this application.

Responsibility for the accuracy of the assessment/s lies with the applicant.



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Richard Smith
Planning Officer
Development Services
Environmental Services Department
The Moray Council
High Street
ELGIN
IV30 1BX

Date: 22nd December 2015
Our ref: CNS/DC/MOR

Dear Richard,

Planning application consultation

Planning application ref. no. 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on site adjacent to Seaview Caravan Park, Findhorn Road, Kinloss, Moray

I refer to your e-planning consultation received on 16th December 2015 requesting comments from Scottish Natural Heritage (SNH) on the above application.

We advise that the Moray Council should seek additional information to satisfy itself that the proposal will not result in damage to or pollution of habitats which are interests of protected areas given below.

Advice in relation to protected areas

The proposal directly adjacent to the following protected areas:

- Moray and Nairn Coast Special Protection Area
- Moray and Nairn Coast Ramsar site
- Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest

The status of the Special Protection Area (SPA) means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Moray Council is required to consider the effect of the proposal on this site before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

The Moray and Nairn Coast Ramsar site and Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest (SSSI) may also be affected but the interests of these designations are fully addressed as part of the following consideration of the SPA.

The proposal is not directly connected with or necessary for the conservation management of any of the protected areas listed above, hence further consideration is required.

The Moray and Nairn Coast SPA is designated for a number of wintering waterfowl species and foraging osprey. We advise that the proposal has the potential to affect the bird interests of the SPA by way of impacts on the intertidal habitats of Findhorn Bay on which the birds depend, namely saltmarsh and mudflats/sandflats.



Scottish Natural Heritage, Alexander Fleming House, 8 Southfield Drive, Elgin, IV30 6GR

Tel: 01343 540 631 Office email: tayside_grampian@snh.gov.uk

Our advice is that potential impacts might arise as a result of pollution including sediments, storage of materials and access by vehicles. The application is supported by a design statement but there is little information on working methods. For example, it would be helpful for the applicant to confirm that:

- Drainage will be adequate to prevent surface water running from the site to the SPA
- All proposal activities will remain outwith the SPA boundary at all times, including the storage of materials and access by vehicles
- Full consideration will be given to the presence of giant hogweed in order to ensure that there is no spread of this species during any ground works
- All contractors will be made aware of the environmental sensitivities adjacent to the site and the boundary of the SPA will be clearly marked in order to guarantee the above points

It is very likely, given the scale of the proposal, that the proposal can be carried out in such a way that there will be no impacts on any of the interests of the above protected areas. However, we advise that the Moray Council should seek confirmation that this is the case.

We would appreciate it if you would inform us of any modifications or amendments that may affect natural heritage interests. This may include the siting of caravans on the proposal area. Please let me know if you require any further information.

Yours sincerely

Shirley Reid
Operations Officer
Tayside and Grampian
shirley.reid@snh.gov.uk

Our ref: PCS/144272
Your ref: 15/02188/APP

Richard Smith
The Moray Council
Development Services
Council Office
High Street
Elgin
IV30 1BX

If telephoning ask for:
Zoe Griffin

15 January 2016

By email only to: consultation.planning@moray.gov.uk

Dear Mr Smith

Town and Country Planning (Scotland) Acts
Planning application: 15/02188/APP
Change of use of vacant land to provide fenced enclosure for ancillary use to existing business
Site adjacent to Seaview Caravan Park Findhorn Road Kinloss Moray

Thank you for your consultation email of 16 December 2015 regarding the above planning application with regards to flood risk

We ask that the planning **condition** in Section 1.3 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

Advice for the planning authority

1. Flood Risk

- 1.1 We have reviewed the information provided in this consultation and it is noted that the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding coastal flooding.
- 1.2 Scottish Planning Policy states (paragraph 255) that “the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas.” It further defines (glossary) that “For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year”. Built development should not therefore take place on the functional flood plain.
- 1.3 For information, an approximate 1 in 200 year water level for the area is 3.23m above ordnance datum (AOD) and the 1 in 1000 year water level for the area is 3.4m AOD based



Chairman
David Sigsworth

Chief Executive
Terry A'Hearn

Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk

on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take into account the potential effects of wave action, climate change, funnelling or local bathymetry at this location.

- 1.4 We note this retrospective planning application proposes a stock proof fence as detailed on the submitted Site Plan (drawing number 15:45:02). We have no objection to the erection of the fence as this design is permeable in nature. A none permeable boundary treatment such as a wall or closed board fence would interfere with the flow of water in the floodplain and be prone to trapping debris. As such we recommend that a planning **condition** be attached to the planning permission requiring any future replacement fencing on the site to be of the same or similar permeable design. Reason: to protect people and property from the risk of flooding.
- 1.5 We note from the Design Statement submitted that 'the fenced enclosure is required to facilitate the upgrading of the existing caravan facilities and maximise the current licence'. The submitted drawings indicate no built development within the fenced enclosure nor what the land will be used for. It should be noted that we would expect to be consulted separately with regards to any future development within the fenced off area to assess potential flood risk impact.
- 1.6 Based on the information we currently hold, we take this opportunity to state that no future built development should take place below the 1 in 200 year water level plus a suitable freeboard. We recommend that the applicant contact the Flood Prevention Authority with regard to the appropriate levels of freeboard for the area. We would recommend a minimum freeboard of 600mm for coastal areas. As such we would be unlikely to support any future ancillary development on ground levels below 3.83m AOD (1 in 200 year water level for the area of 3.23m AOD plus a freeboard of 600mm) and you may wish to consider attaching a condition removing permitted development rights on the site below this level to any planning permission. Reason: to protect people and property from the risk of flooding.

