

<b>Issue 8</b>	<b>Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart - Elgin Housing Market Area</b>	
<b>Development plan reference:</b>	<p>Volume 2: Settlement Statements</p> <p><b>Fochabers</b></p> <p>T1 Caravan Site page 193</p> <p><b>Garmouth</b></p> <p>R1 South of Innes Road page 230</p> <p><b>Lossiemouth</b></p> <p>OPP1 Sunbank page 274</p> <p>R3 Inchbroom page 275</p> <p><b>Mosstodloch</b></p> <p>R3 Balnacoul page 287</p> <p>I3/LONG2 West of Mosstodloch page 288</p> <p>MU LONG1 South of A96 page 291</p> <p>MS NA New Site West of James Jones including R2</p> <p><b>Urquhart</b></p> <p>R1 Meft Road/LONG1 pages 328-329</p> <p>R2 Station Road page 328</p> <p>LONG2 Station Road page 330</p>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p><b>Fochabers</b></p> <p><b>T1 Caravan Site</b></p> <p>Scottish Natural Heritage (1027)</p> <p>Woodlands Trust Scotland (1818)</p> <p><b>Garmouth</b></p> <p><b>R1 South of Innes Road</b></p>		

Stephen Forsyth (586)

David and Jenny Burrige (633)

Scottish Natural Heritage (1027)

Emma Moore (2203)

**Lossiemouth**

**OPP1 Sunbank**

Pitgaveny (214)

James Rennie (1970 )

**R3 Inchbroom**

Tulloch of Cummingston (1426)

**Mosstodloch**

**R3 Balnacoul**

Stuart Hunter (1548)

**I3/LONG 2 West of Mosstodloch**

Springfield Properties Plc (10)

Crown Estate Scotland (861)

Stuart Hunter (1548)

Kirsteen Smart (2001)

Iain Smart (2002)

**MU LONG 1 South of A96**

Springfield Properties Plc (10)

Crown Estate Scotland (861)

Stuart Hunter (1548)

**MS NA New Site West of James Jones including site R2**

Crown Estate Scotland (861)

**Urquhart**

**R1 Meft Road/LONG 1 Meft Road**

Innes Community Council (119)

C Collet (2201)

**R2 Station Road**

Lesley Scott (2164)

I Deans (1449)

**LONG2 Station Road**

Jonathan Haslam (2025)

**Provision of the development plan to which the issue relates:**

Housing, employment and other designations within the towns/villages of Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart.

**Planning authority's summary of the representation(s):****Fochabers****T1 Caravan Site**

Scottish Natural Heritage (1027/9/5)

To be consistent with the Habitats Regulations the site specific requirement should include reference to disturbance to otters. Revised wording proposed.

Woodlands Trust Scotland (1818/2/9)

Woodland to West of the burn (and incorporating a part of) the caravan site is AWI LEPO and connects Slorach's wood into and through the town to the riparian woodland of the Spey. This woodland and the continuing riparian woodland through the town appear on 1843-1882 OS historic maps. The site boundary includes this LEPO woodland (approx. 1.4ha) as well as other newer woodland, which if developed would sever the connection between the two areas of woodland. Woodlands Trust objects to the inclusion of the LEPO within the site allocation unless there are clear site specific requirements that this woodland is not to be lost and requires to be managed. Buffers appropriate to the scale of development (caravans and roads) should be required.

**Garmouth****R1 South of Innes Road**

Stephen Forsyth (586/2/1)

The narrowness of the road must be addressed, in places this is 4.7 metres and driveways are being used as passing places. Widening of the road should be a requirement.

David and Jenny Burrige (633/2/1)

Designation should be removed primarily due to infrastructure and road safety issues.

The sewage system is operating at its limits. With flooding of the Spey and a high water table this causes back up of sewage.

Innes Road is very narrow with no opportunity for widening. There are no footpaths. Despite the 20mph speed limit traffic exceeds this. Cars are unable to pass each other. Children accessing the school bus have no footpath or refuge. The road is part of the Sustrans National Cycle Way and minor car scrapes and blockages occur regularly.

Emma Moore (2203/1/1)

Site will have a negative effect on the village.

Increased traffic on narrow road with no pavements where the 20mph speed restriction is not observed. The word "sought" within the road requirements does not have sufficient weight and is not a direct stipulation.

The junction from Innes Road onto Station Road is narrow and on a blind corner. Increased traffic would exacerbate issues at this junction.

The growth project described was first mentioned 6 years ago but nothing has happened. The high water table means that septic tanks are not suitable. Adding 10 houses to the sewage system when there are already issues is not realistic.

Development would have a negative impact on local wildlife and ecosystems.

No need for another site, there are two sites with consent for total of 8 houses. Infilling could ruin the character of the village.

Scottish Natural Heritage (1027/9/6)

To be consistent with the Habitats Regulations Appraisal the following developer requirement should be added "Development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on."

**Lossiemouth**

**OPP1 Sunbank**

### Pitgaveny (214/4/3)

Housing and convenience retail should be included within the list of suitable uses to maximise opportunities. The introduction of housing and convenience retail to a mixed-use scheme will be key to maximising opportunities and generate value to justify up front site investigation to assess viability. Concerned site viability could be affected by Ministry of Defence (MOD) constraints.

The Spatial Strategy states that in Lossiemouth “The main opportunity for new development is on the former Sunbank Quarry.”

OPP1 is well related to the existing settlement pattern and has frontage onto the A941. Lossiemouth is subject to significant investment and job creation by the MOD with potential for the site to house personnel. The site would also add variety to the existing housing allocations.

