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| <b>Issue 13</b>   | <b>Speyside Housing Market Area (HMA) –<br/>Aberlour, Archiestown and Rothes</b>   |                  |
| <b>Development plan<br/>reference:</b>  | <p>Volume 2: Settlement Statements</p> <p><b>Aberlour</b></p> <p>Not Taken Forward – AB1 (Site Map 13-1)</p> <p>R2 Speyview (pages 4 – 5)</p> <p><b>Archiestown</b></p> <p>R2 South Lane (page 18)</p> <p><b>Rothes</b></p> <p>R1 Spey Street (page 318)</p> <p>R2 Green Street (page 318)</p> <p>I5 Greens of Rothes (page 320)</p> <p>OPP1 North Street (page 320)</p> | <b>Reporter:</b> |
| <b>Body or person(s) submitting a representation raising the issue (including<br/>reference number):</b>  |  |                  |
| <p><b>Aberlour</b></p> <p><b>Not Taken Forward – AB1</b></p> <p>Mervyn and Heather Campbell (1764)</p> <p><b>R2 Speyview</b></p> <p>Springfield Properties Plc (10)</p> <p>Scottish Environment Protection Agency (SEPA) (569)</p> <p>Lee Philip (910)</p> <p>Mervyn and Heather Campbell (1764)</p> <p>Eric Forsyth (2208)</p> <p>Chris Mears (2209)</p> <p><b>Archiestown</b></p> <p><b>R2 South Lane</b></p> |  |                  |

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| <p>Ian Simpson (2181)</p> <p><b>Roths</b></p> <p><b>R1 Spey Street</b></p> <p>Wendy Van-Hoof (1960)</p> <p>David Shand (2116)</p> <p>Nicola Boardman (2180)</p> <p>Eric Gillies (2206)</p> <p><b>R2 Green Street</b></p> <p>Carole Spencer (1961)</p> <p>Adrian Paul Spencer (1962)</p> <p><b>I5 Greens of Roths</b></p> <p>Michaela Paterson (2207)</p> <p><b>OPP1 North Street</b></p> <p>Rebecca Kendrick (2154)</p>   |  |
| <p><b>Provision of the development plan to which the issue relates:</b></p>   | <p>Housing, employment and other designations within the Speyside HMA Settlement Statements.</p> |
| <p><b>Planning authority's summary of the representation(s):</b></p>  |  |
| <p><b>Aberlour</b></p> <p><b>Not Taken Forward – AB1</b></p> <p><u>Mervyn and Heather Campbell (1764/5/1)</u></p> <p>Object due to non-inclusion of site for residential development at Tombain (See Site Map 13-1). The land is strategically located and adjacent to the Aberlour southern settlement boundary. Effective site due to developer interest and would contribute to the Spatial Strategy.</p> <p>Considered a more effective development site compared to R2 Speyview and is closer to the main facilities and services in Aberlour. Believe that the long-term planned expansion of Aberlour should be to the south and utilising adjacent land in the first instance.</p> <p>Total land ownership extends to some 12.64 hectares and is effectively dissected into East and West by the Aberlour to Edinville Road (C59H). Transport Statement provided which confirms that the site can be appropriately accessed and serviced, including</p> |  |

improving the Aberlour to Edinville Road. The land required to upgrade the road is in ownership and is available for improvement as part of any development of AB1.

## **R2 Speyview**

### **Site Capacity**

Springfield Properties Plc (10/13/17)

Object to the proposed reduction in the overall capacity from 100 homes to 60

### **Site Boundary**

Springfield Properties Plc (10/13/17)

Object to the inclusion of triangular area to the north into the site.

Eric Forsyth (2208/1/1)

Consideration should be given to extending the site to include the area to west and south-west, bounded by the A95 and Ruthrie Road. This flat area would provide easier development potential than the limited opportunities afforded on the plateau at the top of the hill.

The additional area would allow for the possibility of an enhanced landscaped design to separate the housing and employment land elements. Additionally, there would be an opportunity to provide a gateway into Aberlour, with long term improved pavements, cycle paths and a safe and conveniently located bus stop layby, all on level land with clear road sight-lines.

### **Employment Land**

Chris Mears (2209/1/1)

Clarification is required for the proposed uses for the industrial land. Restrictions should be placed on the times of use due to the neighbouring properties and impact on quality of life.

### **Site Requirements**

Springfield Properties Plc (10/13/17)

Currently have a live planning application under consideration for 44 affordable and private homes on 1.9ha of the site and believe that the proposed text would prejudice the determination of this application. The level of prescriptive requirements is onerous and simply unviable.

SEPA (569/12/12)

Due to presence of rough grassland to west of site, object to allocation unless text highlights the requirement for a Phase 1 Habitat Survey.

