

Issue 3	Development Policies DP2, 5, 6, 7, 8, 10	
Development plan reference:	<p>Development Policy DP2 Housing (Volume 1, page 38)</p> <p>Development Policy DP5 Business and Industry (Volume 1, page 55)</p> <p>Development Policy DP6 Mixed Uses (MU) and Opportunity Sites (OPP) (Volume 1, page 57)</p> <p>Development Policy DP7 Retail/ Town Centres (Volume 1, page 57)</p> <p>Development Policy DP8 Tourism Facilities and Accommodation (Volume 1, page 60)</p> <p>Development Policy DP10 Minerals (Volume 1, page 71)</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>DP2 Housing</p> <p>Robertson Group (8)</p> <p>Springfield Properties plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Homes for Scotland (1035)</p> <p>Fiona Duncan (1826)</p> <p>CHAP Group (Aberdeen) Ltd. (2165)</p> <p>DP5 Business and Industry</p> <p>Scottish Government (490)</p> <p>DP6 Mixed Use (MU) and Opportunity Sites (OPP)</p> <p>Grant and Geoghegan (1860)</p> <p>DP7 Retail/ Town Centres</p> <p>Asda Stores Ltd (206)</p> <p>Dr Janet Trythall (404)</p>		

DP8 Tourism Facilities and Accommodation

Dr Janet Trythall (404)

DP10 Minerals

Dr Janet Trythall (404)

Provision of the development plan to which the issue relates:

Development Policy DP2 Housing

Development Policy DP5 Business and Industry

Development Policy DP6 Mixed Uses (MU) and Opportunity Sites (OPP)

Development Policy DP7 Retail/ Town Centres

Development Policy DP8 Tourism Facilities and Accommodation (

Development Policy DP10 Minerals

Planning authority's summary of the representation(s):**DP2 Housing****Need for design statements**

Robertson Group (8/3/6)

Concerned this is a blanket policy with no threshold which could render smaller developments undevelopable e.g. if not in compliance with public transport.

Affordable Housing/ Housing Mix

Fiona Duncan (1826/2/1)

Welcome changes made regarding off site provision of affordable housing, which has previously been over used/abused by developers. Understand that offsetting for smaller developers may be required to make development economically viable, but wish to see standard conditions applied to planning permissions where timeframes and site locations are conditioned and further off-siting of the same units is not allowed. It would be more open if the proposed site for the off-site provision was part of the original planning application and neighbours are notified as per planning procedures. This would stop incidents like 16/01074/ APP occurring again, where a developer used the case of affordable housing to their advantage.

Robertson Group (8/3/6)

The requirement to provide a commuted sum of £4,000 for proposals less than 4 units along with the wider guidance requirements will over burden smaller sites and likely render them undeliverable. Further advice required to ensure overall policy requirement and developer contributions can be reviewed to assess cumulative effects on smaller projects.

For sites of 4 or more units, requiring a different mix would be very restrictive in small developments unless there is a level of flexibility for Development Management.

Guidance does not explicitly restrict sites for 100% affordable housing development, the proposed text is slightly ambiguous of its intention, this would be acceptable if there are different tenures and this might be best indicated to aid Development Management.

Homes for Scotland (1035/9/5)

Support maximum of 25% affordable housing in line with Scottish Planning Policy.

Concerned that the affordable housing policy together with the accompanying guidance is overly onerous for smaller sites, therefore negatively affecting small scale builders.

Consideration must be given to the cumulative impact that the plan's policies will have on smaller scale businesses, as well as larger home builders.

Requiring 25% affordable units for developments of 4 or more units is one of the most restrictive policies in Scotland. The requirement for developments of less than 4 market housing units to contribute a commuted payment may result in the withdrawal of small scale builders from Moray, given the extra costs to develop. The Plan does not set out the level of commuted sum, although officers have indicated £4,000 per home.