2. Other planning matters

- 2.1 For all other issues we refer you to our standing advice for small-scale local development which is available at www.sepa.org.uk/planning.aspx.

Detailed advice for the applicant

3. Flood Risk

- 3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF, Tel: 01343 547663.

If you have any queries relating to this letter, please contact me by telephone on 01224 266636 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Zoe Griffin
Senior Planner
Planning Service

ECopy to: Wittets Limited, cm@wittets.co.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	30th December 2015
Planning Authority Reference	15/02188/APP
Nature of Proposal (Description)	Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on
Site	Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133059475
Proposal Location Easting	305968
Proposal Location Northing	862212
Area of application site (Ha)	4615 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NZ6M5EBGAK000
Previous Application	13/00122/PE 10/01285/GPA 09/01192/GPA
Date of Consultation	16th December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Seaview Caravan Park
Applicant Organisation Name	
Applicant Address	Seaview Caravan Park Kinloss Kinloss IV30 1NQ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 15/02188/APP

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray for Seaview Caravan Park

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
X |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the access onto the Cycle Track. The proposed access would therefore be detrimental to road safety, contrary to Moray Local Development Plan Policy T2.

Note: the proposed access is located adjacent to mature trees which would obstruct views on cyclists using the adjacent cycle track. These trees are out with the planning application boundary.

Contact: DA
email address:
transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 28 January 2016

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mr Jon Borseth

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: As a regular user of the Kinloss to Findhorn cycle path and road I find the development doesn't look nice and the signs are not in keeping with the local area. Also I thought that the Bay Area is a nature reserve? And what sort of precedent would this set for development on that side of the road? Also some of the types of machinery that has been moved onto the land currently looks like it might at any point leak oil etc and that is not something that I would want going into the Bay Area.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mr Timothy Buist

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Legal issues
- Precedent

Comment: Given that the proposals are adjacent to and have the potential for adverse impacts on a number of statutory designated sites including the Moray Firth SPA it is felt that due process is not being followed and that there is a requirement for TMC to provide appropriate assessment demonstrating that the proposed site will not have any negative impacts on the features for which the area is designated. To not do so could be a breach of environmental legislation.

Work has already taken place at the site to establish a hardstanding area and erect fencing. Items stored in the area have the potential to cause pollution through leaking of oils and fuels and silty surface water run-off. Plus it looks unsightly in what is otherwise an area of great landscape value.

If this development is consented then it is felt it may open up the opportunity for further changes of use including siting of more caravans. If it can be demonstrated that the proposals will take into consideration all potential impacts on the surrounding area and that future management of the site will be undertaken with due care and sensitivity to the environment then my objection would be less strong, however I do not feel that there is currently sufficient evidence this would be the case.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mrs Miriam Connor

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inappropriate materials/finishes
- Litter
- Procedures not followed correctly

Comment: I wish to register my objection. I feel it is inappropriate use of the land. I see this land as a nature reserve.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mrs Claudia Dehio

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Drainage
- Legal issues
- Litter
- Over-development of site
- Parking
- Precedent
- View affected

Comment: This proposed developments most definitely is an intrusion on the natural character of the Bay and clearly one can see that it is likely to set a precedent for future developments.

Already the site has generated litter (construction and othersie) and surely there is no way this development (while in progress as well as when finished) will not in some way alter the nature reserve's completely natural character. Off run of any other than natural rain water is a given and can never be avoided (simply by cars, other vehicles and dwellings being present, i.e. antifreeze, oil spills, petrol etc)

I am hoping the owner can be compensated or find alternative solutions to his business as I would hate a planning permission denial of this to impact them negatively. But in this case the character of the location and site would be irrevocably be changed for the worse.

Furthermore the fencing right now in itself acts as a sure debris collection site (like a sieve) should flooding occur, slowing down any back draining towards the bay.

With caravans and people permanently placed on that site, encroachment on this important Nature reserve will be insidious and numerous over time.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Ms Maurizia Ferrari

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Litter
- View affected

Comment: Findhorn Bay is a Natural Reserve of outstanding beauty, any type of construction is going to spoil its environment and landscape.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Miss m hannon

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Over-development of site
- View affected

Comment: as the fencing etc. is already up we can see how spoilt that side of the road now looks. It changes the whole look of the bay side spoiling the view and wild feel plus opens up to others building on the bay.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mrs Joanna Harris

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Height of proposed development
- Permitted Development
- Precedent
- View affected

Comment: A bad precedence on the bay side of the road blocking views and access, and perhaps allowing other developments on the nature reserve without public agreement.

SENT RECORDED

RECEIVED

22 JAN 2016

Teresa Ruggert,
Development Services.

Moray Council.

21 January 2016

PO Box 6760

Elgin, Moray, IV30 9BX

copies by Email to Seaview Caravan Park and local councillors

Dear Teresa Ruggert,

Neighbour Notification – Procedural Issues (App. No. 15/02188/APP)

Introduction

Thank you for your Neighbour Notification letter of 15 December 2015. This my response letter addresses some procedural points about your letter, referencing details from the above Application by way of example. We have spoken briefly.

What the Neighbour Notification procedure appears to disregard is the relationship between a Neighbour and the applicant. For example, in the above application the extent of the adjacent properties deemed to be Neighbours (as shown on the Site Plan) appears so limited that any comment/objection I might have made would be attributed to me, regardless of the extent of the redaction applied. My experience is unique and unmaskable!! The fact that a given planning application is retrospective (as in this example) adds an extra pressure for a Neighbour not to object.

Hypothetically there could be many and various ways in which a site owner could potentially intimidate and/or make life difficult for a tenant on their site, including the suggestion that if the tenant does not like it he or she can leave.

How fortunate, then, that I have been excluded from this Neighbour Notification process by events !!

Date and Receipt of the Notification

Neighbour Notifications may not be received in time - or indeed at all. For example, the date of the Neighbour Notification letter in this example falls during the required annual closure of Seaview Caravan Park. This closure is required under the terms of the site license with Moray Council. I was away from Seaview as required. I did not receive your letter dated 15 December until after my return on or about 8 January, by which time the 21 day period allowed for Neighbour comment had expired.

As I read the provisions of the Town and Country Planning act (Scotland) Act 1997 (as amended by the 2006 Act) and the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013, a Local Authority has a duty to ensure that Neighbours are notified. Indeed I have read arguments that some method such as recorded delivery should be used (for example i) a recommendation

Please would you acknowledge receipt of this? Thanks

in 1997 by Robert Stewart, Moray Council Director of Economic Development and Planning; and ii) an unidentified Moray Council document/form (dated since October 2000) referring to Service of Notices.) (Internet references – to i) & ii) above & others – could probably be produced on request!!)

It seems that the purpose of notifying Neighbours might include the possibility that they are the ones most affected by the planning application. One might wonder whether a person submitting an application during the month of a Caravan Park's closure could be deemed to have known about a Neighbour's absence?

Discussing the 'Proposal'

Paragraph 4 on the first page of the Neighbour Notification Notes suggests: "if it is your Neighbour who has submitted the application you could discuss the proposal with him/her." As noted in the introductory paragraphs of this letter, relationships may not be able to support a discussion, especially in the case of a retrospective application. I, for example, have had to endure weeks of chainsaw and other machinery noise. When I expressed my alarm and asked what was going on I was told it was 'a surprise'.

Retrospective Proposals

An objection from a Neighbour to a project which has already been completed is unlikely to enhance the relationship between the owner/s and the objector. Money will have been spent. For example, in this case, the quality of the fencing erected and the volume of hard-core that has been introduced suggest that a substantial amount of money has indeed been spent. How could I possibly object and still remain on reasonable terms with my landlord? Anyway, the 'browning' has already taken place. Many mature and young trees and gorse and bushes have been felled/removed; habitat has been destroyed which cannot be replaced. The amenity of a unique piece of wilderness abutting the beautiful Findhorn Bay nature reserve - not to mention the block the greenery presented to my caravan from the prevailing south-westerly wind - have been lost for good. I used to walk through it to get to the Bay: I now face a padlocked gate.

And it all appears to be contrary to the Moray Local Development Plan 2015!!

Should not a retrospective application be dealt with somewhat differently? And is my wish is to live in peace and harmony with my Neighbours only to be achieved by not objecting? Perhaps luckily for Peace my chance to object as a Neighbour has been denied!

Conclusion

I am, irrationally no doubt, fearful of adverse reaction simply because I have sent this procedural response. However, my way is a way of openness; so I will accept whatever comes!