## **Connectivity**

### Mervyn and Heather Campbell (1764/5/3)

Object to allocation of R2 as it is considered that the site cannot be delivered in terms of Scottish Planning Policy (SPP) on sustainable development, as the majority of the site is out with walking distance of 1600m to local amenities. States that the site is remote from the existing settlement boundary and more suitable land is available for development located nearer the settlement.

Pedestrian access to/from the site is sub-standard and requires that "Phase 1 must provide an active travel connection to Sellar Place." This land is under separate ownership and, without prejudice, should R2 be retained then it is requested that land situated to the south of the settlement boundary (AB1 (West)) [See comments to Not Taken Forward - AB1 and Site Map 13-1] is allocated for residential development.

## **Access / Transportation**

### Lee Philip (910/2/1)

Access to the site from the A95 is on a corner at the top of a steep hill and the only means for a safe access would be to have a roundabout or traffic lights. This could lead to traffic queuing up the hill, which will be an issue in winter.

The Ruthrie Road is not suitable for the traffic that currently uses it, i.e. distillery lorries, as there are no proper foundations. Any development on this site should be required to reconstruct Ruthrie Road, with proper foundations and passing places.

### Mervyn and Heather Campbell (1764/5/3)

A Traffic Assessment has been submitted which confirms difficulties in effectively developing the site and notes that a visibility splay cannot be achieved within the available site frontage.

### Eric Forsyth (2208/1/1)

Further road improvements at the junction of the A95 and Ruthrie Road (U103H) could also be undertaken together with relocating the 30mph speed limit to the south-west due to increased traffic foreseen at this junction emanating from the access onto Ruthrie Road from R2.

### Chris Mears (2209/1/1)

The south access road is not suitable for the proposed volume of traffic in addition to the heavy traffic that currently uses it.

Traffic serving the industrial units, i.e. lorries delivering/collecting goods, should be time and size sensitive.

## **Development Brief / Masterplan**

### Springfield Properties Plc (10/13/17)

A masterplan is not required for this site as it is neither of the size or the sensitivity for such a need. Mitigation of landscape impact, as proposed for the initial phase and envisaged for latter phases, would offset this. A Development Brief was required to be prepared under the Moray Local Development Plan (LDP) 2015 and no drafting of such a Brief has commenced. Therefore it would appear that the production of such a document is a low priority for the Council as such a considerable period has lapsed.

### **Visual Impact and Topography**

Mervyn and Heather Campbell (1764/5/3)

Site is unsuitable as it is challenging for development in terms of topography with various elevated areas and will require substantive landscaping to mitigate the landscape and visual impact.

Chris Mears (2209/1/1)

Concerned about size of houses proposed due to the elevation of the site. Propose that these should be restricted to a maximum of one and a half storeys, even though this will still block views for existing properties.

### **Flood Risk**

Chris Mears (2209/1/1)

Note that site has been assessed for a 1:200 year event, but site has drainage issue which will require serious alteration to be undertaken. The north and south access roads have surface water issues.

### **Utilities**

Lee Philip (910/2/1)

Houses surrounding the site are on private water supplies and private sewage as there is no mains water/sewage in the area. Developers will need to install mains water/sewage for this development and the installation of this should be extended free of charge to the surrounding houses.

### **Dark Skies**

Lee Philip (910/2/1)

The site is currently a dark skies area as there is no street lighting. Any lighting therefore should be low level and directional to the ground so as not to distract from the dark skies.

### **Services**

Chris Mears (2209/1/1)

The schools and doctors can barely cope with the existing population, let alone an increase, therefore need an overhaul to successfully serve the new increased community.

## **Archiestown**

### **R2 South Lane**

Ian Simpson (2181/1/1)

Have witnessed a dramatic decline in flora and fauna, especially in the last ten years. Previously was a peaceful village with little traffic and an abundance of wildlife. The increase in inhabitants and relevant traffic has reduced the safe environs for wildlife.

As the High Street is the main thoroughfare to continuous traffic, including lorries which thunder through the village at excessive speeds, the South Lane is a safer haven for those villagers whether it is pensioners and parents with young children who enjoy a walk or children playing on their bicycles.

Site is only green belt in the village where villagers and visitors can enjoy uninterrupted views of Ben Rinnes. Development of site would deny residents of open space and create a second 'High Street' with more traffic than it can safely cope with.

## **Roths**

### **R1 Spey Street**

#### **Flooding**

Wendy Van-Hoof (1960/1/1)

Flood risk in this area is already high and insurance costs are high in order to cover this. The addition of more houses out towards the river will increase the flood risk to existing properties.

David Shand (2116/1/1)

Concerns regarding flooding issues, including drainage, with the addition of a further 30 houses in area.