Guidance section of the policy could be more flexible, while not explicitly restricting sites for 100% affordable housing development, it is not very supportive of this type of proposal. Homes for Scotland (HfS) supports creation of mixed communities but HfS considers that any proposal for affordable housing which is acceptable in design terms, should be viewed favourably and any proposal over the 25% threshold should be encouraged.

Springfield Properties plc (10/13/13)

Welcome some of the changes made to this policy. Continue to seek clarification of what this part of the policy means in practice- "pepper potting" raises questions on marketability, management and factoring such dispersed pockets of affordable housing, how they are managed and practical construction issues with houses with varying standards in room and garden sizes.

Requiring developments of less than 4 or more units to contribute a commuted payment (£4,000 per plot) is a further extra cost to developers placing further viability pressure on smaller sites. Aberdeenshire Council recently removed such a similar requirement due to administrative and proportionality concerns.

Policy is counter intuitive to Springfield's focus on delivering high quality homes that allow choice to customers.

Barratt North Scotland (15/1/5)

A mix of tenures is not always possible and wording should be changed from "must" to "should".

CHAP Group (Aberdeen) Ltd. (2165/1/2)

Affordable Housing- guidance section could be more flexible. Whilst the guidance does not explicitly restrict sites for 100% affordable housing it is not very supportive of this type of proposal. Consider that any proposal for affordable housing which is acceptable in design

terms should be viewed favourably. Any proposal over the 25% contribution should be encouraged rather than dissuaded through the LDP policy and guidance.

Accessible Housing

Robertson Group (8/3/6)

Strongly object to the provision of accessible housing policy which will bring further viability issues. No evidence provided as to why this should be sought from private developers who otherwise would not choose to construct these. There is no restriction on the purchaser, therefore not fulfilling requirements of the policy.

Policy implies these should be single storey, therefore ground floor cottage flats would meet this stipulation. Two storey houses that either have current or future provisions for a ground floor apartment which is currently a bedroom or quite easily adapted in the form of conversion of the garage.

Accessible units require more land and reduce the overall numbers of the development, subsequently reducing the number of affordable housing units.

Mortgage requirements mean these units do not have a premium value, therefore the other private units are subsidising this policy again, straining development viability.

Homes for Scotland (1035/9/5)

Homes for Scotland (HfS) does not support the proposed Accessible Housing policy in DP2, nor the guidance text or reasoning behind this policy requirement. Object to principle of this policy and the detail of the policy itself, which is overly onerous and not supported by compelling evidence to justify its inclusion.

Each home will be sold to a buyer who may or may not have accessibility needs. As a homeowner that buyer will be entitled to adapt their property, which could mean the property is no longer accessible. There is no way that homes built under this accessible housing policy can be guaranteed to be sold to someone who has an accessible need, nor any way of guaranteeing that these homes will remain accessible.

If a need for accessible housing can be evidenced this could be met through the delivery of affordable housing which can then be allocated specifically to someone with accessibility needs and the home can remain accessible in perpetuity.

While SPP does refer to “supporting delivery of accessible housing”, it does not specifically refer to single storey bungalow development, therefore question the restriction of accessible housing units to bungalows, which constrains other potential solutions such as adapting existing housing stock with options such as converting garages and internal alterations to existing homes or provision of ground floor flats.

Limiting house types to bungalows for a proportion of the site has an effect on land value, and therefore potentially the viability of a site. The increase in cost is not recouped through the sale. Bungalows reduce the overall numbers delivered on the site.

Acknowledge that the HNSA demonstrates an ageing population, but further evidence is required to support private sector delivery of accessible housing. HfS members note that if there was an overwhelming market for bungalows in Moray, the industry would already be responding to that.

Springfield Properties plc (10/13/13)

Springfield Properties plc object to the accessible housing policy, particularly the requirement for these to be located within single storey dwellings. This is overly prescriptive, highly subjective, placing an unreasonable and artificial brake on market conditions with no demonstrable evidence basis or justification beyond conjectural claims that there is aspirational demand for bungalow type properties within a given market area.

