



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100144239-001

The online reference 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: *

- 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)

Proposed Single dwelling house and garage.

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

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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:	IH Designs (Moray)		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Eilean Dubh
Last Name: *	holmes	Building Number:	12
Telephone Number: *	01309 674368	Address 1 (Street): *	Councillors Walk
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Forres
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	IV36 1HA
Email Address: *	ian54holmes@hotmail.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Flat
First Name: *	Ruari	Building Number:	7
Last Name: *	Watt	Address 1 (Street): *	2 North Street
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Elgin
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	IV30 6BS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

HILLWOOD

Address 2:

CARRON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERLOUR

Post Code:

AB38 7QP

Please identify/describe the location of the site or sites

Northing

842030

Easting

321185

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1700.00

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)

Area of scrub land within boundaries of dwelling houses (Speyburn Cottage and Hillwood, both family owned).

Access and Parking

Are you proposing a new 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 change to public paths, public rights of way or affecting any public right 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.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Proposed biodisc treatment plant and soak way system, either single soak away or bed system.

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

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.

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) REGULATION 2013

One Certificate must be completed and submitted along with the 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: ian holmes

On behalf of: Mr Ruari Watt

Date: 22/11/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country 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 development (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 Country 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.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Applicant Supporting Statement

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: Mr ian holmes

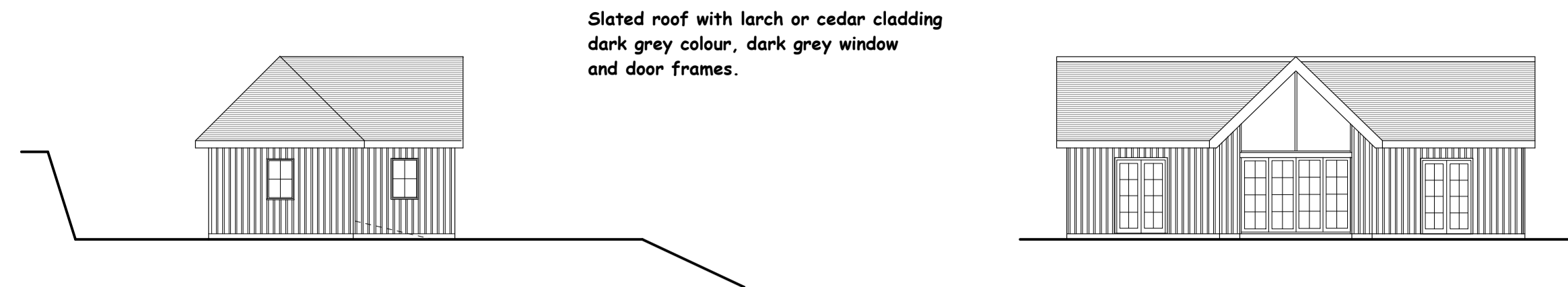
Declaration Date: 22/11/2018

Payment Details

Telephone Payment Reference: 355131

Created: 23/11/2018 10:28

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.



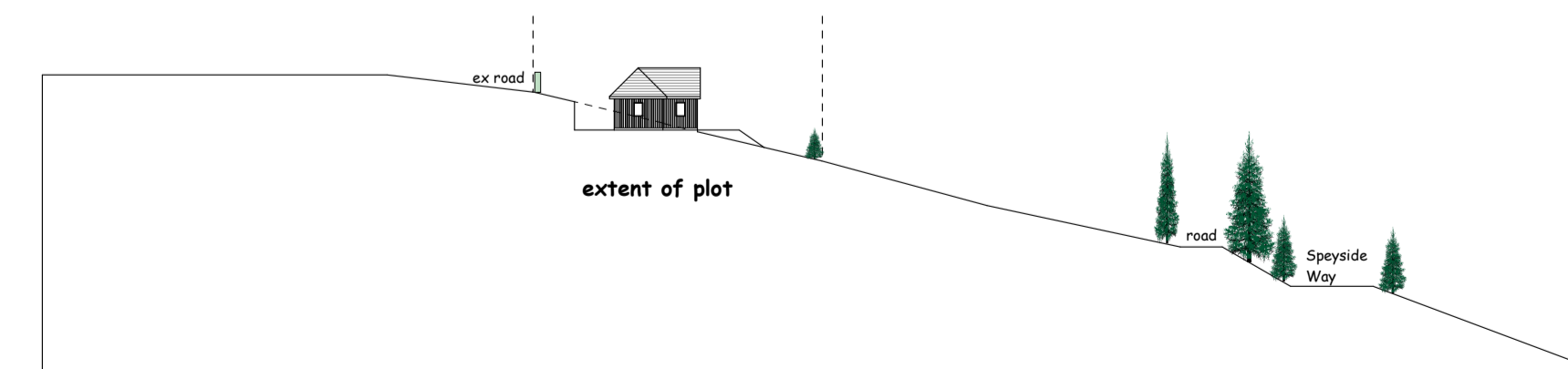
INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE



SITE PLAN 1:1000



LOCATION PLAN 1:10,000



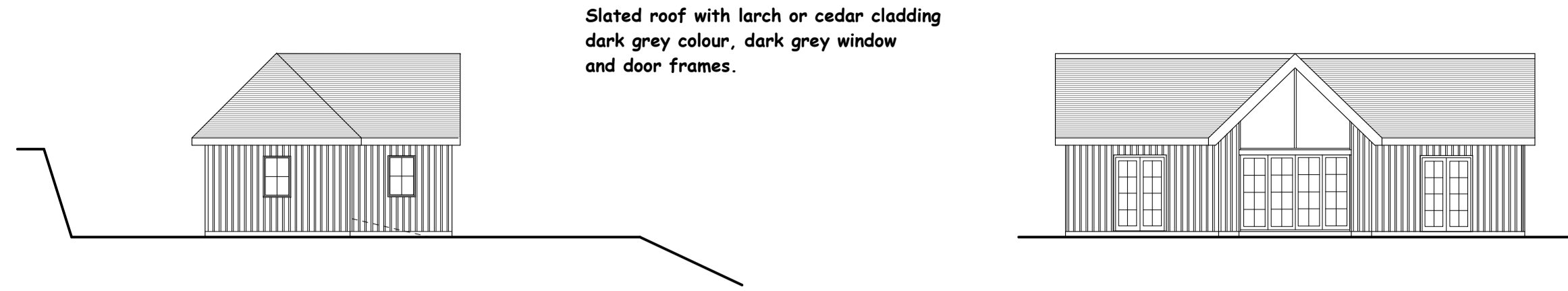
CROSS SECTION AT PLOT

Planning Permission in Principle for a single dwelling at Hillwood, Carron AB38 7QP October 2018

Drwg. LP1/1 scale. as noted Rev :

IH Designs (Moray)
 12 Councillors Walk, Forres IV36 1HA
 Tel : 01309 674368
 Email : ian54holmes@hotmail.co.uk
 Web : www.ihdesignsmoray.co.uk

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.



INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE



Photograph of plot looking South



SITE PLAN 1:1000



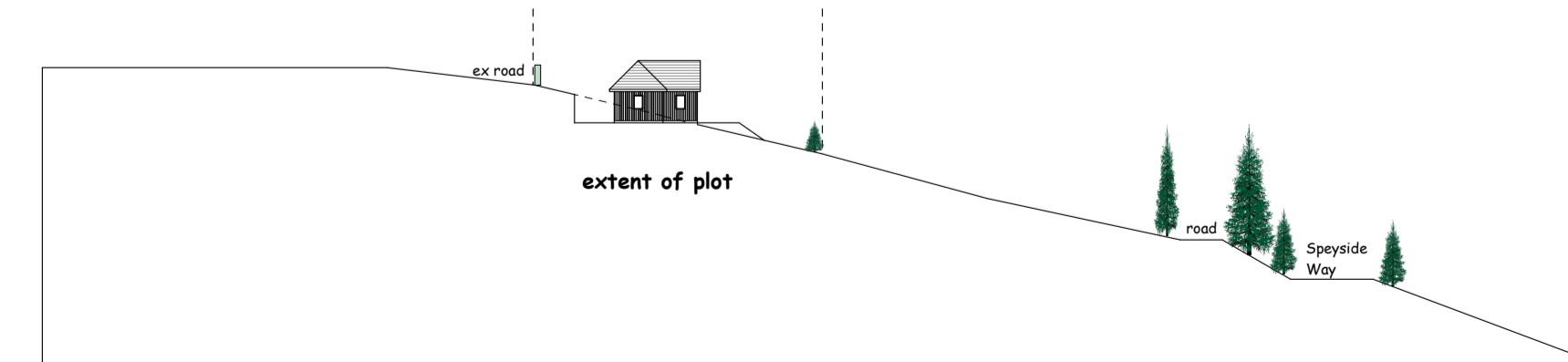
LOCATION PLAN 1:10,000



Photograph of Hillwood access track looking West with plot access



Photograph of access track looking West



CROSS SECTION AT PLOT

Proposed PPP for house plot at Hillwood, Carron AB38 7QP

October 2018

Drwg. RW1/1 scale. as noted
Rev :

IH Designs (Moray)
12 Councillors Walk, Forres IV36 1HA
Tel : 01309 674368
Email : ian54holmes@hotmail.co.uk
Web : www.ihdesignsmoray.co.uk

From: DeveloperObligations
Sent: Fri, 30 Nov 2018 14:20:21 +0000
To: Iain Drummond
Cc: DC-General Enquiries
Subject: 18/01495/PPP Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour
Attachments: 18-01495-PPP Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour.pdf

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the agent.

Regards
Hilda

Find us on 
[Moray Council Planning](#)

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265

moray
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 30/11/2018

Reference: 18/01495/PPP

Description: Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour

Applicant: Mr Ruari Watt

Agent: IH Design

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards reconfiguration of Aberlour Health Centre and 1 Additional Dental Chair</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

Proposals are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

1 x 3-bed= 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



Moray Council **DEVELOPER OBLIGATIONS**

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Knockando Primary School. The school is currently operating at 72% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Speyside High School. The school is currently operating at 75% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per

General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Aberlour Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Aberlour Health Centre is working beyond design capacity and existing space will be required to be reconfigured and that 1 Additional Dental Chair will be required.

Contributions are calculated based on a proportional contribution of ██████ per SRUE for the healthcentre and ██████ per SRUE for the additional dental chair.

████████████████████
██
██
██

Contribution towards Healthcare= \$ ██████

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Aberlour is considered to be adequate to serve the needs of the residents anticipated to be generated



by this development. Therefore, in this instance, no contribution will be required.

Contribution for Sports and Recreation Facilities = Nil



TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



Consultee Comments for Planning Application 18/01495/PPP

Application Summary

Application Number: 18/01495/PPP

Address: Site Within Grounds Of Hillwood Carron Aberlour Moray

Proposal: Proposed single dwelling house and garage on

Case Officer: Iain T Drummond

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved Unconditionally - Andrew Stewart

Consultee Comments for Planning Application 18/01495/PPP

Application Summary

Application Number: 18/01495/PPP

Address: Site Within Grounds Of Hillwood Carron Aberlour Moray

Proposal: Proposed single dwelling house and garage on

Case Officer: Iain T Drummond

Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved Unconditionally - Andrew Stewart

4th December 2018

Moray Council
Council Office High Street
Elgin
IV30 9BX



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

AB38 Aberlour Carron Site Within Grnds Of Hillwood
PLANNING APPLICATION NUMBER: 18/01495/PPP
OUR REFERENCE: 770178
PROPOSAL: Proposed single dwelling house and garage

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Badentinan Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

- **Trade Effluent Discharge from Non Dom Property:**

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

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

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	14th December 2018
Planning Authority Reference	18/01495/PPP
Nature of Proposal (Description)	Proposed single dwelling house and garage on
Site	Site Within Grounds Of Hillwood Carron Aberlour Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133054881
Proposal Location Easting	321128
Proposal Location Northing	842011
Area of application site (Ha)	1700 m ²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PISGTYBGJPK00
Previous Application	
Date of Consultation	30th November 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Ruari Watt
Applicant Organisation Name	
Applicant Address	Flat 7 2 North Street Elgin Scotland IV30 6BS
Agent Name	IH Design
Agent Organisation Name	
Agent Address	Eilean Dubh 12 Councillors Walk Forres Moray IV36 1HA
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01495/PPP

Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray for Mr Ruari Watt

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 | <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 | x |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

The proposed development is a single house accessed via an existing access onto the PU16 Dalmunach single track Road. Whilst this is a Private Road it is still important to ensure that there is adequate forward visibility to see approaching vehicles, and sufficient available opportunities for two vehicles to pass each other in a safe manner. The following conditions are recommended:

Condition(s)

1. Prior to any development works commencing:
 - a. a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the PU16 Dalmunach Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - b. thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

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

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

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

3. Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

The parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority

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

4. A turning area shall be provided within the curtilage of the site/each plot to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the road.