Nicola Boardman (2180/1/1)

The site is a flood plain and, even with the flood alleviation scheme, SEPA identifies the area as being at medium risk of flooding, with the outer boundaries at high risk. The development of the site would put houses, new and existing, at risk including areas which have been unaffected by the flooding in Roths.

The run off of water would be affected, causing any run off to move into the Spey differently which could ultimately impact the shape and course of the river. The current flood alleviation work in Roths was built to withstand 1 in 100 year risk of flooding and current expectations are that any flood alleviation work should be built to withstand 1 in 200 year risk of flooding, rendering the existing infrastructure useless if additional properties were to be built. The risk comes from the Burn of Roths and the run off from that passes through site.

Eric Gillies (2206/1/1)

The proposal is contrary to the LDP and SPP, which states that new development in areas of Medium to High Likelihood of flooding should be avoided. The site would directly put new properties in an existing flood risk zone and, as a result of increased runoff and loss of floodplain storage from development, potentially puts existing adjacent properties at increased risk. The required flood scheme upgrade, consisting of embankments and flood walls adjacent to the channel would have a negative impact on the Water Framework Directive status of the Burn of Rothes and the River Spey.

To protect development from flood risk may directly affect the natural hydromorphology of the Burn of Rothes and the River Spey. Any un-natural changes to the sediment in the Spey may have an adverse effect on important, at risk, fish species and their life-cycles. Development would degrade the natural floodplain and may directly increase surface water runoff in a Potentially Vulnerable Area. It is contrary to a resilient approach to flood risk and may affect fragile ecosystems in the riparian zone and in nearby important waterbodies. Building on a natural floodplain and sediment deposition zone is not good practice both hydromorphically and in terms of future flood resilience to uncertain climate change.

### **Transportation**

Eric Gillies (2206/1/1)

Any increase in vehicular traffic along the access route may increase the potential for road accidents at this junction. The road access is not suited to an increase in properties (especially for road safety and fire access) without further land take and reduction in the number and size of gardens in the area.

### **Character and Amenity**

Nicola Boardman (2180/1/1)

The site is adjacent to public walking routes, a public amenity which would be significantly impacted were more houses to be built in this area as the silence, solitude and open country feel would be taken from Rothes.

As property's bedrooms all back on to the site, there is no intrusion of artificial light after dark. The proposed development would significantly alter the character of the street and cause deterioration in current living conditions for residents due to increase in light and noise.

Eric Gillies (2206/1/1)

Would directly affect the rural and semi-rural nature of Speyside which is important both for the local agricultural community and industry, tourism and wildlife. Development would significantly reduce the public amenity value of this semi-rural/rural stretch of Rothes and risk changing the character (through noise and light pollution, increased urban rubbish etc.) of the adjacent areas for fishing on the Spey, which is important for tourism.

Development would obscure the view of farmland, trees, the River Spey corridor and riparian zone as well as Ben Aigan from properties along Spey Drive and Ben Aigan View

and adversely affect the pleasant, open nature of the back of Rothies. Development would also result in the loss of views of the night sky from Spey Drive/Ben Aigan View as a result of light pollution from the proposed development.

## **Agriculture**

Nicola Boardman (2180/1/1)

Farmed and in regular use, the site is quality agricultural land which provides a good yield, usually 2 crops per year.

Eric Gillies (2206/1/1)

Development would result in the loss of valuable farmland, making farming of other fields uneconomic.

## **Wildlife**

Nicola Boardman (2180/1/1)

The site is home to groups of hares and this habitat would be destroyed as a result of development, leaving these native Scottish wild animals without a home.

Eric Gillies (2206/1/1)

Development would directly reduce habitat for many wild animal species including badger, bats, wild hares and many wild birds.

## **R2 Green Street**

Carole Spencer (1961/1/1)

Query why the boundary of site appears to change arbitrarily with each issue of the Development Plan.

Given the significant sensitivity of this site in respect of flood risk and drainage issues, 40 houses on a small site seems excessive and would likely result in significant problems in respect of natural drainage and waste water removal. Query whether even the most cursory of studies has been conducted before proposing to develop 40 properties on the site, considering that millions have already been spent on flood alleviation in Rothies mitigating the impact of the existing developments.

Adrian Paul Spencer (1962/1/1)

Query how proposals have increased the number of properties from 6 – accessed via Ben Aigan View – to 40 with no indication of how access will be provided. Lack of information suggests that access will be via Green Street, which would place a significant burden on a small road that runs directly in front of a primary school.

Boundary incorporates the rear garden and outbuildings on 45 Green Street, which is no longer part of the farm. Replacing an existing residential development with a high density residential development does not improve the area and significantly increases the threat



to the local environment, particularly with regard to drainage and flood risk.