Accessibility is about ergonomics, ease of movement and choice, not everyone wants or can afford a bungalow, with flatted developments with lifts and accessible apartments meeting accessibility requirements. Bungalows are land hungry, lower density and lead to sprawl and inefficient layouts. Current policy requirement should be questioned in its entirety, without even more demanding requirements.

Query page 40 wording which reads “there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community”. Suggest that proposals for 100% proposals be given significant support to deliver much needed affordable housing, both within and immediately adjacent to existing settlements.

Barratt North Scotland (15/1/5)

Strongly object to the policy requirement that all “housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form.” The Building Standards Technical Handbook 2017: Domestic Buildings requires all new homes to be built to wheelchair accessible standard, therefore this is not a policy requirement.

The 10% of all units to be single storey is unduly onerous. However, this policy does not guarantee that the initial or subsequent purchaser has accessibility needs or would not seek to make alterations in future. This can only be guaranteed in perpetuity through delivery as social-rented accommodation.

This constrains the home builder and does not allow for other potential solutions or options to come forward to adequately meet the accessible housing need, such as converting garages and internal alterations to existing homes, or provision of ground floor flats. Limiting house types to bungalows has an effect on land value and the viability of a site. Bungalows require a larger plot size and cost more to build, with the additional cost not recouped through sale. The overall development numbers may be reduced which then reduces the number of affordable and accessible units delivered, adding to deliverability issues.

Very little new evidence has been provided to support this policy. Acknowledge that the HNDA demonstrates an ageing population in Moray, but this in itself does not support the private sector delivery of accessible homes. HfS members note that if there was an overwhelming market for bungalows the industry would already be responding.

CHAP Group (Aberdeen) Ltd. (2165/1/2)

Significant concerns regarding part f, which is overly onerous and is not supported by compelling evidence to justify its inclusion in the LDP. Each home built under this policy will be sold to a buyer who may or may not have accessibility needs. The home could be adapted which could result in the home no longer being accessible. There is no way that accessible units can remain accessible in perpetuity.

Conversely if a need for accessible housing can be evidenced in a robust way, this could be met through delivery of affordable housing which can be allocated specifically to someone with accessibility needs.

Further concerned regarding the restriction of accessible housing to bungalows only, which is overly inflexible and does not allow for other potential solutions or options to come forward, such as provision of ground floor flats and or self-contained cottage flats. Limiting this to bungalows has an effect on land value. Bungalows require a larger plot size and cost more to build affecting development viability, reducing overall numbers on the site and reducing affordable and accessible housing delivery.

The evidence base is the same as that used previously. No evidence was given at that time as to whether these individuals would be the customer of these accessible homes for sale provided by the home builder and whether these people were in a position to buy one of these properties. If there was an overwhelming market for bungalows in Moray this would be reflected in developments as part of the overall mix.

DP5 Business and Industry

Scottish Government (490/4/5)

To accord with paragraph 96 of SPP the plan should support opportunities for integrating efficient energy and waste innovations within business environments. The policy could be referenced as part of Policy DP5 on page 55 in relation to creating 'higher quality environments'.

DP6 Mixed Use (MU) and Opportunity Sites (OPP)

Grant and Geoghegan (1860/3/2)

In an ideal world sites would be developed in their entirety but in practice this is not always possible due to market conditions or other matters out with the developer's control. Flexibility should be provided within the policy to enable development on OPP sites which do not prejudice the delivery of the remaining range and type of uses. In some cases initial development would give the overall project the impetus to be realised.

Flexibility should be written into the policy to allow delivery in a range of ways but allowing a planning officer to request further information if it is considered the proposal will prejudice the delivery of the rest of the site. This would make the policy more workable.

DP7 Retail/ Town Centres

Dr Janet Trythall (404/4/4)

In Elgin there should be presumption against any retail development outwith the town centre. There should be a presumption in favour of residential in the town centre with flats above shops.