Adding to the flexibility of the OPP1 allocation will assist in growing a diverse and sustainable economy; attracting new businesses/industries in diverse sectors to the Moray Economy; and make delivery of development less complicated outwith the main centre of Elgin. Supports the Moray Local Outcomes Improvements Plan (LOIP) and the Moray Economic Strategy.

### James Rennie (1970/1/1)

Objects to OPP1 designation as green space has already been reduced through development of the new High School, and the site is used by various wildlife. Used recreationally by dog walkers.

### **R3 Inchbroom**

#### Tulloch of Cummingston (1426/2/2)

Transportation requirements under the current Local Development Plan require a new link road between the B9103 and the A941. Note this has been removed and it is noted that ongoing discussions are taking place to instead improve the existing junction and road geometry.

### **Mosstodloch**

### **R3 Balnacoul**

#### Stuart Hunter (1548/2/3)

This site is currently industrial and should be utilised along with the existing industrial estate. The vets are located in the former office area. This is an ideal location for vehicle access as well as pedestrian access from Mosstodloch through the existing underpass.

Should not be changed to housing but used for light industrial units. Housing would require children to cross the old A96 to get to school and shops. Site should not be designated until the A96 dualling route is known. The site is distant from the sewer and may be difficult to connect.

### **I3/LONG 2 West of Mosstodloch**

#### **Need for Industrial Land and Phasing of Development**

##### Crown Estate Scotland (861/6/4)

Crown Estate Scotland are supportive of the principle of employment land at West Mosstodloch but the LONG 2 designation should be for immediate employment (i.e. included as part of I3 designation). This will give the greatest flexibility and certainty to prospective businesses and developers and maximise the opportunity for delivery. This will provide maximum flexibility to the design and phasing to be set out in the Development Framework.

The designation provides a large strategic employment site to facilitate inward investment and is in line with the spatial strategy and Moray Economic Strategy.

The 10ha at I3 comprises 40% of the 23ha employment land requirement for the Elgin Market Area, with the LONG2 embargoed in the LDP2020 period unless policy criteria are met. The MIR showed the whole site as preferred and did not split the site.

I3/LONG 2 should be one site for immediate development as

- Splitting the site adds an unnecessary complication to delivery if a large user comes forward for more than 10ha.
- Complicating delivery makes the site less marketable.
- Splitting the site is contrary to aims/priorities/objectives of the Moray Local Outcomes Improvement Plan (LOIP), the Moray Economic Strategy, and the Local Development Plan Spatial Strategy. (Impacting on growing a diverse and sustainable economy; attracting new businesses/industries in diverse sectors to the Moray Economy; and it makes delivery of development more complicated outwith the main centre of Elgin, compounding market difficulties that smaller settlements face).
- If business/diversification is not attracted there is knock on adverse effects on job generation, retention of talent, levels of average salaries and investment in infrastructure.
- The opportunity of James Jones Joinery expanding to the west of its current facility and taking access through I3/LONG 2 is an opportunity to provide early servicing and delivery of the site. (see new site MS NA West of James Jones including R2 below).
- Allocations in Mosstodloch are built out or for specific users and therefore a flexible large sale designation is appropriate to meet demand.

Kirsteen Smart (2001/1/1)

Proposal results in Mosstodloch being surrounded by 3 industrial sites. The current industrial site could be expanded. There is no clear description of what the industrial land could be used for. People are more likely to travel to larger towns to work.

Iain Smart (2002/1/1)

Village will be surrounded by industrial. There are already three industrial sites.

Stuart Hunter (1548/2/1)

Site not necessary. Existing industrial estate underutilised. It would be better to use vacant sites, Balnacoul and land at MULONG1 than allocate additional land. No known interest for industrial land/units in Mosstodloch.

Springfield Properties Plc (10/13/12)

The reasoning for allocation of such large swathes of land in Mosstodloch is unclear given poor market demand and existing unallocated sites that have not been delivered.

**Views to Mosstodloch**

Stuart Hunter (1548/2/1)

Development would impact on views to and from Mosstodloch.

**Impacts on Environment, Residential Areas and the Community**

Kirsteen Smart (2001/1/1)

Consideration needs to be given to environmental pollution (air, odour, rubbish, rats) and contamination of water supplies. Nearby houses to be screened from noise, odour, waste matter and hazardous substances to ensure their health standards are maintained. Chemicals shouldn't be allowed near living areas.

Iain Smart (2002/1/1)

The impact on community development/life needs to be taken into account when there are no services to support this. Proposal will have detrimental impact on community and reinforces that Mosstodloch is second class compared to Fochabers. Health of people needs to be considered.

Stuart Hunter (1548/2/1)

Industrial use would have an unacceptable noise impact on residential properties and

would increase traffic through Mosstodloch. Land is used to access other agricultural areas avoiding farm traffic through the Mosstodloch. Proposal would lead to industrial on three sides of Mosstodloch and the A96 on the other. This is a poor outlook for the village and would reduce property values.

### **Flood Risk**

Stuart Hunter (1548/2/1)

Development would increase the risk of flooding in residential areas as the site sits higher with the agricultural land soaking up surface water. SEPA will object due to the flood constraint.

### **Water and Waste Water Capacity**

Kirsteen Smart (2001/1/1)

Water and Waste water capacity not available to support industrial.

### **Alternative Designation**

Stuart Hunter (1548/2/1)

In the longer term the eastern portion of the site could be used for housing as there is a safe route to schools.

### **MU LONG 1 South of A96**

#### **Site Designation and Phasing**

Crown Estate Scotland (861/6/14)

Crown Estate Scotland considers that MU LONG 1 should be allocated as an immediate mixed use allocation and not as LONG.

Site is effective and has key advantages in that there is significant relatively flat land available which is readily accessible. The site has significant frontage onto the trunk road network and attractive amenity making it attractive to house builders. The preferred A96 dualling route includes a roundabout and access onto the B9015 on the site boundary which will increase the desirability and accessibility of the site.

An immediate allocation will maximise the opportunity for the site to come forward and play an integral role in the wider strategic development vision for Mosstodloch. A bold approach is needed in Mosstodloch to facilitate strategic growth and facilitate the expansion of existing businesses, attract new business and new homes. Mosstodloch is a challenging market and maximum flexibility should be afforded to allow the site to come



forward and contribute to the strategic development of Mosstodloch. A LONG designation makes marketing the site difficult making investment in advance of the site (e.g. in a masterplan) difficult to justify. Crown Estate Scotland hopes to create a synergy with other allocations to allow a step-change to take place and to enhance Mosstodloch to the benefit of both current and prospective residents. A successful mixed use development at MU LONG 1 is a critical component of this plan. In particular, the value that can be generated from a sale to a housebuilder and/or commercial developers has the potential to be reinvested in the site and into other sites in Mosstodloch and across Moray. It is challenging to bring forward large scale development sites but it is even more challenging to do this in a marginal market, and to then combine it with a wider strategic development programme for a settlement. An immediate designation allows for reinvestment in Mosstodloch via value creation through housebuilder/developer sales. A site start with housing would assist in servicing business uses.

The site could replace two existing housing allocations at R2 Mosstodloch and R2 Crown Street, Portgordon which have not yet come forward and are in less attractive market areas. A separate response (see below) seeks the reallocation of R2 Mosstodloch to employment use and the de-allocation of R2 Crown Street, Portgordon and the housing from these could be transferred to MU LONG 1.

Site could provide land for replacement Health Centre as required by the infrastructure requirements on page 292.

An immediate allocation better reflects the aims/priorities/objectives of key documents including LOIP, the Moray Economic Strategy and the LDP Spatial Strategy.

Stuart Hunter (1548/2/2)

Retain site as industrial only as in the current LDP. Site should only be developed after current industrial estate and Balnacoul is built out.

Springfield Properties Plc (10/13/11)

The reasoning for allocation of such large swathes of land in Mosstodloch is unclear given poor market demand and existing unallocated sites that have not been delivered.

### **Settlement Pattern**

Stuart Hunter (1548/2/2)

The proposed allocation would extend development outwith the existing settlement pattern and would be prominent along the A96.

### **Site Servicing, Site Access and Local Infrastructure**

Stuart Hunter (1548/2/2)

Industrial development would not require additional pedestrian infrastructure. Masterplan for existing I3 designation and proposed site required. A96 underpass could be used for pedestrian and cycle connectivity for industrial use and is close to existing public transport stops at the war memorial. Industrial use would not need new or wider connections built.

New connections under the A96 bypass for housing would be difficult and lead to major disruption. New cycle routes from housing to the U11E would endanger users as connection to the Baxter's underpass would require crossing a major traffic route. A mixed use designation would put pedestrians and cyclists in close proximity to industrial vehicles.

Housing would vastly increase the number of vehicles transporting children to school which already suffer from inadequate parking and drop off areas.

For housing there is no direct access to a sewage connection which is unacceptable. SEPA have noted that the site is distant from sewers

### **MS NA New Site West of James Jones including R2**

#### Crown Estate Scotland (861/6/15)

Land should be designated to the north and west of R2 for industrial. R2 should be changed to industrial with the R2 housing capacity moved to MU LONG 1.

The proposed new site meets the need for expansion of James Jones Joinery who are a major employer in Mosstodloch and Moray. The proposal is in line with the Moray Economic Strategy as it supports business growth, retains talent and allows workforce development. It supports the Local Outcome Improvement Plan priority of "a growing, diverse and sustainable economy." Also designation is in line with SPP as this addresses the development requirements of a business (SPP paragraph 92). Proposed site secures the continued operations by meeting a specific need and the location adjacent to James Jones' existing site allows for a smooth transition. Moving sites completely does not make good business sense when there is an adjacent site available and would lead to a difficult to develop brownfield site being left. It would be intended to continue to use the existing site but for operations with less impact on residential amenity.

Access can be taken through I3/LONG2 relieving heavy traffic going through Mosstodloch and passing the Primary School. This would give the site direct access onto the A96. Proposal could assist in bringing I3/LONG2 forward by front loading access creating marketable/serviced sites. Sufficient land can be identified to protect residential amenity.

The proposed site is 23ha of flat arable land with no fluvial flood risk to the west of James Jones existing site with views to the site framed by woodland. Design principles are proposed within the Crown Estate Scotland's response that can be incorporated into a designation. This includes landscaping to break up the site, landscaping to reduce visual impacts, protection for residential amenity and active travel links. Site requirements for

SUDS, archaeological studies, and a phase 1 ecological assessment can be included within site requirements. A Development Framework can be developed with LONG2.

As there has been no public engagement on the site the Crown Estate Scotland and James Jones are willing to commit to engagement to allow community input into proposals. It is noted at this stage of the Local Development Plan review process the opportunity for consultation is limited.

R2 removal will lead to a shortfall in housing sites that could be met on MU/LONG1 which better reflects the strategic vision for Mosstodloch.

## **Urquhart**

### **R1 Meft Road/LONG 1 Meft Road**

#### Innes Community Council (119/3/1)

The site was originally designated for a total of 20 houses, and rather than having the development split into two phases of 10, it would be preferable for the development to be treated as one to maximize the number of affordable houses that should be provided under Moray Council's development policies. There is demand for affordable housing particularly from young people. Allocating the site as one would minimise disruption to residents.

Due to the proximity of the King George V Playing Fields and the car park to the Parish Hall road safety measures are essential to lower traffic speeds and keep sight lines clear.

The impact of additional traffic will need to be taken into account at existing junction where visibility is poor. Parking in Main Street causes problems and new development should ensure there is no additional on street parking in the village.

Consideration should be given to footpath/cyclepaths to link Urquhart with Lhanbryde where local facilities are available. There is currently no public transport at weekends.

Due to the impact on community facilities additional consultation with the Management Committee of the Parish Hall/Playing Fields, as well as the wider community, is needed as to what additional facilities/activities they would like to see provided.

#### C Collet (2201/1/1)

Concerned about the impact of increased traffic within the village. Conflict with access to play park, congestion on Main Street due to limited parking which renders the road a single lane and suitability of single track road accessing Urquhart.

Concerned about the density of the housing and how the site would be accessed.

Disposal of waste water and sewage will require to be mitigated and the site falls away to marshland.

These issues require to be addressed or mitigated to ensure no adverse impact on the village and local environment.

## **R2 Station Road**

Lesley Scott (2164/1/1)

Concerned about road safety and visibility. The road would require to be widened as it is narrow and difficult to pass agricultural vehicles and lorries. Speed calming measures would need to be put in place as vehicles do not adhere to the speed limit. Visibility from existing drives opposite the site is restricted due to a blind corner.

There is no pavement in this area and children require to walk on the road to catch the school bus or go to the playpark.

The village would lose its rural and historical character with the designation of more housing.

I Dean (1449/2/1)

Landowner supports designation and is committed to its delivery.

## **LONG 2 Station Road**

Jonathan Haslam (2025/1/1)

Development will compromise views from existing housing looking to Kingston and surrounding hills. Development will impact on property value.

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

#### **Fochabers**

##### **T1 Caravan Site**

Scottish Natural Heritage (1027/9/5)

Revised wording proposed. "Demonstrate that there will be no adverse effect on the integrity of the River Spey SAC from development activity either causing disturbance to otter that may be using the watercourse and banks, or pollution or sediment to reach the SAC, or changes to water quality and quantity."

Woodlands Trust Scotland (1818/2/9)

Site specific requirement added that Ancient Woodland is not to be lost and is required to be managed. Buffers appropriate to the scale of development (caravans and roads) should be required.

#### **Garmouth**

##### **R1 South of Innes Road**

Stephen Forsyth (586/2/1)

Requirement for road widening.

David and Jenny Burridge (633/2/1)

Remove site R1 South of Innes Road.

Scottish Natural Heritage (1027/9/6)

Additional wording “Development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on.”

Emma Moore (2203/1/1)

Remove site R1 South of Innes Road.

## **Lossiemouth**

### **OPP1 Sunbank**

Pitgaveny (214/4/3)

Add housing and convenience retail to suitable uses at OPP1.

James Rennie (1970/1/1)

Remove OPP1 designation.

### **R3 Inchbroom**

Tulloch of Cummingston (1426/2/2)

Party not specific regarding change sought.

## **Mosstodloch**

### **R3 Balnacoul**

Stuart Hunter (1548/2/3)

Should be allocated for industrial use.

### **I3/LONG 2 West of Mosstodloch**

Springfield Properties Plc (10/13/12)

Party not specific regarding change sought.

Crown Estate Scotland (861/6/4)

Bring LONG 2 forward as part of the I3 designation for immediate development.

Stuart Hunter (1548/2/1)

Remove industrial designation with I3 area identified as LONG for housing.

Kirsteen Smart (2001/1/1)

Remove I3/LONG 2 and expand existing industrial site.

Iain Smart (2002/1/1)

Remove site I3/LONG2.

### **MU LONG 1 South of A96**

Springfield Properties Plc (10/13/11)

Party not specific regarding change sought.

Crown Estate Scotland (861/6/14)

Designate as an immediate designation rather than long term.

Stuart Hunter (1548/2/2)

Should be designated for industrial only.

### **MS NA New Site West of James Jones including R2**

Crown Estate Scotland (861/6/15)

Designate site for employment uses to the West of James Jones and reallocate R2 to MU LONG 1 for immediate development.

### **Urquhart**

#### **R1 Meft Road/ LONG Meft Road**

Innes Community Council (119/3/1)

Combine sites R1 and LONG 1 to make a single R1 for 20 units. Add a requirement of footpath/cycleway to Lhanbryde. Require additional consultation with community to see what additional facilities/activities they want provided.

C Collet (2201/1/1)

Ensure designation addresses and mitigates impacts.

#### **R2 Station Road**

Lesley Scott (2164/1/1)

Remove R2 Station Road.

I Dean (1449/2/1)

Landowner supports designation and is committed to its delivery.

### **LONG 2 Station Road**

Jonathan Haslam (2025/1/1)

Remove site LONG2.

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

### **Fochabers**

#### **T1 Caravan Site**

Scottish Natural Heritage (1027/9/5), Woodlands Trust Scotland (1818/2/9)

This is a well-established site and the primary purpose of the designation is to safeguard the existing caravan site for that use and prevent its redevelopment for other uses. Any expansion proposals of the caravan site would be assessed against all plan policies including EP7 Forestry, Woodland and Trees. This states that woodland removal within woodland identified in the Ancient Woodland Inventory will not be supported. This policy requirement does not need to be repeated within the designation.

The comments from Scottish Natural Heritage (SNH) regarding the consistency with the Habitats Regulations are noted and if the Reporter is so minded the Council would not object to the wording being updated as proposed by SNH.

### **Garmouth**

#### **R1 South of Innes Road**

Stephen Forsyth (586/2/1), David and Jenny Burridge (633/2/1), Scottish Natural Heritage (1027/9/6), Emma Moore (2203/1/1)

Proposals will be assessed against Policy DP1 Development Principles including part (ii) Transportation. This requires proposals to provide safe entry and exit to the site as well as address any impacts on road safety and the local road network. Developers will require to provide appropriate mitigation/modification. Therefore impacts on junctions and road safety will be assessed at the time of the planning application. The designation text acknowledges that widening of Innes Road, provision of passing places on the approach from the west and footway provision will be sought.

If the Reporter is so minded the Council would not object to "sought" being replaced with "required" in the designation text. This would be consistent with the wording in other designations.

Site R1 can be designed to reflect the character of Garmouth and minimise impacts on amenity. The site follows the settlement pattern which is focused around the conjunction of narrow roads. Development layout and design will be assessed against policies PP1

Placemaking and DP1 Development Principles. Implementation of these policies and the designation requirements aim to minimise impacts on residential amenity and the character of the settlement. The site does lie on the edge of the conservation area and it would be expected that this context is acknowledged within the layout and design of proposals.

No modification is proposed.

10 houses is a relatively small increase in housing and this level of development reflects the fourth tier status of the village and the services it has. Need and demand for housing in the Elgin Housing Market Area has been demonstrated through the Housing Need and Demand Assessment. An allocation within Garmouth allows for development to be planned for rather than rely on windfall sites like the approved development at Connagedale that it is assumed the objector is referring to.

No modification is proposed.

Note the concerns raised regarding sewage drainage. Scottish Water has confirmed that the Waste Water Treatment Works at Garmouth are to be the subject of a growth project in the period 2021 -2027. The developer would not be allowed to connect until any necessary mitigation work was completed.

In response to the additional wording proposed by SNH it is considered that the current wording provides greater protection to the environment and habitats as development will only be acceptable if it connects to mains sewerage. The current wording overrides the exception within Policy EP13 Foul Drainage whereby in settlements under 2,000 people a case can be made not to require connection to the public sewer. The Council considers that given the sensitivity of the site in terms of its location close to SAC and SPA designations that a stricter line is required in respect of sewer connections, and development will only be acceptable if it connects to mains sewer and that any proposals for private drainage are not supported. However, given the sensitivity of the surrounding designations it is acknowledged that highlighting potential impacts from development on the relevant designations is important.

If the Reporter is so minded the Council would not object to an additional requirement being added to the designation text but retaining the requirement to connect to main water and sewerage separately. The following wording is proposed.

- “Development must be connected to mains water and sewerage (this overrides the exception within Policy EP13 Foul Drainage).
- Development must demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on.”

## **Lossiemouth**

### **OPP1 Sunbank**

Pitgaveny (214/4/3 ), James Rennie ( 1970/1/1)



The site was identified in the Moray Local Plan 2008 where it was designated under three separate sites for retail, business park and industrial. In the Local Development Plan 2015 these were combined into one OPP site to allow greater flexibility between the uses. This brownfield site was formerly a quarry. Development in Lossiemouth is severely constrained due to the RAF base to the west and associated MOD safeguarding zones that cover much of the land around Lossiemouth. Further expansion to the east is constrained by mature woodland and the Scottish Government's Control of Woodland Removal Policy presumes against woodland removal. Therefore the OPP site, whilst difficult to develop given its former use, is considered to be an important site for accommodating growth in Lossiemouth.

OPP sites are flexible in terms of the uses that are supported and policy DP6 Mixed Use (MU) and Opportunity Sites (OPP) states that proposals will be considered favourably where they are compatible with surrounding uses. It is noted that retail is already included as a suitable use. It is accepted that given the neighbouring houses and consented housing proposals to the south of the site an element of housing within the site is likely to be acceptable. However, as discussed above the site is important for accommodating growth and is the only available site for business and industrial uses. Therefore, housing would only be acceptable as part of a mix of uses on the site.

If the Reporter is so minded the Council would support housing being added to the suitable uses and additional site requirements added to reflect this change. The following wording is suggested

“Suitable Uses

Business Park, Industrial, Retail and Housing where this is part of development of the whole site for a wider mix of uses.”

And additional Site Specific Requirement text as follows

- “Access to public transport must be provided either through the site or new bus laybys on the A941 with associated pedestrian crossing facilities.
- Pedestrian and cycle connections to the north of the site and to the Core Path (CP-LM24) required to provide connections to Lossiemouth High School, and the open space.”

### **R3 Inchbroom**

#### Tulloch of Cummingston (1426/2/2)

Given the consented development at Inchbroom it is not considered necessary to include any requirements that are conditioned within that consent. Discussions to amend any conditions and provide alternative mitigation is a matter for Moray Council's Development Management and Transportation Sections rather than the Local Development Plan process.

No modification is proposed.

### **Mosstodloch**

### **R3 Balnacoul**

### Stuart Hunter (1548/2/3)

Under current Local Development Plan policies it is likely that redevelopment of the site for housing would be supported under the current provisions of policies H7 (Re-use and replacement of existing buildings in the countryside) and H8 (New housing in the open countryside). Given the extent of the site and the proximity to Mosstodloch it is considered more appropriate to designate the site to ensure the most efficient use of the land and the application of placemaking standards to the development. The site has been promoted by the owner for housing and it is anticipated that if designated for industrial use the site would be constrained due to an unwilling landowner. The preferred A96 dualling route whilst close to the site does not impact on the site boundaries. Pedestrian access through the underpass would provide easy access to the school/shops and whilst pedestrians would need to cross the old A96/ now B9015 this is a similar situation to existing properties located to the south of this.

No modification is proposed.