The proposal fails to take account of retaining the vehicle access to the River Spey which is the only route through to the local Salmon fishing. This would further reduce the available land. Do not believe that simply increasing the density of houses and expanding a Greenfield site year on year to try and meet targets is a realistic or effective use of resources.

The area has already required millions in investment to alleviate the flood risk caused by the current developments and it is irresponsible to attempt to squeeze 40 additional dwellings into an area that contributes towards the free draining of the valley floor in an area that is already recognised as a potential flood risk. Stating that development would be subject to appropriate surveys is an attempt to avoid addressing the issue and makes the whole point of the development plan null and void.

There is no point in wasting resources to produce a development plan that has no basis in practical reality and simply serves to meet legal obligations. It is dishonest and disingenuous to increase the size of the development by stealth over a number of years hoping that local people will not notice. The site has started with 6, and then increased to 30 and now to 40 without carrying out any further investigations or offering any explanations as to how this area has suddenly become capable of coping with an eight fold increase in the number of properties on the site.

## **15 Greens of Rothes**

Michaela Paterson (2207/1/1)

Living opposite, object to allocation of site for industrial purposes as it will have an impact on property value and quality of life. This area of Rothes is already blighted by large industrial buildings and the constant noise deep into the night from the processing plant nearby. Speyside is a beautiful area and a jewel for tourism and it is very sad that countryside will be eaten away by ugly industrial buildings. Should development proceed, seek that buildings are sympathetic to the beautiful landscape and are low in height, in muted colours and have sufficient planting (trees and hedges).

## **OPP1 North Street**

Rebecca Kendrick (2154/1/1)

The land is a green space on a slope downwards from the A941 to North Street in Rothes and is adjacent residential and business properties. Considers the development of site for business would tip the balance of residential/business mix in the immediate area too far towards a business environment.

Concerned that the addition of new businesses alongside existing such as the stonemasons, Forsyths, Rothes Corde and the gas distribution site may bring additional unwelcome noise and nuisance, impact on air quality and be a building that may not enhance the visual impact of the area.

Note that a number of trees on the edge of the drop between Greenbrae and the stonemasons which previously provided screening from Rothes Corde have come down.

Concerned about the stability of the land and that digging out the foundations on the site would see land give way and cause irreparable damage to both Greenbrae and the stonemasons, and possibly own property.

Overdevelopment of the site is a concern and considers, in respect of residential dwellings, that low density residential dwellings with generous garden areas would be the most appropriate and safest options for this site, if considered appropriate for development at all. This may allow for adequate drainage provisions and planting of trees/shrubs to absorb water from the hills and provide screening. High density housing or flats will result in limited garden space and green areas. An increase in residents will increase the requirement for parking spaces, which in turn means more concrete, less ability for natural drainage to occur and the potential for increased flooding.

Safety concerns for the entrance/exit of the site as the A941 is a very fast road and the speed limit would require to be significantly reduced and relocated further back to access the site. Proactive enforcement will be required to ensure that these are adhered to and prevent serious road traffic accidents from occurring. The entrance to the site from North Street may also present some challenges from a safety point of view due to the closeness to a bend in the B9015 and obstructed view from the old railway bridge.

#### **Modifications sought by those submitting representations:**

##### **Aberlour**

##### **Not Taken Forward – AB1**

Mervyn and Heather Campbell (1764/5/1)

Allocation of AB1 (East and West) [Site Map 13-1] for 80 houses and 1ha of employment land, with a requirement for a phased masterplan.

##### **R2 Speyview**

Springfield Properties Plc (10/13/17)

Increase capacity of the site to 100 units.

Site boundary amended to remove triangular area to the north of the site.

Remove requirement for a masterplan.

Party not specific regarding change sought in respect of requirements under the site designation text.

SEPA (569/12/12)

Requirement for a Phase 1 Habitat Survey.

Lee Philip (910/2/1)

Requirement for Ruthrie Road to be reconstructed with proper foundations and passing places.

Requirement for developers to install mains water/sewage to surrounding properties.

Requirement that any lighting is low level and directional to the ground.

Party not specific regarding change sought in respect of site access.

Mervyn and Heather Campbell (1764/5/3)

Remove Site R2 Speyview.

If site is retained, amend site boundary to include Site AB1 (West) [Site Map 13-1] for residential development.

Party not specific regarding change sought in respect of access / transportation and topography.

Eric Forsyth (2208/1/1)

Amend site boundary to include flat area to west and south-west, bounded by the A95 and Ruthrie Road.

Requirement for further road improvements at the junction of the A95 and Ruthrie Road (U103H) and relocation of 30mph speed limit to the south-west. (Modification is implied based on the objection wording rather than specified).

Chris Mears (2209/1/1)

Provide clarification on proposed use(s) on employment land.

Requirement for traffic serving the employment land to be time and size sensitive.

Restrict times of use on employment land.