Existing parking spaces should be protected and no erosion of Cooper Park permitted.

Asda Stores Ltd (206/4/1)

Concerned part b of policy DP7 allows too much uncertainty in terms of what constitutes

“significant footfall” and the terminology “where appropriate”. It is simpler to apply a threshold based on floor area, for example 400sqm gross. This would ensure proposals are adequately assessed in retail terms and the tests set out in SPP. This will ensure correct scrutiny and protect relevant centres from unacceptable impacts.

DP8 Tourism Facilities and Accommodation

Dr Janet Trythall (404/4/8)

Oppose hutting where it is sited on publicly accessible land for recreation.

Support for budget accommodation should be included for bunkhouses and hostel accommodation as part of encouraging active travel and outdoor tourism.

DP10 Minerals

Dr Janet Trythall (404/4/6)

Under c) Restoration and aftercare, quarries that are also Sites of Special Scientific Interest (SSSIs) i.e. Clashach and Spynie must have strong caveats in any planning permissions granted that presume in favour of research and leisure purposes, not landfill, once their quarrying life is over. Traces of fossils can still be found, contribute to science and keep Moray on the tourism map.

Modifications sought by those submitting representations:

DP2 Housing

Need for design statements

Robertson Group (8/3/6)

Requirements under criteria a) need to be in line with major development threshold of 50 units.

Affordable Housing/ Housing Mix

Fiona Duncan (1826/2/1)

Where offsite provision is proposed this should be clear at planning application stage and form part of neighbour notification.

Robertson Group (8/3/6)

Party not specific over change sought regarding affordable housing contributions. Review threshold for requiring a mix of units.

Homes for Scotland (1035/9/5)

Party not specific over change sought.

Springfield Properties plc (10/13/13)

Party not specific over change sought.

Barratt North Scotland (15/1/5)

DP2e) “tenures” should be deleted from the description of requirements, the proposal should read: “Proposals for 4 or more housing units must provide a mix of house type sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.”

CHAP Group Ltd (Aberdeen) Ltd (2165/1/2)

Policy/ guidance to be revised/ expanded to avoid any misinterpretation or confusion.

Accessible Housing

Robertson Group (8/3/6)

Delete Accessible Housing policy.

Homes for Scotland (1035/9/5)

Delete Accessible Housing policy.

Springfield Properties plc (10/13/13)

Delete Accessible Housing policy.

Barratt North Scotland (15/1/15)

DP2f) the requirement for “with all of the accessible units to be in single storey form” should be deleted.

CHAP Group (Aberdeen) Ltd (2165/1/2)

Delete Accessible Housing policy.

DP5 Business and Industry

Scottish Government (490/4/5)

Refer to integrating efficient energy and waste innovations in business environments within policy DP5 page 55.

DP6 Mixed Use (MU) and Opportunity Sites (OPP)

Grant and Geoghegan (1860/3/2)

Add flexibility to policy to enable development on OPP sites that does not prejudice the delivery of the rest of the site.

DP7 Retail/ Town Centres

Dr Janet Trythall (404/4/4)

Amend retail policy so there is a presumption against retail development out with the town centre in Elgin.

Asda Stores Ltd (206/4/1)

Apply a threshold of 400sqm rather than refer to significant footfall.

DP8 Tourism Facilities and Accommodation

Dr Janet Trythall (404/4/8)

Policy should not allow hutting on publicly accessible land.

DP10 Minerals

Dr Janet Trythall (404/4/6)

Quarries that are SSSI's must have conditions in respect of restoration and aftercare that they will be useable for research and leisure purposes and not landfill.