Further comment(s) to be passed to applicant

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

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

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

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

Contact:LL
email address:transport.develop@moray.gov.uk
Consltee: Transportation

Date 05.12.2018

Return response to

consultation.planning@moray.gov.uk

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://publicaccess.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.

REPORT OF HANDLING

Ref No:	18/01495/PPP	Officer:	Iain T Drummond
Proposal Description/ Address	Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray		
Date:	22/01/19	Typist Initials:	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 Health Manager	05/12/18	No objections
Contaminated Land	05/12/18	No objections
Transportation Manager	05/12/18	No objections subject to conditions and informatives
Scottish Water	04/12/18	No objections
Planning And Development Obligations	30/11/18	Contribution sought towards

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	Y	
H7: New Housing in the Open Countryside	Y	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received – ten separate representations from one party		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The application form refers to the site as scrub land however it is agricultural land.</p> <p>Comments (PO): Local Development Plan policy allows for change of use of agricultural land for residential purposes, where proposals are compliant with Local Development Plan policy in all other regards, however, as outlined in the observations section of this report, this application is not considered to comply with policy and is recommended for refusal on this basis.</p>		
<p>Issue: This is the fifth house proposed in this location. Houses 1 and 2 are built. House 3 refused. House 4 looking to renew application. Now house 5 by the same applicant as House 4 and next door. The open ground aspect of the landscape is destroyed by both houses 4 and 5. Why does the applicant need 2 houses? This can only be for the purpose of selling the sites.</p> <p>Comments (PO): Applications for new houses in the countryside must be considered in accordance with Local development Plan policy, where, need or eventual ownership of sites is not a material planning consideration. The build-up of development in this locality is considered in the observations section of this report where it is concluded that the proposal will result in an unacceptable impact on the character of the surrounding area.</p>		
<p>Issue: The proposal, when considered in conjunction with neighbouring existing houses and approved plot, will result in a cul de sac layout, which is not compliant with Local development Plan policy for rural development.</p> <p>Comments (PO): The application is being refused on this basis as outlined in the observations section of this report.</p>		
<p>Issue: Adverse impact on privacy levels</p> <p>Comments (PO): As this application is in principle there are no detailed design of the proposed house under consideration, however, it is potentially possible to accommodate a house on this site without resulting in an unacceptable privacy impact on the neighbouring houses and as such this issue does not form a reason for refusal of this application.</p>		
<p>Issue: The existing access road is substandard to support the proposed house or neighbouring approved house site.</p> <p>Comments (PO): The transportation service has confirmed that they have no objection to the approval of the application. The access serving the site is a private road and therefore its condition and any repairs required following development is a private legal matter to be resolved between the parties who are responsible for the maintenance of the road and is not a material planning consideration that can be taken into account in the determination of this application.</p>		
<p>Issue: There is a history of refused planning application within the area surrounding the site.</p> <p>Comments (PO): Each planning application must be considered on its own merits and in accordance with the Local development Plan policy at that time and no precedent should be taken from nearby recent decisions.</p>		
<p>Issue: In the guidance for the LDP it refers to the 'value of the Moray countryside being of the utmost importance'. The proposed site along with neighbouring houses and approved site 'contributes to the gradual erosion' (taken from the guidance) of the countryside. Today 11 years on, the orientation and position of house 2 would be questionable under today's guidelines.</p> <p>From the guidance: A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience).</p>		

This applies to the proposed development when considered in conjunction with the neighbouring housing and approved house site.

From the extract for Policy H7 of the guidance for the LDP:

'It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,'

This application significantly impacts the rural character of the area.

Three house applications adding to the two recently built in the open countryside (house 4 - 18/01410/APP) is in the middle of the field and this application would demonstrate a growth of 300% in a very small land area.

Comments (PO): As outlined in the observations section of this report, the build-up, density and dominance of development in this locality is the reason that this application is being recommended for refusal.

Issue: From the extract for Policy H7 of the guidance for the LDP:

It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;

This application is not:

- sensitively integrated

and does not:

- use natural backdrops

The site is:

- clearly visible from the road out from the village

- an obtrusive development.

Comments (PO): Although unacceptable in cumulative terms when considered in conjunction with the neighbouring houses and approved plot, individually, the proposed house is not considered to represent obtrusive development, in that it would be generally viewed against a mature wooded natural backdrop and although it would be visible in the landscape it is not considered to constitute obtrusive development when assessed in isolation.

Issue: From the extract for Policy H7 of the guidance for the LDP:

'It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;'

This application for house 5 substantially detracts from the character of existing buildings. The nearest building (less than one metre from the proposed boundary) is a one bedroom single storey cottage in stone and slate built in 1864.

Comments (PO): As outlined in the observations section of this report the application is being refused on the basis of the dominant impact on the adjacent traditional cottage.

Issue: From the extract for Policy H7 of the guidance for the LDP:

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).' The boundary between Ashgrove Cottage and the sheds in the application could not be considered a long established boundary. For this application 0% of the site boundaries are long established.

Comments (PO): The curtilage of the adjacent existing houses is sufficient to provide 50% boundary enclosure as specified by policy and therefore the proposal is considered compliant in this regard

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Hillwood, Carron.

The Site

The site lies to the south west of Hillwood and immediately to the east of Ashgrove Cottage. Planning permission has recently been renewed for the erection of a house immediately to the east of the site 18/01410/APP, this permission was a renewal of a previous consent granted in 15/02012/APP.

The site comprises an area of agricultural field, which along with the surrounding landscape is designated within the Moray Local Development Plan as an Area of Great landscape Value (AGLV). The Speyside way also runs to the south of 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.

Siting and Impact upon Landscape Character

(MLDP 2015 Policies PP1, E7, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015, Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017)

Policy E7: The site lies within an area of the countryside designated in the Local Development Plan for its Great Landscape Value, where there is a presumption against development which would have an adverse effect on the character of the surrounding area and where the highest standard of siting is required.

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive),
- b) not detract from the character or setting of existing buildings, or their surrounding area,
- c) not contribute to a build-up of development which changes the character of the area (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy PP1 advocates sustainable economic growth that protects the natural and built environment.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience). For example, successive applications for houses in the corner of fields within a dispersed pattern of settlement may be considered to detrimentally alter the character of the locality. Whilst this may reflect the dispersed pattern of settlement the volume of new houses may impact on the open appearance and tranquil qualities of the rural area."

A further guidance note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside was approved by the Planning and Regulatory Services Committee on the 15 August 2017, which identifies hotspots where cumulative build up is prevalent and outlines indicators where

build-up may be present out with these specific hot spots.

In this case the site is bounded to the north by two relatively modern houses and a traditional cottage to the west and an approved house site to the east. The adjacent house plot was originally determined prior to the council's adoption of guidance for the consideration of build up of new housing development in the countryside and the consents subsequent renewal took into account that there was already an extant planning permission granted on the site which could have been implemented. In this case however, there is no such previous planning permission in place.

The proposed site does not lie within any specific build up hot spot, however, there are three existing houses (2 of which are relatively modern) and a further house plot all of which bound this site and as such the build-up of development in this locality is a key consideration of this application.

There are 7 cumulative build-up indicators identified within the guidance which should be used when sites do not lie within the specific hot spots. These are as follows,

siting indicators

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

design indicators

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

With regard to the above indicators the two adjacent relatively modern houses and further approved house plot together result in a relatively dominant impact on the existing traditional Ashgrove Cottage. The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage, but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

For the avoidance of doubt the design indicators are not applicable as this application is in principle and therefore the detailed design of the house is not being considered at this stage.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, E7, H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' 2015 and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 25% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

Access/Parking (T2 and T5)

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

Water Supply and Drainage (EP4, EP10 and IMP1)

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish water has no objection to the use of the proposed water supply.

Developer Obligations (IMP3)

An assessment has been carried out and a contribution has been identified towards healthcare, which the applicant has agreed to pay in the event of approval being given.

Recommendation

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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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:

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)

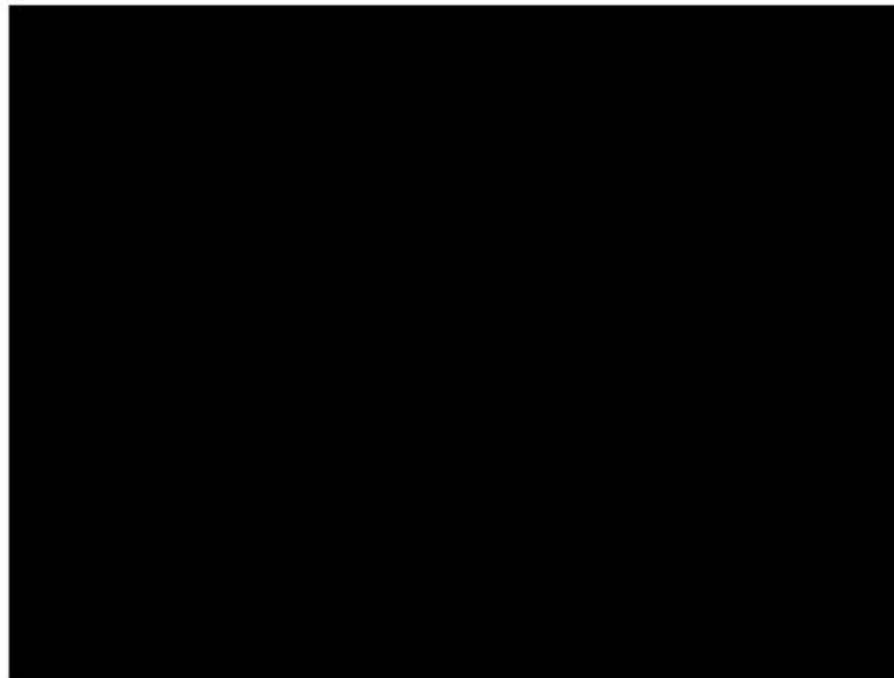


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Planning Permission in Principle

TO

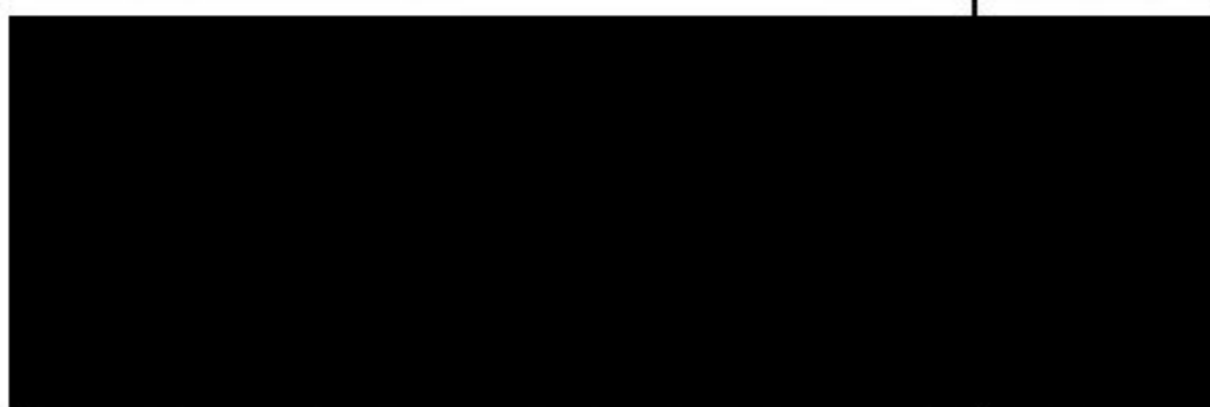


With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray

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

Date of Notice: 22 January 2019



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
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 policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
LP1/1		
RW1/1		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: -

N/A

**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, 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.scot/eplanningClient

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.