Restrict house sizes to a maximum of one and a half storeys.

Party not specific regarding change sought in respect of flood risk, services and south access road.

**Archiestown**

**R2 South Lane**

Ian Simpson (2181/1/1)

Remove Site R2 South Lane.

**Rothies**

**R1 Spey Street**

Wendy Van-Hoof (1960/1/1), Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

Remove Site R1 Spey Street. (In some cases, modification is implied based on the objection wording rather than specified).

David Shand (2116/1/1)

Party not specific regarding change sought.

## **R2 Green Street**

Carole Spencer (1961/1/1) and Adrian Paul Spencer (1962/1/1)

Remove Site R2 Green Street. (Modification is implied based on the objection wording rather than specified).

## **I5 Greens of Rothes**

Michaela Paterson (2207/1/1)

Remove Site I5 Greens of Rothes.

If site is retained, requirement that buildings are sympathetic to the landscape, low in height, in muted colours and have sufficient planting (trees and hedges).

## **OPP1 North Street**

Rebecca Kendrick (2154/1/1)

Remove Site OPP1 North Street.

If site is retained, residential development should be restricted to low density.

## **Summary of responses (including reasons) by planning authority:**

### **Aberlour**

#### **Not Taken Forward – AB1**

Mervyn and Heather Campbell (1764/5/1)

Whilst the site may be closer to the main facilities and services in Aberlour, the site is outwith the settlement boundary and, when considered in isolation, cannot provide an acceptable means of access. The Council considers the site to be overtly prominent and any development (including road infrastructure) would cause an unacceptable detrimental visual impact. The respondent believes the proposed site to be more effective than Site R2 Speyview. The Council does not agree and considers the effectiveness of the site to be evidenced by the live planning application (18/01373/APP) for Site R2.

The Council's Transportation Section has been consulted on the additional information submitted in the Transportation Statement and a copy of the full response has been provided as CD11. They consider that it does not demonstrate that the site could be adequately accessed by vehicles, or by pedestrians/cyclists. The proposed

improvements to the transportation infrastructure cannot be delivered without third party land, significant changes to ground levels and removal of mature trees required to be retained as per the designation text for Site R1 Tombain Farm. Whilst the representation proposes to reduce the indicative capacity of the site from 150 units (proposed at the Main Issues Report stage) to 60-80 units, the concerns raised regarding accessibility and transport infrastructure provision for the proposed site remain, regardless of the proposed reduction in units.

On the basis of the identified visual and landscape issues as well as access constraints, the site is not supported for inclusion in the LDP 2020.

No modification is proposed.

## **R2 Speyview**

### **Context**

Providing an effective housing land supply in Aberlour has been a challenge with no site developed in the last 10 years. The Proposed MLDP 2020 has reviewed the sites identified in the MLDP 2015 and proposes the removal of current designations at Braes of Allachie and amending the Chivas Field designation from residential to industrial, leaving Site R2 Speyview and the smaller Site R1 Tombain Farm as the designations to meet the housing needs of Aberlour during the Plan period.

A planning application for Site R2 Speyview was submitted on 22 October 2018 (CD52) and the site is identified within the Council's Strategic Housing Investment Programme (CD44, pg. 9) to deliver much needed affordable homes in Speyside.

### **Site Capacity**

#### Springfield Properties Plc (10/13/17)

Policy DP2 Housing states that capacity figures are indicative only and that proposed capacities will be considered through the Quality Auditing process against the characteristics of the site and surrounding area, conformity with all policies and the requirements of good placemaking, as set out in Policies PP1 Placemaking and DP1 Development Principles (CD01, pg. 38-39; 22-31 and 35-37). The indicative capacity of the site was reduced from 100 to 60 units to reflect the topographical constraints of the site and requirement for 1ha of employment land. As part of the live planning application for the site (18/01373/APP), the Council requested the developer to provide slope analysis and an indicative layout for the overall site which indicates that an increased capacity may be able to be accommodated on the site.

If the Reporter is so minded, the Council would not object to the indicative capacity for the site being increased to 100 units. The following wording is considered suitable:

*"R2 Speyview 14ha 100 units and 1ha of employment land"*

### **Site Boundary**

#### Springfield Properties Plc (10/13/17)

There is a requirement to provide an active travel connection to Taylor Court. Following discussions as part of the live planning application (18/01373/APP), this is not required as part of Phase 1 due to the development of a footpath along or parallel to the extent of the site frontage onto the A95. If the Reporter is so minded, the Council would not object to the removal of the requirement to provide the active travel connection to Taylor Court as part of Phase 1 and instead include as part of the overall development of the site. The following wording is considered suitable:

*“An active travel connection to Taylor Court must be provided.”*

The site boundary was extended to the north as part of the Proposed Plan to facilitate the requirement for an active travel connection to Taylor Court, as well as provide for a small release of land for residential development. The Council considers this area to be important to the delivery of the site and provision of safe route(s) into Aberlour and therefore does not support its removal.

No modification is proposed.

Eric Forsyth (2208/1/1)

The submission does not appear to be from the landowner. No supporting map has been provided to identify the areas proposed for inclusion in the site boundary although it is implied as being the area between Muir of Ruthrie and Crossroads Cottage. The Council has not pursued this area previously due to land ownership and tenancy constraints and have undertaken no technical consultations to establish if the site can be developed. Further consideration could be given to this area as part of future reviews of the LDP.

No modification is proposed.

## **Employment Land**

Chris Mears (2209/1/1)

Consideration of the suitability of proposed uses for the employment land, the impact on adjacent properties and any conditions to be applied will form part of the development management process.

No modification is proposed.

## **Site Requirements**

Springfield Properties Plc (10/13/17)

The requirements in the designation text have been identified in consultation with key consultees and the Council considers these to be proportionate to the size and constraints of the site.

No modification is proposed.

SEPA (569/12/12)

The Council acknowledges that the requirement for a Phase 1 Habitat Survey was

omitted in error.

If the Reporter is so minded, the Council would not object to additional text being provided in the designation text for a Phase 1 Habitat Survey. The following wording is considered suitable and consistent with similar requirements elsewhere in the Plan:

*“Phase 1 Habitat Survey required.”*

## **Connectivity**

Mervyn and Heather Campbell (1764/5/3)

The Council's Transportation Section has advised that the SPP recommended walking distance of 1600m to local amenities is guidance only and, considering other factors, development may improve accessibility to these amenities for other existing properties which would provide a wider benefit. Pedestrian access to/from the site is one constraint to the site which requires to be addressed by any live and future planning application(s). The Council does not support the inclusion of Site AB1 (West) for residential development (see comments to Not Taken Forward – AB1).

No modification is proposed.

## **Access / Transportation**

Lee Philip (910/2/1) and Mervyn and Heather Campbell (1764/5/3)

Access to the site from the A95 is a matter for Transport Scotland, subject to consideration of any proposed junction and associated road safety assessment. The principle of a new access on the A95 frontage has previously been supported in principle by Transport Scotland. The detail of such a junction requires to be determined by any live and future planning application(s). It would be for Transport Scotland to consider a departure from standards, subject to consideration of any proposed junction and associated road safety assessment.

No modification is proposed.

Lee Philip (910/2/1), Eric Forsyth (2208/1/1) and Chris Mears (2209/1/1)

The Council's Transportation Section has advised that Ruthrie Road is an existing public road and the condition of the road and the need for any improvements would be considered as part of any live and future planning application(s). If appropriate, improvements or mitigation works would be sought.

No modification is proposed.

## **Development Brief / Masterplan**

Springfield Properties Plc (10/13/17)

The Council drafted a Development Brief for the site in 2018, however, as Springfield Properties Plc are aware, the brief was not progressed following a complaint by Springfield Properties Plc that the brief would hold up their planning application and agreement was



reached between the Council and Springfield Properties Plc to proceed with informal discussions and workshops instead. Given that the site is a key gateway to Aberlour and incorporates mixed uses across the site, a masterplan - which complies with Policy PP1 - is deemed necessary. As part of the current live planning application (18/01373/APP), an indicative layout masterplan for the site was provided by Springfield Properties Plc.

No modification is proposed.

### **Visual Impact and Topography**

Mervyn and Heather Campbell (1764/5/3) and Chris Mears (2209/1/1)

The Council recognises the topography of the site as a constraint and this is reflected in the designation text and Key Design Principles (CD02, pg. 4-5). Any development proposals require to be located predominantly on the flat areas of the site and substantial landscaped areas provided to create a setting and backdrop for the site as well as containment for buildings. No evidence has been provided by the respondent to demonstrate that the site would be undevelopable due to topography or to support their proposed area for inclusion as a more appropriate location.

Houses fronting the A95 must be 1½ storey in height and substantial woodland planting and landscaping must be provided across the site to create a backdrop and containment for buildings. Any development proposal(s) for the site will be assessed against relevant policies to ensure that any adverse visual and landscape impacts are identified and adequately mitigated.

No modification is proposed.

### **Flood Risk**

Chris Mears (2209/1/1)

Parts of Aberlour are at risk of flooding and this is acknowledged in the designation text which requires proposals to be supported by a Flood Risk Assessment (FRA), the outcomes of which may affect the developable area of the site (CD02, pg. 4-5).

No modification is proposed.

### **Utilities**

Lee Philip (910/2/1)

Proposals for water and drainage provision are a matter that requires to be addressed by any live and future planning application(s). Any new development will depend on the suitability of ground conditions for drainage. The Council considers it is unreasonable to expect the developer to provide connections free of charge for existing properties in the surrounding area.

No modification is proposed.

### **Dark Skies**



Lee Philip (910/2/1)

The site is not within the Dark Sky designation. Policy EP14 (a) Pollution, Contamination & Hazards requires any development proposals which may cause significant light pollution, or exacerbates existing issues, to be accompanied by detailed assessment reports (CD01, pg. 101). No such issues have been identified at this time; however, these are matters that require to be addressed by any live and future planning application(s). Street lighting requirements for new public roads are based on LED technology which produces significantly less light pollution compared with sodium lighting which is currently being replaced across Moray.

No modification is proposed.

**Services**

Chris Mears (2209/1/1)

The schools within the catchment area are currently operating under capacity. The Council works closely with the NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents. Infrastructure requirements are detailed in the settlement statement (CD02, pg. 9).

No modification is proposed.

**Archiestown**

**R2 South Lane**

Ian Simpson (2181/1/1)

Site R2 South Lane is a longstanding designation carried over from previous plans. The spatial hierarchy and revised approach to rural housing seeks to promote a more sustainable pattern of development and address the proliferation of individual houses in the open countryside by directing development towards settlements in the first instance.

The Council's Transportation Section are of the view that such a small scale development would not generate significant additional traffic that cannot be accommodated by the surrounding road network and via the provision of safe and suitable accesses in line with current standards. These matters would be considered as part of any live and future planning application(s) and, if appropriate, improvements or mitigation works would be sought. Traffic speeds are a matter for Police Scotland to consider and any immediate concerns should be raised with them directly.

Policy EP2 Biodiversity (CD01, pg. 77) has been introduced to ensure all development proposals retain, protect and enhance features of biological interest and provide for their appropriate management.

The site is not a formally designated open space identified for protection and will not have

a detrimental impact on open space provision in the village. The Council notes that the right to a view is not a material planning consideration.

No modification is proposed.

## **Roths**

### **R1 Spey Street**

#### **Flooding**

Wendy Van-Hoof (1960/1/1), David Shand (2116/1/1), Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

Consultation has been carried out with key consultees including the Council's Flood Risk Management Team and SEPA who have no objection to the principle of the site being designated. As a result, a FRA and Drainage Impact Assessment (DIA) are required for the site, the outcomes of which may affect the developable area (CD02, pg. 318). Any planning application(s) must also demonstrate that there will be no adverse effect on the integrity of the River Spey Special Area of Conservation (SAC) from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity. The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

#### **Transportation**

Eric Gillies (2206/1/1)

The Council's Transportation Section has advised access to this site would be via Spey Street and Ben Aigan Way, both of which are two-way roads. A Transportation Statement may be requested to identify the level of traffic associated with the proposed development and any required mitigation measures as part of any planning application. In respect of fire access, the designation text states "*Prior to commencement of the 50<sup>th</sup> house (counting both existing and new development) served by Spey Street, an emergency access will be required*" (CD02, pg. 318).

No modification is proposed.

#### **Character and Amenity**

Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

The site is an existing designation which has been partially developed and carried over from the previous Plan. The Council considers that the site reflects the adjacent character of residential properties whilst retaining an area of rural and semi-rural nature in the form of the River Spey corridor to the east and south. The Council notes that the right to a view is not a material planning consideration.

Policy EP14 (a) requires any development proposals which may cause significant light pollution, or exacerbates existing issues, to be accompanied by detailed assessment

reports (CD01, pg. 101). No such issues have been identified at this time; however, these are matters that require to be addressed by any planning application(s). Street lighting requirements for new public roads are based on LED technology which produces significantly less light pollution compared with sodium lighting which is currently being replaced across Moray.

PP1 (i) sets out fundamental principles in respect of character and identity that must be incorporated into developments (CD01, pg. 22).

Development proposals, in accordance with Policy PP3 b) ii) Infrastructure and Services (CD01, pg. 33), will not be supported where they adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.

No modification is proposed.

### **Agriculture**

Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

There are limited opportunities in Moray to provide development on brownfield sites. In order to meet the requirements of the Moray Housing Land Audit and Employment Land Audit, this requires the Council to consider some greenfield sites which are identified as being prime agricultural land. Whilst the Council considers this loss to be unfortunate, the requirement to identify sufficient land to meet demand outweighs the benefits of the quality agricultural land.

The Council considers the claim that development on the site would make farming of other fields uneconomic to be speculative and unfounded.

No modification is proposed.

### **Wildlife**

Nicola Boardman (2180/1/1) and Eric Gillies (2206/1/1)

Any development proposal(s) for the site will be assessed against relevant policies, including Policies PP1, EP1 Natural Heritage Designations and EP5 Open Spaces (CD01, pg. 22-31, 74-75 and 80-87), to ensure that any potential adverse impacts on wildlife and habitats are identified and adequately mitigated.