Summary of responses (including reasons) by planning authority:

DP2 Housing

Need for design statements

Robertson Group (8/3/6)

This approach carries on the approach from Policy H1 of the Moray Local Development Plan 2015, seeking the details to support the comprehensive development of a site, unless otherwise stated in the site designation text. If a particular information requirement is not valid or reasonable then it would not be requested by the planning authority. The objector uses the example of public transport on smaller sites, however, smaller sites do not need to provide bus routes through them, but if the proposal is of a scale that required a TS or TA they should demonstrate accessibility to public transport facilities. In rural areas this is not always achievable and would be recognised through the Council's Quality Auditing process.

No modification is proposed.

Affordable Housing/ Housing Mix

Fiona Duncan (1826/2/1)

Support for the changes made is noted. The decision as to whether offsite provision is acceptable to the planning authority would not be made until a planning application was determined, so while the intent behind the suggestion put forward is supported, from an operational and democratic decision making perspective, it would not be possible to neighbour notify to cover the proposed offsite location.

No modification is proposed.

Robertson Group (8/3/6), Barratt North Scotland (15/1/5), Homes for Scotland (1035/9/5), Springfield Properties plc (10/13/13), CHAP Group (Aberdeen) Ltd (2165/1/2)

The current Moray Local Development Plan 2015 policy does not require a contribution towards affordable housing provision for developments fewer than 4 houses. This means that where sites are developed on a piecemeal basis and where individual sites are developed in urban and rural locations then no contribution is secured to help towards meeting the significant need for affordable housing in Moray.

The Council does not consider that this policy will adversely affect the viability of small scale developments. Policy requirements are generally, but not always, known at the point of purchasing a site and should therefore be reflected in land value. If a developer wishes to claim viability then the Council's Developer Obligations Supplementary Guidance (CD16) sets out the steps to follow.

The policy aims to secure 25% affordable housing provision from all developments and to consider a higher percentage contribution where funding is available. The text does not preclude 100% affordable housing proposals from coming forward as this is an approach which the Council recognises is required to meet need and one which the Council itself has and will continue to follow on selected sites. The text in criteria d) has to be read in conjunction with the aspirations of criteria e), so while the Council will support proposals for 100% affordable housing where policy requirements are met, the Council would seek a mix of affordable housing tenures to avoid 100% social rented, introducing low cost home ownership and mixed market rental properties.

The policy sets out criteria on tenure integration which will be discussed as part of the Placemaking considerations at development management stage.

The policy requires a mix of house types, tenures and sizes to meet local needs. If a proposal is submitted which does not comply with this policy, for example, it proposes off site provision for affordable units, then this could be considered where exceptional site development costs or other project viability issues are demonstrated and agreed by the Housing Strategy and Development Manager and the Strategic Planning and Delivery Manager. However, on most sites, developers should be able to meet the requirements of this policy, which support the aspiration for lifetime developments and tenure integration.

No modification is proposed.

Accessible Housing

Robertson Group (8/3/6), Homes for Scotland (1035/9/5), Springfield Properties plc (10/13/13), Barratt North Scotland (15/1/5), CHAP Group (Aberdeen) Ltd (2165/1/2)

Scottish Planning Policy (CD53 para 132) recognises that "local authorities are required to consider the need for specialist provision that covers accessible and adapted housing , wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability."

The changing demographics in Moray, specifically the ageing population and the

significant increase in smaller households, as well as changing health care arrangements support the need for the mix of housing to be closely aligned to the Council's Housing Need and Demand Assessment (CD45 section 5, page 75).

Key points and statistics from the Assessment include;

- * The ageing population of Moray has been identified as a priority issue for specialist provision and the ageing population is projected to increase during the period of the Plan.
- * For more than a decade, the national strategic direction has been to move the balance of care away from care homes to care in the home and community. The number of people in care homes has decreased and the number of people receiving care at home has increased.
- * Table 5.4 on page 78 of the HNDA identifies the significant increases in older households, including a projected increase of 55.9% in households of 2 or more adults aged 75-89.
- * National policy on ambulant disabled and adapted housing, para 5.3 page 81 aims to eliminate unlawful discrimination, advance equality of opportunity and foster good relations and ensure that everyone is able to live longer healthier lives at home or in a homely setting, with a focus on prevention, anticipation and supported self-management. Responsibility for delivery of disabled adaptations in all tenures was delegated to Health and Social Care Moray in April 2016.