### **13/LONG2 West of Mosstodloch**

#### **Need for Industrial Land and Phasing of Development**

Springfield Properties Plc ( 10/13/12), Crown Estate Scotland (861/6/4), Stuart Hunter (1548/2/1), Kirsteen Smart (2001/1/1), Iain Smart (2002/1/1)

There is a need to identify additional employment land within the Elgin Market Area. The greatest demand is likely to be within Elgin itself however, opportunities to identify additional land in and around Elgin are restricted due to flood risk, environmental designations and landscape constraints. Existing sites would not be able to meet the demand for employment land to 2030. Scottish Planning Policy (SPP) also requires a choice of sites to be identified. It is therefore necessary to identify additional land for employment uses. This has led to the identification of land at Mosstodloch.

A topic paper in respect of employment land was prepared at the MIR stage (CD29). This outlined the demand for employment uses, sets out how the employment land requirements were calculated and discussed some of the issues surrounding delivery of employment land.

From historic demand studies, build out rates recorded in the Employment Land Audit and discussions with Highland and Islands Enterprise, Moray Council Estates and Business Gateway the annual requirement for employment land is considered to be 10-12 acres per year. This is split by Market Area with the Elgin Market Area likely to experience the greatest demand. Within the Elgin Market Area the annual requirement is identified as 7acres/2.8 ha. Considering the existing supply (based on 2017 Employment Land Audit), it was projected that in the Elgin Market Area there would be 12.7 years supply in 2020 of Use Class 4 Business, Class 5 Industrial and Class 6 Storage and Distribution. However, it was projected that of this there would only be 6.8 years supply of Use Class 5 General

Industrial. The employment land requirement is calculated to allow 10 years beyond adoption of the Plan. However, as the Scottish planning system moves towards a 10 year replacement period for Local Development Plans, it is proposed to ensure that a 5 year effective land supply is available at 2030, or can be brought forward from an identified strategic reserve through appropriate phasing or triggers. This also provides greater certainty to landowners and developers. This means a minimum of 23ha of additional general industrial land (some of which could be LONG) would need to be identified in the Elgin Market Area. This is considered to be a very generous supply. Allocating the entire LONG2 site would not be reflective of the levels of employment land required across the Elgin Market Area. Therefore, the site has been split to provide a more realistic expectation of development build out. However, within the designation text it is recognised that the whole site (I3/LONG2) may be suitable for large scale inward investment. Within policy DP3 LONG Term Land Reserves one of the triggers for early release of LONG term land is to provide land for an inward investment opportunity where no alternative sites are identified in the Employment Land Audit to meet the requirement. Given the restricted choice of sites and the specific designation text noting the sites suitability for Inward Investment, if such large scale investment were to come forward it is likely policy DP3 LONG Term Land Reserves and policy PP2 Sustainable Economic Growth would support the early release of this land. These policy mechanisms would allow the Local Outcomes Improvement Plan's and Moray Economic Strategy's objectives to be met. A Development Framework is required for the whole site which will allow the deliverability of the whole site to be considered.

It is noted that the new allocations at Mosstodloch are largely industrial/employment with the only new housing site identified being within the MU LONG 1. Whilst there has been limited development in Mosstodloch development of sites in Fochabers are progressing. There is limited scope to expand Fochabers due to the heritage designations and woodland. Therefore, in the longer term housing expansion is likely to be accommodated in Mosstodloch to meet the need in the area. Therefore, southerly expansion of Mosstodloch for housing in the longer term has been identified within the Proposed Plan.

Notwithstanding the above to account for the loss of employment land at Burnside of Birnie due to the preferred A96 dualling route if the Reporter is so minded the Council would support 6ha of LONG2 being brought into the immediate supply and added to the I3 designation.

### **Views to Mosstodloch**

Stuart Hunter (1548/2/1)

The site will be landscaped to ensure that views on the approach to Mosstodloch will be filtered as identified in the Key Design Principles for the site (CD02 Volume 2 Settlement Statement page 289). The proposed site will require landscaping and 30% of the site will require to be open space. This will help development to integrate with the landscape and also provide an offset/screening between employment uses and residential. Therefore,

whilst there are employment uses on other edges of Mosstodloch the placemaking approach to be taken for this site and requirement for a Development Framework will mean it integrates well with its surroundings.

Impacts on property value are not a material planning consideration.

No modification is proposed.

### **Impacts on Environment, Residential Areas and the Community**

Kirsteen Smart (2001/1/1), Iain Smart (2002/1/1), Stuart Hunter (1548/2/1)

It is recognised in the Key Design Principles that impacts on the amenity of existing residential properties must be considered and where necessary mitigated. Planted buffers to residential development must be provided. The depth of these has not been specified as this will be dependent on the type of use proposed adjacent to the housing i.e. greater depth for uses likely to have greater impacts on amenity. This issue will be explored through the Development Framework which will consider the range of uses, landscaping, open space requirement and design requirements. Noise and air quality emissions would require further detailed assessment at planning application stage. Policy EP14 Pollution, Contamination and Hazards would apply. The Development Framework would consider the range of potential uses across this site and this would explore if a restriction on the type of uses is required adjacent to housing.

Access to neighbouring fields for farm traffic can be designed into the layout to allow farm access to these whilst avoiding travelling through the village.

No modification is proposed.

### **Flood Risk**

Stuart Hunter (1548/2/1)

A requirement for a Flood Risk Assessment (FRA) is included within the designation. The outcome of the FRA could reduce the area of the site that is developable, and it would be expected that areas at risk are designed into the open space of the site. Areas at risk from flooding will require to be managed positively for flooding, biodiversity and recreation. A fundamental principle of the proposed policy EP12 Management and Enhancement of the Water Environment is that new development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. SEPA have been consulted on the Proposed Plan and have not objected to the site.

No modification is proposed.

## **Water and Waste Water Capacity**

Kirsteen Smart (2001/1/1)

There is limited capacity at Fochabers Waste Water Treatment Works and a Scottish Water Growth Project will be initiated for the period 2021-2027. It is a policy requirement for connection to public sewers within all settlements of less than 2,000 population unless a compelling case is made otherwise. Factors that will be taken into account include the scale of the development.

No modification is proposed.

## **Alternative Designation**

Stuart Hunter (1548/2/1)

The respondent seeks residential development on the area proposed for industrial. Whilst there could be benefits to this the landowner has promoted employment uses and therefore the deliverability of the site for housing is unknown. There is also no requirement for additional housing land in the Elgin Market Area.

No modification is proposed

## **MU LONG1 South of the A96**

### **Site Designation and Phasing**

Springfield Properties Plc (10/13/11), Crown Estate Scotland ( 861/6/14), Stuart Hunter (1548/2/2)

As noted for I3/LONG 2 above the allocation of industrial land is phased in line with the employment land requirements. Therefore, there is no need for further designation of employment land for immediate development. In terms of the housing allocations as set out in the Main Issues Report topic paper on housing land (CD28 page 5) there is a requirement to identify 1,200 additional houses within the Elgin Market Area. Given Elgin's primary role within the spatial strategy settlement hierarchy the majority of this additional growth is directed to Elgin itself. Across the Elgin Market Area sufficient land has been identified to meet the 1,200 house requirement and this includes release of land at Fochabers. Development rates in Mosstodloch have historically been very low and the two undeveloped sites will meet demand within the plan period. However, in the long term there is limited scope to expand Fochabers in the future due to heritage designations and woodland. In the longer term housing expansion is likely to be accommodated in Mosstodloch to meet need in the area. Therefore, a mixed use southerly expansion of Mosstodloch in the longer term has been identified within the Proposed Plan. There is no requirement to bring this forward for immediate development.

It is also considered that given the scale of the site, the range of uses and the extent of change this represents for Mosstodloch that time is required to fully develop a Masterplan. The Masterplan, once developed and approved, will be a material planning consideration and this status will help with marketing of the site. The Masterplan will require to take account of the A96 dualling and whilst the preferred route has been announced the finalised design is still being developed. There is therefore potential for changes to this in terms of exact junction arrangements, SUDS provision etc.

The site has been designated as mixed use, and not solely industrial, in recognition of the limited opportunities for further housing development in Fochabers and the need to consider options for growth in the longer term.

The Council support the position as set out in the Proposed Plan and re-allocation of housing from R2 is not considered necessary (see heading below MS NA New Site West of James Jones including R2). It is noted that Portgordon is not within the Elgin Market Area and that the removal of this designation has already been accounted for within the housing land requirements in the Buckie Market Area.

No modification is proposed.

### **Settlement Pattern**

#### Stuart Hunter (1548/2/2)

MU LONG 1 is visually disconnected from the settlement due to the A96 bypass and woodland. The pattern of development at Mosstodloch has historically been primarily to the north of the old A96 with only a single row of housing to the south of the A96. It is accepted that developing housing to the south of the A96 would be a significant change in approach at Mosstodloch. Whilst visually the site is disconnected there is a pedestrian under pass which connects from the western edge of the site to the shops and school. The site would therefore be closer to local services than north or easterly expansion of Mosstodloch. Development of a Masterplan is a key requirement for this designation.

The introduction of an industrial designation to the south of the A96 in the 2015 Local Development Plan (LDP) was aimed at providing an opportunity for existing large businesses to expand or relocate. The site was considered to be strategically positioned adjacent to the A96 bypass. The principle of development to the south of the A96 has been established within the 2015 LDP and the character of this area would significantly alter if this were developed. Whilst there has been limited development in Mosstodloch development of sites in Fochabers are progressing. There is limited scope to expand Fochabers due to the heritage designations and woodland. Therefore, in the longer term housing expansion is likely to be accommodated in Mosstodloch to meet the need in the area. Therefore, southerly expansion of Mosstodloch in the longer term has been identified within the Proposed Plan. The proposal on MU LONG 1 is for a mix of uses and not solely housing.

No modification is proposed.

### **Site Servicing, Site Access and Local Infrastructure**

#### Stuart Hunter (1548/2/2)

Maximising pedestrian and cycle access is desirable for good placemaking regardless of whether the proposal is industrial or housing. This is a requirement of policy DP1 Development Principles part iii) Transportation.

New connections onto or under the existing A96 are not proposed as part of the designation. The underpass referred to in requirements is the one close to the war memorial and not that closer to Baxter's referred to by the objector. Improvements to the connection to the school and housing to the north via the existing underpass near the war memorial will be sought.

It is a policy requirement for connection to public sewers within all settlements of less than 2,000 population unless a compelling case is made otherwise. Factors that will be taken into account include the scale of the development.

No modification is required.

### **MS NA New Site West of James Jones including R2**

#### Crown Estate Scotland (861/6/15)

The Council recognises the expansion needs of James Jones and the importance of this to jobs and the Moray economy. It is accepted that there are clear links to the Proposed Plan Vision, the Moray Local Outcomes Improvement Plan and the Moray Economic Strategy.

It is noted that the proposal anticipates access being taken from/through I3/LONG 2. This would cross a band of woodland in the Ancient Woodland Inventory and the Scottish Semi-Natural Woodland Inventory. This would sever/break up a much larger network of Ancient Woodland. Although it is noted that field access is already taken through the woodland and there are significant amounts of tree removal in the southern parts of the band of trees. The wider network of Ancient Woodland is already broken up by the B9015 and the A96. The Scottish Government's Control of Woodland Removal Policy has a strong presumption against removal of Ancient Woodland and within Scottish Planning Policy protection is given to woodland within the Scottish Semi-Natural Woodland Inventory.

It is also noted that a watercourse that is connected to the River Spey Special Area of Conservation (SAC) is within the proposed site. The construction of a road crossing in particular is likely to have a significant effect on the qualifying interest of the SAC.

However, it is possible the road and water course crossing could be constructed in a way to avoid adverse effect on the integrity of the SAC.

It is recognised there are wider benefits of retaining an established employer, creation of jobs from expansion and the redirecting of vehicles away from the centre of the village and the school.

The site was not in either the Main Issues Report or the Proposed Plan and therefore has not been subject to consultation with statutory consultees or the public. This means the community and other bodies have not had an opportunity to put their views forward. The change of designation from housing to industrial is significant. Given the concerns raised in response to other sites in Mosstodloch this is an important issue and there is a clear democratic deficit from the lack of consultation on the proposal. It is however noted that Policy PP2 Sustainable Economic Growth supports proposals for employment land where this supports the Moray Economic Strategy and the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be mitigated. There is therefore potential for the James Jones proposal to be considered through the development management process as a departure from the Mosstodloch Settlement Statement.

It is noted that as this site has only come forward at the Examination stage this has not been considered within the Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA). However, for the purposes of responding the Council has consulted SEPA, SNH and other internal consultees and copies of the responses are available in CD10.

Whilst the Council is sympathetic to the need for James Jones to expand and the economic benefits associated with this, consideration must be given to the lack of public consultation, the impact on Ancient Woodland and potential impacts on the River Spey SAC. The Council therefore, supports maintaining the position as set out within the Proposed Plan. The Proposed Plan identifies significant industrial land at Mosstodloch and these sites have been through the full local development plan process.

No modification is proposed.

## **Urquhart**

### **R1 Meft Road / LONG 1 Meft Road**

Innes Community Council (119/3/1), C Collett (2201/1/1)

The site has been carried forward from the 2015 Local Development Plan, where it was also split R1 for 10 houses, and LONG for 10 houses. Prior to this the two sites were designated LONG in the 2008 Local Plan. It is considered that the size of the site, 10 units, is reflective of likely development rates in Urquhart during the 5 year plan period. As a comprehensive layout for the whole site is required within the designation text this will provide greater certainty to the community on the delivery of the site.



Combining the sites would not impact on the levels of affordable housing delivered. As a comprehensive layout for the whole site is required, when calculating the affordable housing requirement this would be for the whole site. It is also noted that as affordable housing calculations are rounded up, if two separate applications for 10 units came in the affordable housing requirement would be 6, as opposed to 5 for a 20 house development.

The issues in respect of traffic impact and road safety will be investigated further at the planning application stage and would be considered against the designation requirements and criteria in policy DP1 Development Principles part (ii) Transportation. Safe entry and exit from the site, and impacts on road safety and the local road network will require to be taken into account. The developer would be required to provide appropriate mitigation or modification. It is acknowledged within the designation text that footway provision and improved visibility onto Meft Road/Main Street will require third party land. In line with the Parking Standards in Appendix 2 of Volume 1 of the Proposed Plan new parking provision must be included within the development site. Therefore, development of the site is unlikely to impact on on-street parking on Main Road.

Developer Obligations are sought in line with policy PP3 Infrastructure and Services and the Council's Supplementary Guidance on Developer Obligations at the planning application stage. The Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out the circumstances in which planning obligations agreements can be used. The Circular sets out 5 tests to be applied when planning obligations are sought. Therefore, the additional facilities that the community or community groups want may not be justifiable under the 5 tests.

It is recognised that public transport links and community facilities are restricted in Urquhart. However, provision of a footpath between Urquhart and Lhanbryde would be difficult to achieve given the distance and third party land required. It would be unjustifiable for the level of development proposed.

Cognisance to the principles in policy PP1 Placemaking will help to achieve a layout and design that will respect the context and meet the objectives to retain and enhance the rural and historic character of Urquhart. The proposal is considered to be relatively low density with less than 13 units proposed per hectare. Access is to be provided onto Meft Road.

Surface water and sewage proposals will be dealt with at the planning application stage in line with policy EP12 Management and Enhancement of the Water Environment and EP13 Foul Drainage.

No modification is proposed.

## **R2 Station Road**

Lesley Scott (2164/1/1), I Dean (1449/2/1)

The landowners support for the delivery of the site is noted.

The issues in respect of traffic impact and road safety will be considered in more detail at the planning application stage and would be considered against the designation requirements and criteria in policy DP1 Development Principles part (ii) Transportation. Safe entry and exit from the site, and impacts on road safety and the local road network

will require to be taken into account. The developer would be required to provide appropriate mitigation or modification.

Cognisance to the principles in policy PP1 Placemaking will help to achieve a layout and design that will respect the context and meet the objectives to retain and enhance the rural and historic character of Urquhart.

It is noted that a pavement is currently provided up to the edge of the site at 18 Station Road. Therefore there is potential for this to be extended into the site. On the opposite side of Station Road a pavement extends along the majority of the site frontage, although not to the very northern part of the site. It is noted that policy DP1 Development Principles requires proposals to maximise connections and routes for pedestrians and cyclists.

If the Reporter is so minded the Council would support a requirement to extend the existing footway. The following wording is suggested "Footway must be extended along the Station Road frontage and into the site."

### **LONG 2 Station Road**

Jonathan Haslam (2025/1/1)

Impact on views and property value are not material planning considerations.

No modification is proposed.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>