Scottish Natural Heritage (SNH) was consulted in the preparation of the Proposed Plan and raised no objection to the site, subject to the requirement that any planning application(s) must demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity (CD02, pg. 318).

Policy EP2 Biodiversity (CD01, pg. 77) has been introduced to ensure all development proposals retain, protect and enhance features of biological interest and provide for their appropriate management. Proposals for 10 units and more require to submit a Biodiversity Plan as part of the Design Statement, in accordance with Policy PP1(v)

(CD01, pg. 28).

No modification is proposed.

## **R2 Green Street**

Carole Spencer (1961/1/1)

Extensive consultation was undertaken on all sites proposed, both with statutory consultees and the public. Key consultees including the Council's Flood Risk Management Team and SEPA identified that development of the site would require a FRA, topographical information and DIA, the outcomes of which may affect the developable area (CD02, pg. 318). Any planning application(s) must also demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity. The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

Adrian Paul Spencer (1962/1/1)

The Council acknowledges that the area of ground, and the associated outbuildings, to the rear of 45 Green Street now forms part of the property's garden ground.

If the Reporter was so minded, the Council would not object to the site boundary being amended to remove the garden ground and outbuildings of 45 Green Street. The amended site boundary as set out in Site Map 13-7 is considered suitable.

No increase in the indicative capacity is proposed for the site, which is carried over from the previous Plan. The original designation was a smaller opportunity site for 6 units. Following reviews of previous Plans, the site was redesignated for residential development and the capacity was increased to 30 units, and subsequently to 40, to make more efficient use of greenfield land and reflect changing demographics and demand for more, smaller houses.

The Council's Transportation Section has advised that access to this site would be via Green Street, which is a two-way road. Along the frontage of the site, Green Street would be widened and a footway provided. A Transportation Statement may be requested to identify the level of traffic associated with the proposed development and any required mitigation measures as part of any planning application.

Development proposals, in accordance with Policy PP3 b) ii) (CD01, pg. 33), will not be supported where they adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users. Therefore the vehicle access to the River Spey will be protected.

Extensive consultation was undertaken on all sites proposed, both with statutory consultees and the public. Key consultees including the Council's Flood Risk Management Team and SEPA identified that development of the site would require a FRA, topographical information and DIA, the outcomes of which may affect the

developable area (CD02, pg. 318). Any planning application(s) must also demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity causing pollution of sediment to reach the SAC, or changes to water quality and quantity. The Council considers that there is no evidence to suggest that the site is undevelopable as a result of flood risk.

No modification is proposed.

### **I5 Greens of Rothes**

Michaela Paterson (2207/1/1)

Redesignated from an opportunity to employment designation, the site is proposed adjacent to an area of Rothes which contains a concentration of employment designations and therefore would be in keeping with the character of the area. The Council acknowledges that the site does lie on the edge of the settlement and as such significant landscaping will be required to provide containment and a gateway into the village. A Development Framework is required for the site which must include the range of uses proposed, landscaping, open space, design and the required high pressure gas pipeline buffer (CD02, pg. 320). The Framework seeks to deliver a high quality development that integrates sensitively into the landscape.

Impact on adjacent properties will be considered as part of any planning application(s). The impact on property values is not a material planning consideration.

No modification is proposed.

### **OPP1 North Street**

Rebecca Kendrick (2154/1/1)

The site is an existing designation carried over from the previous Plan. The Council considers that the identified uses (business and residential) reflect the character of the surrounding area and as such are appropriate.

Placemaking is Primary Policy 1 in the Proposed Plan Volume 1 – Policies (CD01, pg. 22-31) and aims to deliver development that creates sustainable, welcoming, well connected and distinctive places that are safe, healthy and inclusive. Any planning application(s) must comply with Policy DP1 to ensure that the scale, density and character of development are appropriate to the surrounding area (CD01, pg. 35-37).

Any issues regarding ground stability would have to be addressed as part of any planning application(s). Any development proposal(s) for the site will also be assessed against relevant policies, including Policy DP1, to ensure that any potential adverse impacts, such as noise and air quality, are identified and adequately mitigated.

Access to the site from the A951 is prohibited as set out in designation text. Any planning application(s) must provide a detailed design for access onto the B9015 with confirmation that adequate visibility of 2.4m by 70m can be achieved, given the constraints of the old railway abutment. Proposals for development must conform to the Council's current policy on parking standards, as set out in Appendix 2 of Proposed Plan Volume 1 – Policies (CD01, pg. 109-131).

No modification is proposed.

**Reporter's conclusions:**

**Reporter's recommendations:**