Moray Council has sought to increase the supply of ambulant disabled housing to meet the needs of the ageing population and assist the objectives of Health and Social Care Moray. Since 2011, approximately 30% of all affordable housing delivered through Moray Council's Strategic Housing Investment Programme (SHIP) has been ambulant disabled.

Table 5.9 of the HNDA, page 83 identifies that the level of disabled adaptations to social and owner occupied housing in Moray are around the same but are lower than the national average for social housing and higher for owner occupation. The table also indicates that older households are less likely to live in a house with an adaptation than the Scottish average.

Adaptations to properties in all tenures are most often the provision of a level access shower or wet room and/ or stairlift and or ramped external access, but also includes minor works such as grab rails or additional bannisters as well as major property extensions and internal remodelling.

Ensuring the right provision for our ageing population can reduce the need for care at home services and the need for hospital care. Moray Council continues to provide mandatory and discretionary grant assistance for adaptations in the private sector.

On 1 April 2018 the Council's housing list included 507(16%) applicants assessed as requiring ambulant disabled/Wheelchair accessible housing, an increase from 439 in June 2017. Consistently approximately 20% of housing list applicants are in need of ambulant disabled housing, but amongst current owner-occupiers this rises to 43%. This is likely to be driven in part by their inability to source appropriately designed housing in the open market which is affordable within their equity/ savings. It is notable that 60% of owner occupiers seeking ambulant disabled housing have stated they would not accept a flat.

The HNDA para 5.6 recognises that in 2017 there were 6,500 households aged 75+ and it is likely that a significant number of households will look to the private sector for

ambulant/ disabled housing. The availability of private sector options is required to divert pressure from the social sector and also increase tenure choice. It is also a forward looking approach to prevention planning, reducing future expensive adaptation costs and providing options within the private sector, without which all accessible housing requirements would have to be met through social housing.

While private sector housing stock can have adaptations fitted, these may not be reused on sale of the property, with new (often younger) owners likely to remove any adaptations such as removing a level access shower and grab rails and reinstating a bath.

The differences between the requirements of the wheelchair accessible standards and the current Buildings Standards are not considered to be a financial burden upon housebuilders. Page 41 and 42 of the Proposed Plan (CD01) sets out the external and internal design specifications.

The HNDA has evidenced that there is a continuing mismatch between the size and type of housing required, and the size and type of housing available across all tenures, and that accessible housing for market sale tended to sell quickly and at premium prices. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs. The ageing population and other demographic changes are likely to increase this demand.

A wheelchair accessible property is one which conforms to Housing for Varying Needs standards for wheelchair users. Housing for Varying Needs is a design guide which has been used as the design benchmark for affordable housing. The design need is for a home that provides a completely step free environment, space for a wheelchair to circulate and access all rooms, a kitchen and bathroom that suits the occupants particular needs and fittings and services that are within reach and easy use.

The Scottish Government strongly supported this policy when first included in the Moray Local Development Plan 2015 (CD15, page 31), which the Government described as “innovative”.

Single storey format/ viability

The Council wishes to ensure that there is a closer alignment between HNDA requirements and development on the ground. The HNDA identifies a specific need (page 45) for single storey, accessible properties. A greater mix of house sizes also allows up and downsizing within the same community and for longer term care to be provided at homes.

Following consultation on the Elgin South Masterplan, a proposal for 2,500 houses, 2 primary schools and related uses, a report to the Council’s P&RS Committee on 1 November 2016 noted the main issues raised during the consultation process, including a joint drop in event hosted by Moray Council planners and Springfield Properties Ltd staff. One of the key issues raised by members of the public was demand for bungalows in the private sector. (CD48 page 2, para 4.1).