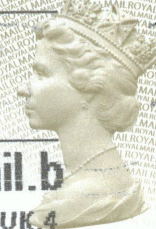
Yours faithfully


Pete Hollings

ps Please would you acknowledge receipt of this? Thanks

21 JAN
2016

1L



Royal Mail.b

POSTAGE PAID UK 4
21/01/16 £1.73 IV36
288801 1-3535013

• SINGLE USE ONLY •

Teresa Ruggelt,
Development Services.
Moray Council,
PO Box 6760
Elgin.
Moray

IV30 9BX

Royal Mail
Signed For

KP 2356 1164 9GB

KP 2356 1164 9GB

SIGNED FOR



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SIGNED FOR



KP 2356 1164 9GB

SIGNED FOR

P6600 July 13

opened and re-sealed by Sender. pyl

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mr Adrian Hutchins

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Litter

Comment: I object to the amount of plastic litter that is on this site. It is now blowing onto the main reserve. When hardcore rubble was laid at the site, there was a fair amount of plastic waste that was included with the rubble and it was never picked up. If the current owners remedy the litter problem, I may be more inclined to remove my objection.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mr Andrew Munro

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan

Comment: All the land to the west of the Findhorn road is considered to be part of the Nature Reserve. The site in question affects the amenity and Setting of Findhorn Bay. Extension of the existing business use would have an adverse visual impact on the approaches to the Bay and Findhorn Village and should be resisted by the Planning Authority.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Ms Maria Olsthoorn

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Procedures not followed correctly

Comment: My first objection is that the owners of this land have gone ahead without waiting for approval.

Second objection.

The Findhorn Bay is dedicated as a local nature reserve. Any building permission giving on that side of the road sets a undesirable precedent. I

t seems that this land is used for tools and storage of building work equipment which is an eyesore. It spoils the gorgeous natural environment.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Miss Sarah Ripley

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: I am surprised and saddened that this is allowed to happen on an otherwise unspoilt and natural area, I thought that this land would be protected. This also shows visitors a lack of respect for this area.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Mrs Carol Shaw

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: In my view it is totally inappropriate for part of an SSSI to be fenced off to use as a business.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Ms Jennifer Smith

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Community Council/Association Consult
- Height of proposed development
- Inappropriate materials/finishes
- Lack of landscaping
- Over-development of site
- Poor design
- Procedures not followed correctly
- View affected

Comment: The proposed development is in an area of special interest and natural scenery and as such is an eyesore that could lead to further development along that side of the Bay if approved.

The bay is a huge natural resource visited by many and needs to be preserved as it is.

The development is an arbitrary site set up without proper planning or consultation and it is imperative that planning is denied to it under material considerations and that it is removed.

Comments for Planning Application 15/02188/APP

Application Summary

Application Number: 15/02188/APP

Address: Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

Proposal: Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on

Case Officer: Richard Smith

Customer Details

Name: Miss Chloe Watson

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: I do not wish to see development on the land. For one, that area is prone to flooding and two and if this passes I do not wish to have have a reoccurring effect that triggers people into building more extensively. And I have worries that it will effect the local environment.

REPORT OF HANDLING

Ref No:	15/02188/APP	Officer:	Richard Smith
Proposal Description/ Address	Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray		
Date:	29/01/16	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	17/12/15	No objection.
Scottish Environment Protection Agency	15/01/16	No objection subject to condition requiring any future replacement fencing to be of the same or similar permeable design as that currently subject of application.
Scottish Natural Heritage	22/12/15	No objection.
Environmental Health Manager	18/12/15	No objection.
Contaminated Land	21/12/15	No objection.
Transportation Manager	28/01/16	Objection on road safety grounds.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015		
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
E8: Coastal Protection Zone	Y	
IMP1: Developer Requirements	Y	
ED7: Rural Business Proposals	Y	
ED8: Tourism Facilities and Accommodatio	Y	
E1: Natura 2000 and Natural Cons Sites		

E2: Loc Nature Cons Sites & Biodiversity		
EP7: Control of Develop in FloodRiskArea		
EP9: Contaminated Land		
T2: Provision of Access	Y	
T5: Parking Standards		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received 15		
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>Issue:</p> <ul style="list-style-type: none"> Impact upon character of area/protected land - the proposal is an intrusion on the natural character of the Bay, litter and construction of hardstanding will alter reserve's natural character and this location. Fence collects debris, proposal is an eyesore and impacts on area of special interest and natural scenery, Bay is a huge natural resource and needs to be preserved as it is, proposal affects the setting and amenity of the Bay. Extension of the existing business use would have an adverse visual impact on the approach to the Bay and Findhorn Village and should be resisted by the Planning Authority. Proposal will adversely affect views across Bay from road and access to land. Use of land for tools and storage of equipment an eyesore and spoils natural environment. Lack of landscaping. Protected Areas - proposal is adjacent to statutory designated sites including SPA requiring TMC to provide appropriate assessment demonstrating that it will not have any negative impacts on nature conservation interests of the site. Inappropriate to fence off part of SSS1 to use as a business Procedures not followed - development has already occurred without permission or public consultation and should be removed. Pollution - hardstanding already formed, oil and fuel from vehicles and silty run off could cause pollution and affect environment. Precedent - approval would set precedent for future developments, more caravans, further information sought to show how site will be managed. Flooding - site not suitable for development as it prone to flooding. Contrary to Local Plan. Neighbour notification - concerns regarding procedures 		
<p>Applicant's agent's response:</p> <p>In response, the views would not be significantly restricted, currently already restricted by the existing natural scrub and tree belt which would be retained. The open mesh fencing would minimise visual impact and the use of the area would be screened by the indigenous planting proposed. Regarding possible pollution, assurances have been given in relation to the use of the area to ensure that the designated protection areas are not affected.</p> <p>It can also be confirmed that the proposed use is not intended for additional caravan sites. It is an application to utilise land within the applicants ownership adjacent to an existing business, to provide storage of maintenance items which if located within the existing site would not allow the full provision of caravan stances in accordance with the license already approved. This is needed to allow the business to be viable.</p>		

Comments (PO):

- Impact upon character of area/protected land - comments are noted and agreed, refer to observations section below for full assessment conclusions.
- Protected Areas - appropriate assessment and consultation with SNH and SEPA has been undertaken, see observations section below.
- Procedures not followed - the fact that works have already been undertaken does not preclude determination of the application which has been assessed on its individual merits, the works are subject of an ongoing enforcement investigation.
- Pollution - refer to observation section below
- Precedent - comments are noted, although precedent alone is not a reason to justify refusal of planning permission.
- Flooding - refer to observations section below.
- Contrary to Local Plan - noted, agreed, refer to observations section below.
- Neighbour notification procedures have been adhered to.

OBSERVATIONS – ASSESSMENT OF PROPOSAL**The Proposal**

This application seeks approval (partly retrospective) for change of use of land to provide a fenced enclosure forming a commercial storage yard intended to be ancillary to the applicant's existing business at Seaview Caravan Park, Kinloss. An accompanying Design Statement states that the enclosure is required to facilitate the upgrading of existing caravan facilities and to maximise the use of the current licence granted for 38 stances on the caravan site opposite, which is also owned by the applicant.

The compound (approx. 4615sqm in area) was created in Autumn 2015 and comprises a compacted hardstanding area used for the storage of vehicles, trailer plant etc. and any other items the owner may require to be stored for his business. The ground is rough and contains stands of trees and undergrowth. Two gated vehicular accesses have also been formed from the hardstanding onto the adjacent B9011 and cycle track. The fence is a stockproof timber post and wire type 1.8m in height.

The submitted site plan shows a partially reduced site area (with fencing around the northern portion of the enclosure to be removed), the retention of the aforementioned central hardcore area, trees and undergrowth with additional hedge and tree planting proposals, and an alternative access track to the north which is to join into an existing access onto the adjacent road B9011. The plan also shows the proposed closing off the current access, removal of the gates and new planting to prevent future use.

No drainage or connection to services is proposed.

The Site & Surroundings

The site is a rectangular shaped parcel of ground which occupies a roadside position on the western side of the B9011 Kinloss to Findhorn Road and cycle track, 0.5km to the north of Kinloss. Prior to the formation of the compound the site formed part of a wider area of marshy ground and woodland on the eastern edge of Findhorn Bay. Seaview Caravan Park and the dwelling 'The Old School' lie to the east and coastal marshland and Findhorn Bay to the north, south and west.

The site lies within the Coastal Protection Zone (CPZ), as defined within Moray Local Development Plan 2015. The Moray and Nairn Coast Special Protection Area (SPA), Moray and Nairn Coast Ramsar Site and the Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest are also located directly adjacent to the site.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Impact of development upon Coastal Protection Zone

(MLDP 2015 - policies E8 and IMP1):

The application site is located within the Coastal Protection Zone (CPZ) around Findhorn Bay, an area of attractive undeveloped coastline identified within the Moray Local Development Plan (MLDP) 2015 which is specifically protected under the terms of policy E8. From the MLDP the objective of this provision is to protect and enhance these designated areas of the Moray Coast for their landscape, nature conservation, recreation and tourism benefits, and to only allow certain types of development. To this end the policy states that proposals within the Coastal Protection Zone must not prejudice the objectives of the CPZ (or the Water Directive Framework) and will be refused except:

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

The policy also states that proposals must not adversely affect the landscape importance of the area concerned and that development is not permitted within areas identified as being at risk of flooding.

The proposed compound, fencing and associated hardstanding used in connection with the operation of a nearby caravan site does not fall within any of the above categories of excepted development listed in E8, and as such is contrary to policy.

In terms of associated Policy IMP1 Developer Requirements this requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criterion (as detailed within the policy). These include the requirement for development to be appropriate to the surrounding area in terms of scale, density and character and to integrate sensitively into the surrounding landscape.

In essence the proposal if approved will result in the permanent loss of an area of the designated CPZ around Findhorn Bay, which is protected under the terms of policy E8 of MLDP for its landscape character, nature conservation, recreation and tourism benefits. The compound and associated activities/external storage on the subject site, previously an area of undeveloped coastal marshy woodland, would undermine and detract from the unspoilt character of the area contrary to the objectives of the CPZ and IMP1 of the MLDP. Any visual impact in this regard would be exacerbated further by the prominent roadside location of the site, heightened by the clearance of vegetation and trees and associated works to form the fenced enclosure and hardstanding which are clearly visible from the adjacent public road/cycle way.

In light of the above conclusions the proposal would represent an inappropriate form of development for this location which would give rise to unacceptable impacts, contrary to policies E8 and IMP1 of the MLDP.

Rural Business/ Tourist Related Development (ED7 and ED8)

Policies ED7 Rural Business Proposals and ED8 Tourism Facilities and Accommodation support proposals which contribute to economic development and Moray's role as a tourist area provided they are compatible with policies to protect and enhance the built and natural environment, demonstrate a locational need and have adequate infrastructure. The proposal currently under consideration would not be compatible with policies to protect and enhance the natural environment for the reasons already outlined above and as such would also fail to accord with these particular provisions.

A design statement submitted with the application asserts that the proposal is acceptable as it has adequate infrastructure, locational need and includes mitigation measures in the form of additional planting and a reduced site area. Whilst noted, officers however take the contrary view as approval in this case would result in the erosion of the CPZ and adverse impacts upon the landscape as already outlined.

The design statement further sets out the applicant's reasons for applying, namely to facilitate the upgrading of the adjacent caravan site and assist with the viability of the business. These circumstances have been taken into careful consideration but are not considered to carry sufficient weight to counter the policy objections to the proposal which is unacceptable in principle in this location.

Access and Parking (T2, T5 and IMP1)

Policies T2, T5 and IMP1 require development proposals to include the provision of safe entry and exit for all road users at access junctions, infrastructure improvements where appropriate and off street parking facilities. In this case the proposed access from the site would involve use of an existing access (formed according to supporting submissions last autumn by the MOD in relation to maintenance to a ditch) onto the adjacent public cycleway and road network where visibility is restricted due to adjacent trees outwith the site.

Following consultation, the Transportation Section has objected to the application on road safety grounds for the following reasons:

As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the access onto the Cycle Track. The proposed access would therefore be detrimental to road safety, contrary to Moray Local Development Plan Policy T2.

Note: the proposed access is located adjacent to mature trees which would obstruct views on cyclists using the adjacent cycle track. These trees are out with the planning application boundary.

These objections and concerns shall form the basis of a further reason for refusal.

Nature Conservation (E1 and E2)

The site lies adjacent to the Moray and Nairn Coast Special Protection Area (SPA), Moray and Nairn Coast Ramsar Site and the Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest. Policies E1 Natura 200 Sites and National Nature Conservation Areas and E2 Local Nature Conservation Sites and Biodiversity (in addition to relevant statutory regimes) seek to ensure that development does not adversely affect the integrity of these protected sites, and in relation to the SPA where not directly connected with or necessary for its the conservation management must be subject to appropriate assessment of the implications for the site's conservation objectives.

To aid consideration of these issues, and to address initial consultation comments from SNH advising of the potential for impacts from pollution, including sediment, storage of materials and access by vehicles further information has been submitted with the application clarifying working methods, drainage, mitigation measures and storage arrangements. These details have been reviewed by SNH and have been confirmed as adequately demonstrating that there would be no adverse impacts on any of the interests of the protected areas provided the methods/information is followed. Had the application been recommended for approval this matter would have been subject of a planning condition.

Based upon the above the proposal has been subject of appropriate assessment and subject to adherence to the measures outlined within supplemental information the proposal would satisfy these provisions.

Flood Risk (EP7)

The site lies within the medium likelihood (1 in 200 year) flood extent of the SEPA flood map, and may therefore be at medium to high risk of coastal flooding requiring assessment against policy EP7. Neither SEPA nor the Council Flood Risk Management Section has raised an objection to the application, noting the permeable design of the fence and absence of any built development on the site, and has recommended that a condition be attached to any planning requiring any future replacement fencing to be the same or similar permeable design. Had the application been recommended for approval this matter would have been subject of a planning condition. On this basis accords with policy EP7.

Recommendation

The application is considered to represent an unacceptable form of development which fails to comply with development plan policy and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
13/00122/PE	Site 4 holiday chalets at Land West Of Sea View Park Findhorn Road Kinloss Moray			
	Decision	ID/PE Answered	Date Of Decision	29/01/13
10/01285/GPA	Proposed 3 chalet development at Land West Of Sea View Park Findhorn Road Kinloss Moray			
	Decision	ID/PE Answered	Date Of Decision	06/10/10
09/01192/GPA	Proposed chalet development at Land West Of Seaview Caravan Park			
	Decision	ID/PE Answered	Date Of Decision	02/07/09

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development planNo Premises	25/01/16	
PINS	Departure from development planNo Premises	25/01/16	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
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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
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Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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Summary of terms of agreement:

Location where terms or summary of terms can be inspected:
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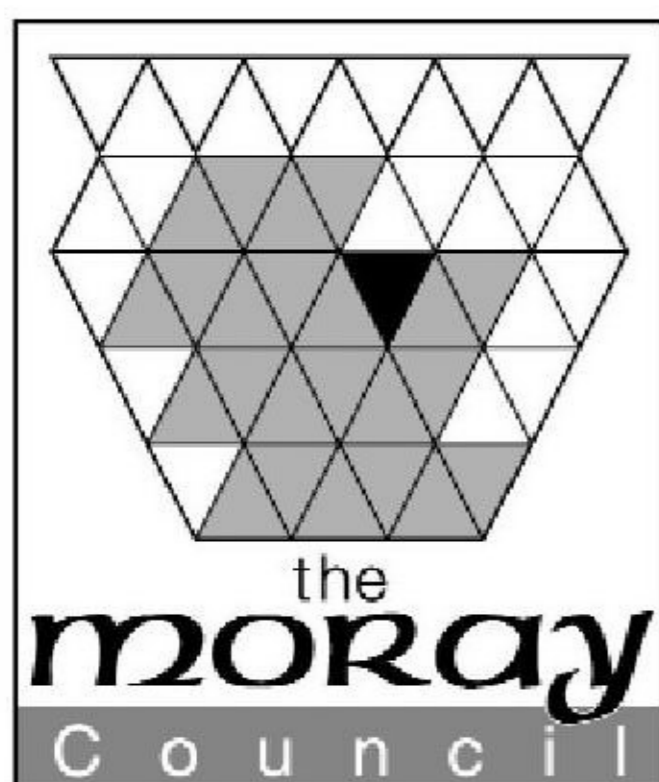
DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

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

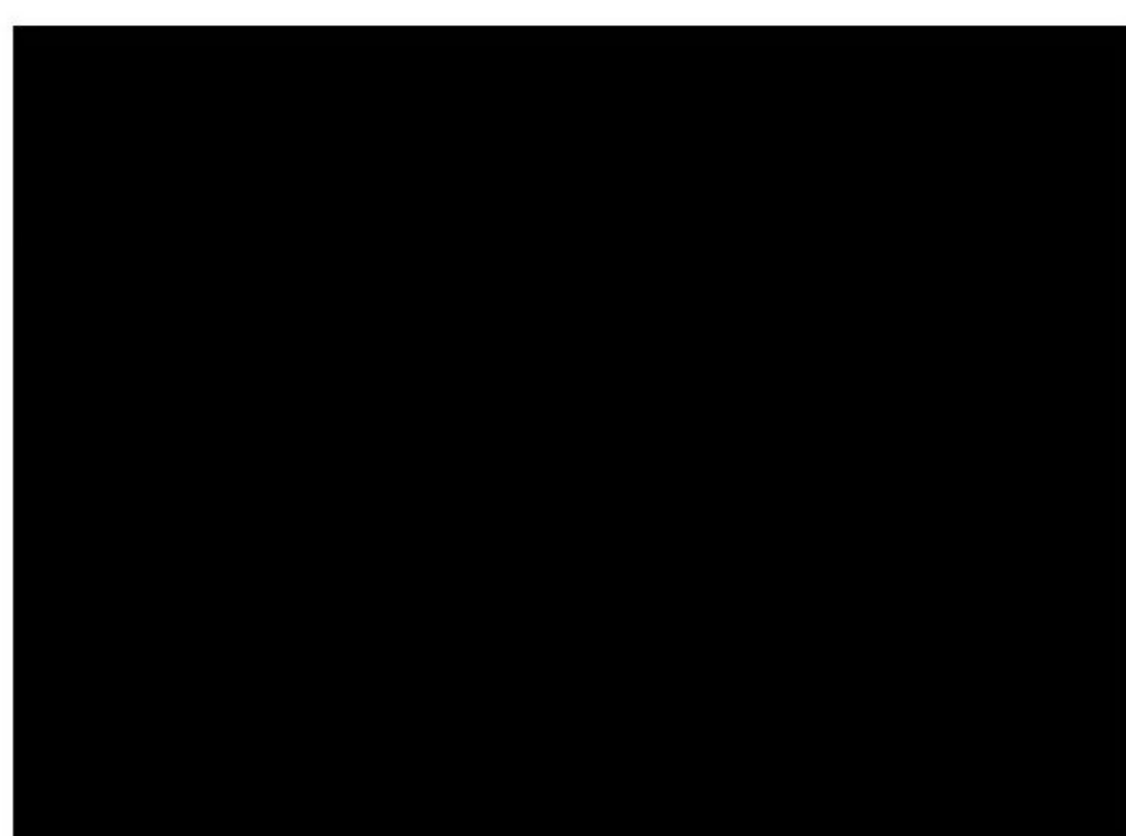


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

TO

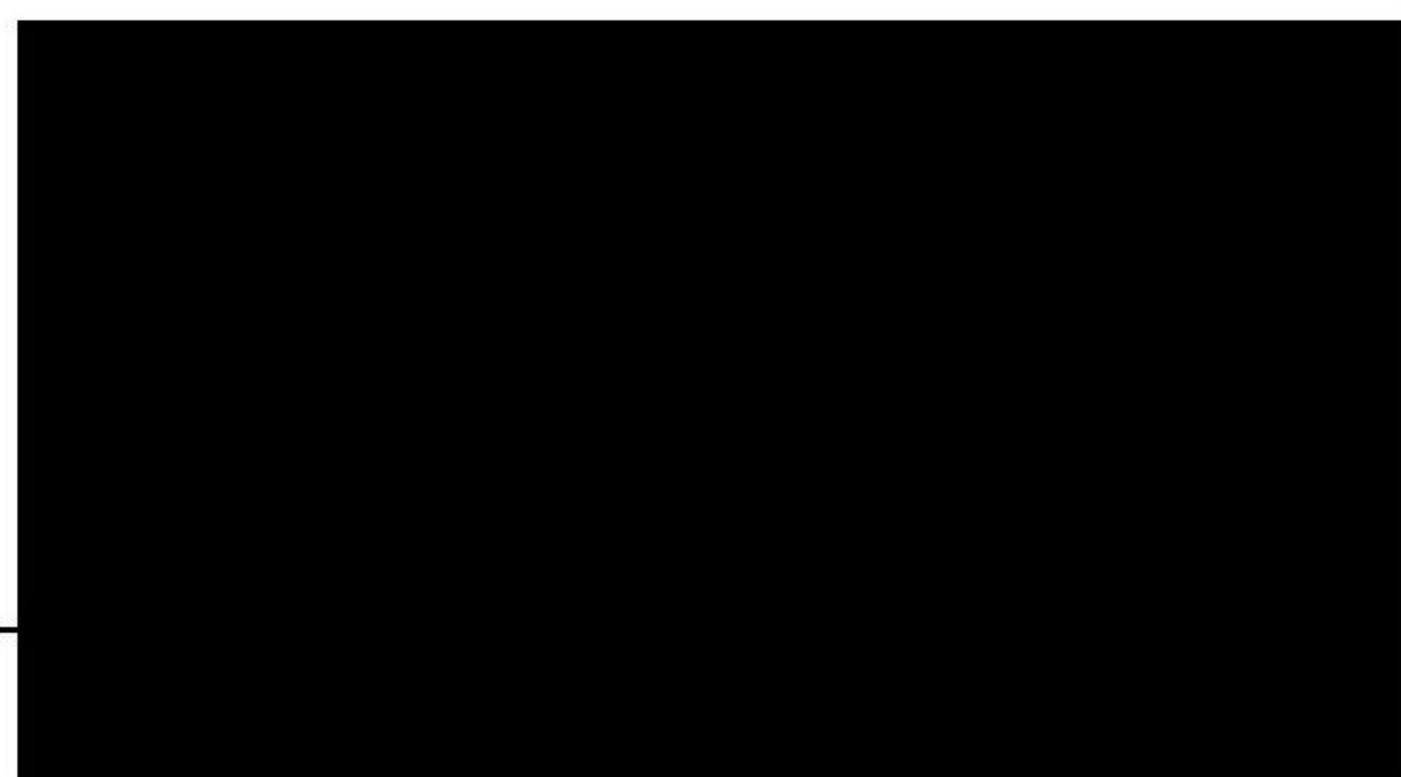


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on Site Adjacent To Seaview Caravan Park Findhorn Road Kinloss Moray

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

Date of Notice: **29th 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 is contrary to policies E8, IMP1, ED7, ED8 and T2 of the Moray Local Development Plan (MLDP) 2015 the following reasons:

1. The proposal if approved will result in the permanent loss of an area of the designated Coastal Protection Zone around Findhorn Bay, which is specifically protected under the terms of policy E8 of MLDP for its landscape character, nature conservation, recreation and tourism benefits. The compound and associated activities/external storage on the subject site, previously an area of undeveloped coastal marshy woodland, would undermine and detract from the unspoilt character of the area contrary to the objectives of the CPZ and IMP1 of the MLDP. Any visual impact in this regard would be exacerbated further by the prominent roadside location of the site, heightened by the clearance of vegetation and trees and associated works to form the fenced enclosure and hardstanding which are clearly visible from the adjacent public road/cycle way.
2. The proposal in terms of siting, design and associated activity would represent an inappropriate form of development for this location which would give rise to unacceptable landscape character and visual impacts, contrary to policies E8, IMP1, ED7 and ED8 of the MLDP.
3. Based upon the submitted plans the applicant does not appear to control sufficient land to provide adequate visibility at the access onto the Cycle Track. The proposed access would therefore be detrimental to road safety, contrary to Moray Local Development Plan Policy T2. The proposed access is located adjacent to mature trees which would obstruct views on cyclists using the adjacent cycle track. These trees are out with the planning application boundary.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
15:43:03		
15:43:02		Visibility splay and site plan

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

N/A

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 require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions 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.