The evidence within the HNDA highlights the unmet demand for wheelchair accessible bungalows within the private sector, however there is a reluctance from housebuilders to meet this need on viability grounds, which is placing further pressure on the Council house

waiting list. As with all developer obligations and policy requirements, these should be reflected in land value and therefore the Council does not accept that this policy adversely impacts in terms of development viability, particularly as modest sized bungalows can be built with small rear gardens, possibly even in a terraced form for little, if any, additional land take.

Cottage flats will not achieve the aims of the policy to support sustainable, diverse communities as the projected ageing population won't find them an attractive option as evidenced in the HNDA (see above).

Accessible in Perpetuity

There can be no guarantee that private sector accessible housing will be purchased by a household with accessible needs, however, the policy aims to create this option, both for current purchasers and future purchasers. Planning consents will identify the plots which are approved as accessible under Policy DP2 and this should ensure that the plot remains accessible in perpetuity. All purchasers will grow older and those who live in accessible houses will be protected from the need to move to ground floor accessible housing in the future and potentially have to join the Council housing list for a social rented accessible property. Delivery of accessible homes only in the affordable sector will do nothing to improve tenure choice for older people in future.

No modification is proposed.

DP5 Business and Industry

Scottish Government (490/4/5)

If the Reporter is so minded the Council would support additional wording being added to the policy in respect of integrating efficient energy and waste innovations within employment sites. The Council would support the addition of the following wording after the second sentence of paragraph in part a) of policy DP5, "Integration of efficient energy and waste innovations must be considered."

DP6 Mixed Use and Opportunity Sites (OPP)

Grant and Geoghegan (1860/3/2)

The policy wording at present would not preclude development coming forward in a phased manner on OPP sites. The only requirement is that a Development Framework is provided that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements. This policy requirement is to ensure that there is a co-ordinated approach to design and layout of the whole site from the outset and avoids piecemeal development that could prejudice the remainder of the site.

No modification is proposed.

DP7 Retail/ Town Centres

Dr Janet Trythall (404/4/4), Asda Stores Ltd (206/4/1)

The policy wording presumes against retail development out with town centres within

section a) of the policy. Only within the ground floor of designated Core Retail Areas would change of use to residential not be supported, otherwise the plan supports a mix of uses within the town centre including residential. The policy does not relate to parking. It is noted that Cooper Park is out with the Elgin town centre boundary and is designated as an ENV open space.

Floor area does not necessarily equate to footfall and therefore applying an arbitrary floor area would not achieve the desired policy outcomes. The term significant footfall is used within SPP (CD53 para 68) and therefore the policy wording is in line with this. A square metre threshold encourages applications just below this and does not consider the function of the unit or the potential to undermine town centres. The term “where appropriate” has been used when referring to the need for a Retail Impact Assessment in recognition that in some cases a full Retail Impact Assessment may not be required and a Retail Statement maybe more appropriate depending on the size and nature of the proposal. This allows flexibility and realism to be applied when considering applications. However, all proposals with significant footfall will require to demonstrate that there are no sequentially preferable sites.

No modification is proposed.

DP 8 Tourism Facilities and Accommodation

Dr Janet Trythall (404/4/8)

Other policies will require to be taken into account when considering any applications for hutting. This includes policy PP3 Infrastructure and Services which states that development proposals will not be supported where they have an adverse impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated. Policy PP3 also states that development proposals will not be supported if they adversely impact on community and recreational sites.

The policy relates to all types of tourist accommodation and does not distinguish between budget and other types of accommodation.

No modification is proposed.

DP10 Minerals

Dr Janet Trythall (404/4/6)

This is considered to be a matter for the development management process as proposals for aftercare and restoration would take account of the natural and built heritage importance of the Clashach and Spynie quarries. Scottish Natural Heritage and the Regional Archaeologist would be consulted on restoration proposals.

Reporter's conclusions:

Reporter's recommendations:

