

From: findernecc@gmail.com
To: [Localdevelopmentplan](#)
Cc: [Gary Templeton](#)
Subject: 001398 - Consult - AK - Moray Local Development Plan 2020
Date: 14 March 2019 14:17:30
Importance: High

To: Moray Council Planning

Moray Local Development Plan 2020

The Finderne Community Council (FCC) has been made aware of some recent changes in the Moray Local Plan 2020 proposal for the Rural Cluster at Rafford Station and the Brochloch Grouping in Rafford since the draft was circulated for consultation. There are concerns about the following:-

Rafford Station

The current map for the cluster including "Site A" does not show the existing developments of Southview, Oakside, Taigh Fiodha & Rowan Cottage or the approved proposed development of three properties adjacent to The Willows.

There is no potential for suitable access from "Site A" to the public road because the land to the NW has been developed. The only other access into "Site A", therefore, is to the SW via the unadopted Newtyle Forest road which is in exceptionally poor repair and has a blind access onto the C14E where it joins at the Dava Way bridge. To add any further traffic onto this road without substantial upgrade (and adoption) would cause significant damage to the current road and create even greater traffic hazard onto a school bus route.

The C14E is already subject to increased traffic resulting from the existing developments, timber extraction from Newtyle Forest and the new pig farms. There are insufficient passing places, the road is subject to the National Speed Limit and the FCC feels there is already high risk of traffic accidents.

The existing properties in the cluster all have drainage systems which border "Site A". Due to the contours of the land, the natural land drainage and all soak-aways percolate through "Site A" towards the natural water courses. The mains water supply to this cluster is limited.

The proposals for "Site A" are therefore mis-representative of the ability of this Rural Grouping to contain any further housing and successfully being able to access and service the plots on this site.

Brochloch, Rafford

Two key sentences have been deleted from the Moray Local Development Plan 2015, and the FCC would like to have them re-instated.

These are:

- The area to the rear of the existing houses must be retained as opens space/ landscaping.
- Consideration to be given to safe routes to school, which may take the form of a bus bay for school buses.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: FR_OPP7 - 002105
Date: 27 February 2019 17:13:54

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

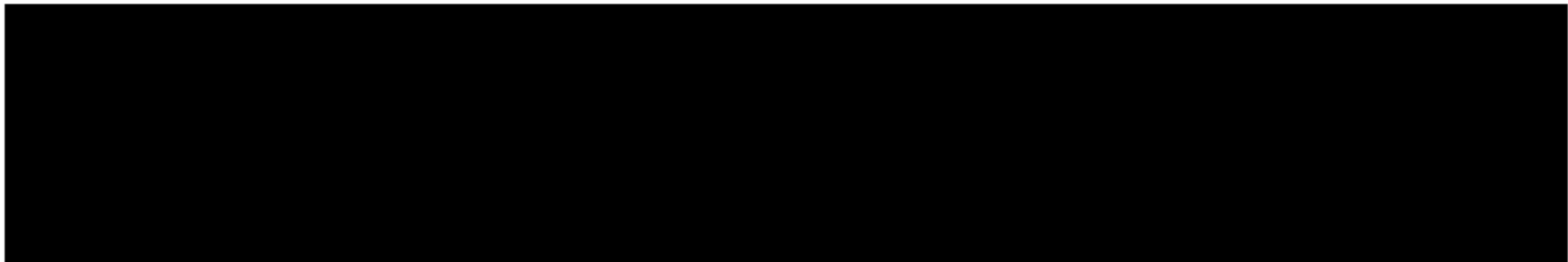
Your Details

Title: **Mr**

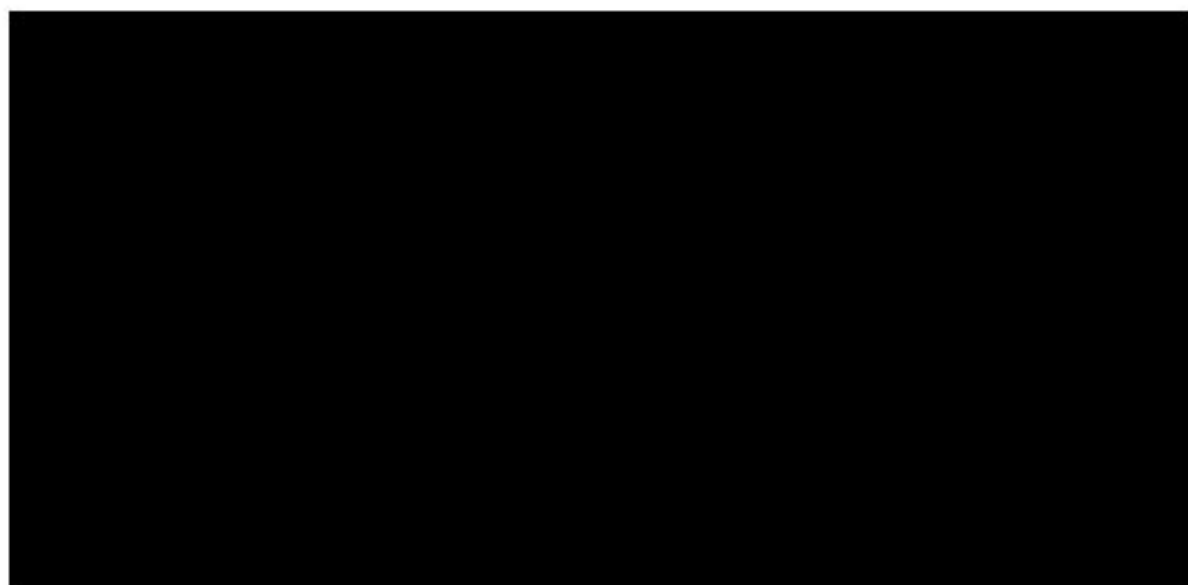
Forename(s): **James**

Surname: **Findlay**

Your Address



Contact Details



Agent Details

Do you have an agent: **Yes**

Address: **7 THE SQUARE, ,**

City/Town: **FOCHABERS**

Postcode: **IV32 7DG**

Email Address: **jbwatson@savills.com**

Telephone Number: **01343823000**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **FORRES**

Site reference: **OPP7**

Site name: **WHITEROW**

Comments: **Whilst we support the principle of a fairly open ended designation for an opportunity site for residential or small scale business use in this location. We believe the OPP7 designation requires amendment to take account of the following: 1) The high pressure gas main is identified as an issue in the proposed plan with a requirement for a development framework to accommodate the pipeline. 2 house sites consented under ref. 17/01877/APP will take access across the pipeline with appropriate protection measures before connecting to a new access to the A940. However we believe the proposal to link the A940 to the Balnageith road is flawed as it will require a further crossing of the pipeline with a new public road which cannot avoid crossing the pipeline. Access to the northern end of OPP7 would need to come through or immediately to the south of designation Balnageith R5 2) The consented house sites at the old camp under ref. 12/00732/PPP and 12/00733/PPP take access to the A940 on the existing U83E road. Whiterow farmhouse and cottage along with other houses to the north also access the A940 from the U83E. We would support the closure of the U83E to through traffic by appropriate control measures but would object to existing users who connect to the road having their access rights removed. In the case of Whiterow farmhouse this property would need to have continued access to the A940 from the existing U83E. Changing the access would completely alter the character of the house as would restricting access only from the north. The U83E has poor visibility, a lack of passing places and is prone to landslip from the north. In addition changing the access to approach the house from any new link road would not be acceptable. 3) It is noted that OPP7 will be a gateway entrance to Forres from the south on the A940. We consider the re-use of the large chicken shed at Whiterow is unlikely to enhance the approach to Forres and this building should be demolished and replaced with better purpose designed units in a different location in OPP7 either to the south or north of the site.**

Please use [this link](#) to view and retrieve the uploaded attachments.

Good afternoon,

I am not sure if this is the correct e-mail address to send these comments as I misplaced the letter you sent me regarding planning comments for the above address.

My comments are:

Who will be responsible for maintaining the wall on the footpath along Hamilton Drive ?

(The wall is between no [REDACTED])

The path approx 5 foot from [REDACTED] and the present road opening leading to the Child Protection Building is sinking towards where the new houses are going to be built.

If building work commences there may be a problem as the path might fall away into the new buildings or gardens.

There has been a lot of flooding in the waste ground causing extensive damage to houses in Duncan Drive. If 20 new houses are built on the land with car parks, can the drainage system cope ? If not this requires to be taken into consideration.

As of yet there has been no details of the layout of the new houses. Will they conform and fit in with the current houses in Hamilton Drive ?

When the old Spynie Hospital infectious diseases unit was knocked down, the contractors used a Hammer drill or similar equipment. This caused pieces of masonry to fall off number [REDACTED]

[REDACTED] This was caused by the vibrations of the machinery.

At present there are plans to construct a drive in road to the 20 new properties, near [REDACTED]

[REDACTED] I suggest that this road is not near [REDACTED] as sometimes there are quite a few cars park near [REDACTED] as we try to park the cars on the same side of the road to enable cars to go into and come out of Hamilton Crescent with ease. Also there are a lot of learner drivers who use Hamilton Crescent to practise reversing round a corner into Hamilton Crescent. This is fine as they have to practise somewhere and Hamilton Drive is a wide road for them to practise on.

The new opening out of the proposed new builds cars will be on a hill entering Hamilton Drive which might make it awkward to come out onto Hamilton Drive, so the further away from Hamilton Crescent the better, in my opinion.

These comments are to try and provide useful information to help in the outcome of the planning decision.

Thank you

Mr William Fitzsimmons



6/3/19.

PROPOSED PLAN 2019

MORAY LOCAL DEVELOPMENT PLAN 2020

PRIMARY SCHOOL WEST R2.

diane105@aol.com

01542 832661

MRS DIANE +

MR DAVID

FLETT

(Your website will not let me
submit this online!!!)

We wish to lodge our objections to this planning application. The three main issues we have with this plan are drainage, flooding & road safety. The field to be used is frequently waterlogged/flooded as is the adjoining school playing field. There are open and piped drainage ditches which also cause flooding issues.

The sewer pipe, on Seafieid St, which it is planned to use, already causes problems as there is not enough incline of the pipe which runs the length of the street. It periodically backs up and even overflows. It could not cope with another twenty houses using it.

The road access is our main concern. It is proposed to use Burnside St and Seafieid St. as the entry into this site. The only access at the moment is by a rough track. This is also the only access to our property, and also of our neighbours garage. The main pipe carrying the water from the drainage ditches runs along underground of this track.

The track itself is not wide enough to have two way traffic & pavements which would be essential as this track runs directly in front of the school playing field which is frequently

used by the local children. The track itself joins Seafield St + Bursville St. right in front of the primary school gate. This junction is difficult to access as ~~the~~ it is used eight times every school day by parents dropping off and picking up at the school + nurseries. Seafield St and Mid St and Castle St. are already down to single file traffic due to cars parked on both sides.

The main access to these streets is by Stratfield Rd and Nettleton Terrace. There are already visibility issues on all of these junctions and there have been several near crashes at these points. These roads would not be able to accommodate the volume of traffic which could come from this site.

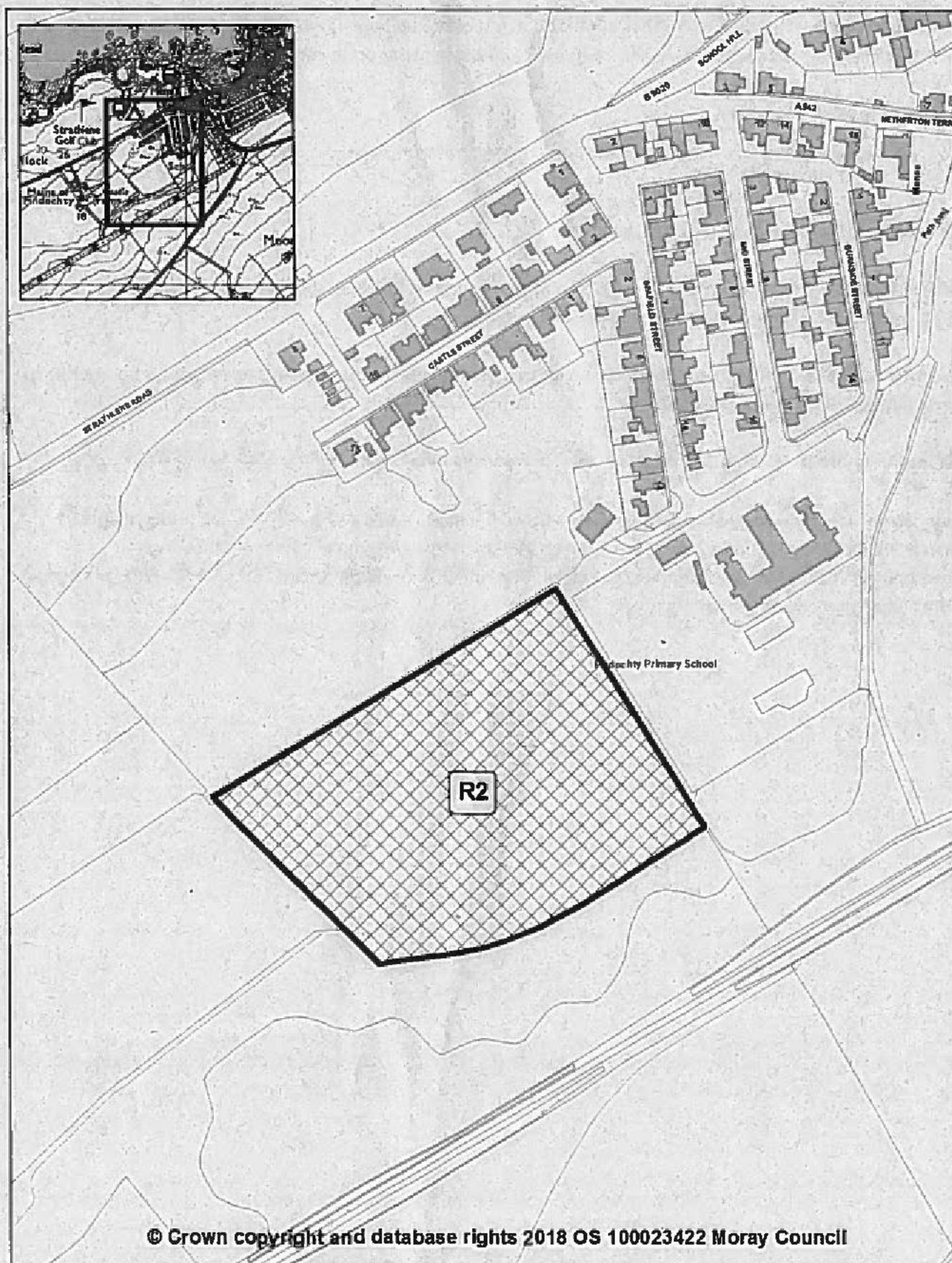
Diane Kelly
SA Kelly

Notification of Publication of Proposed Plan - The Moray Council
The Town and Country Planning (Development Planning)(Scotland) Regulations 2008

Site Reference: Findochty - R2

Site Name: R2 West of Primary School

Site Description: Designation of site for 20 houses



Form of Notice

Notification of publication of proposed local development plan

Proposal for development at R2 West of Primary School

Notice is given that Moray Council has published a proposed local development plan for Moray Local Development Plan area which includes a proposal for development on the above site.

Description of the proposal

Designation of site for 20 houses

Summary of the background to the proposal

Sites have been identified across Moray to provide land for new housing, employment, retail, recreational and tourism uses to support sustainable economic growth.

The proposed local development plan may be viewed at all Council access points and libraries and online at www.moray.gov.uk/proposedplan2019

The proposed local development plan is available for inspection from 7 January 2019 to 15 March 2019.

Any persons who wish to make representations to the Council should preferably use the online response form available at www.moray.gov.uk/proposedplan2019. Paper responses can be sent to Local Development Plan Team, Development Services, Council Offices, High Street, Elgin, IV30 1BX or emailed to localdevelopmentplan@moray.gov.uk

14 March 2019



Moray Council
Development Services (Development Plans)
High Street
Elgin
IV30 9BX

Dear Sirs

Draft Moray Local Development Plan 2020 Representation

Thank you for providing the opportunity to provide representations to the Moray Local Development Plan 2020. Force 9 Energy raise **objections** to the plan for the following reasons:

Policy PP2: Sustainable Economic Growth

The positive terms of policy PP2: Sustainable Economic Growth are noted and welcome, however as a primary policy of the Local Plan, which relates to development proposals plan wide, it is considered unduly restrictive that it should apply to development proposals for employment land only. The policy could have a wider encompassing role in encouraging development which contributes to sustainable economic development, a key objective of Scottish Planning Policy (SPP), if it applied to development proposals more widely.

Our proposed change to the policy would be to remove the words *"for employment land"* on the first line to provide a broader scope for the policy.

Policy DP1: Development Principles

We made representation on the terms of the policy at MIR stage of the Local Plan preparation. It should be made clear in the policy that its application is to built development only, for example housing, retail and business and industrial proposals, and not to infrastructure development whose form will not tend to fit with the criteria set out in the policy. To apply the policy therefore to *"all development"* as stated in the first line of the policy would not work well for some development forms and cause unnecessary policy conflict.

Our proposed change to the policy would be to add the word *"built"* to the first line so that it reads *"This policy applies to all built developments..."*, with a definition of built developments added to the Appendix 1 Glossary which reads *"Built Development - all development relating to housing, retail, business and industry, tourism and mixed uses"*.

Policy DP9: Renewable Energy

Part a

'Part a' of the Policy deals with all Renewable Energy Proposals. As a standalone element of the policy it contains no criteria which recognises the potential benefits of renewable energy proposals and therefore lacks balance, if taken in isolation. For example it would be the only element of policy DP9 which might apply to solar or hydro development, given there is no solar or hydro specific element to the policy (as there is for wind and biomass). As an introductory, criteria based 'baseline' position for consideration of all renewable energy proposals, such balance should be an inherent part of the wording of the initial part of the policy.

Our proposed change to the wording of the policy is as follows:

"All renewable energy proposals will be considered favourably where they address the following criteria:

- i. *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- ii. *The scale of contribution to renewable energy generation targets;*
- iii. *They avoid or address any unacceptable significant adverse impacts including:*
 - *Landscape and visual impacts.*
 - *Noise impacts.*
 - *Air quality impacts.*
 - *Electromagnetic disturbance.*
 - *Impact on water environment.*
 - *Impact on carbon rich soils and peat land hydrology.*
 - *Impact on woodland and forestry interests.*
 - *Traffic impact -mitigation during both construction and operation.*
 - *Ecological Impact.*
 - *Impact on tourism and recreational interests."*

It is not considered necessary to include any criteria in respect of agricultural land which is too loosely defined (for example open moorland used for sheep farming could be considered agricultural land) and which does not feature as a necessary criteria in SPP 2014.

Part b On shore wind turbines

'Part b i The Spatial Framework' should simply provide guidance on how the Council will treat the Spatial Framework under the terms of SPP 2014. Reference to The Moray Onshore Wind Energy Supplementary Guidance and the Moray Wind Energy Landscape Capacity Study gives these documents undue prominence and weight against the Spatial Framework, a position which is contrary to SPP 2014 which states that the Spatial Framework is *"designed to bring consistency and additional constraints should not be applied at this stage"* (SPP2014 para 163).

We would propose the following wording for the second paragraph of Part b i The Spatial Framework *“Areas with Potential (Map 1) where wind farms are likely to be acceptable subject to detailed consideration against policy criteria, set out in Part a.”*

If the Council consider a need for further detailed guidance, reference to this should come through Part b ii: Detailed Consideration. Criteria recognising the potential benefits of on shore wind developments is welcome in this section, however the manner in which the section of policy is worded from that point is confusing. It is noted that part iii, iv, v and vi are essentially criteria against which wind development will be considered under part b ii. It is therefore suggested that these form bullet points under part b ii, as set out in the proposed wording below.

It is further suggested that reference to the Moray Wind Energy Supplementary Guidance notes that the document (which includes the Landscape Capacity Study as a technical appendix) is set in positive terms, as suggested in SPP 2014 para 162, as these documents essentially *“identify where there is strategic capacity for wind farms and areas with greatest potential for wind development”*. This also reflects wording in the plan following Map 3.

Some of the criteria are written in absolute terms, for example in respect of cumulative impacts, the policy hurdle is to avoid ‘any detrimental impact’ which is a policy hurdle few windfarm developments will achieve, given acknowledgement that most wind farm developments will bring about some significant landscape and visual effects.

Taking account of the above noted points we suggest the wording of this part of the Policy could be:

“(i) Detailed Considerations

The proposal will be determined through assessment of the details of the proposal including:

- *Its contribution to renewable energy generation targets and effect on greenhouse gas emissions;*
- *Net economic impact, including socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *Landscape and Visual Impact including;*
 - *The extent to which the proposal addresses the guidance set out in the Moray On shore Wind Energy Supplementary Guidance which identifies where there is strategic capacity for wind farms and areas with greatest potential for wind development (Maps 3-5);*
 - *The extent to which the proposal can be accommodated within its landscape setting without unacceptable significant impacts on landscape character or visual amenity;*
 - *The proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and*

addresses the potential for mitigation, guidance for which is set out in the Moray On shore Wind Energy Supplementary Guidance.

- *Cumulative Impact: The extent to which the proposal addresses unacceptable detrimental impact from two or more wind energy developments, including the scope for mitigation;*
- *Impact on Local Communities: The extent to which the proposal addresses unacceptable detrimental impact on communities and local amenity in respect of noise, shadow flicker and visual dominance, including the scope for mitigation.*
- *The extent to which the proposal addresses any unacceptable impacts on aviation and defence interests, including flight paths and radar.*
- *The extent to which the proposal avoids or adequately mitigates unacceptable impacts on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests including core paths, visitor centres, tourist trails and scenic routes.*
- *Proposals for decommissioning and restoration.”*

It is noted that Map 3: Policy Guidance Map for Large Typologies (80m and over to blade tip) within the draft Local Development Plan 2020 is intended to be a reproduction of Plan 1 from the Councils Supplementary Guidance for Wind Energy Developments Nov 2017. The map within the draft LDP does not however fully reflect the terms of the same map in the SPG, in that it omits details including Planning Wind Turbine Locations and Potential Development Areas for extension and repowering. It is submitted that Map 3 within the LDP fully reflects the details of Map 1 from the SPG to ensure consistency.

Policy EP1: Natural Heritage Resources

The tests set out in the criteria relating to local designations within the policy create a significant barrier to development. A distinction within the policy of the relative importance of each area of designation should be drawn by the tests set out within the policy. Suggested wording as follows:

c) “Local Designations

Development proposals likely to have an unacceptable significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be.....”

Policy EP3: Special Landscape Areas and Landscape Character

The tests set out in the criteria relating to local designations within the policy create a significant barrier to wind development and prevent development within SLAs contrary to SPP 2014. Proposed wording to rectify the point of objection is suggested below:

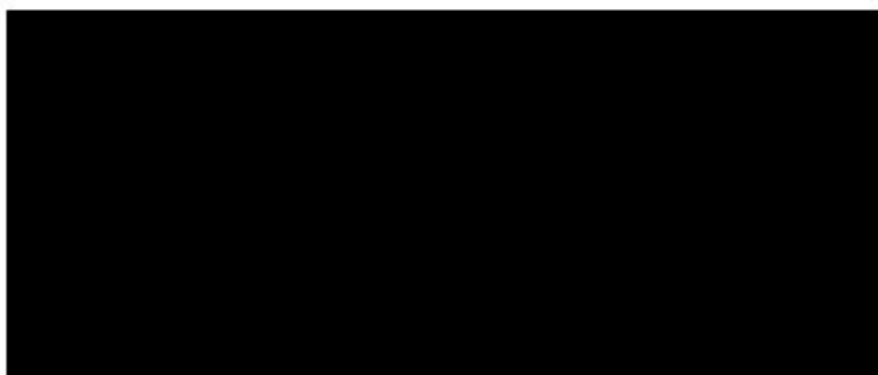
i) “Special Landscape Areas (SLA’s)

Development proposals within SLA’s will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, avoid unacceptable adverse effects on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);*
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or*
 - ii) For uses directly related to energy generation or transmission, distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or*
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework,*

We would appreciate if you could give these objections careful consideration in finalising the Moray Local development Plan 2020.

Yours faithfully



Andrew Smith
Head of Planning and Development



Best Engagement Award, 2018

Force 9 Energy for Clash Gour Wind Farm
Community Shared Ownership Opportunity

years'. This category also includes healthy trees which would become unviable when category U trees are removed.

SF request that the text is amended here so that the area and the habitat value of category U trees is considered in the initial COWRP assessment process. If the planning authority then considers the development of such areas to be appropriate then compensatory planting must be required for all category U trees.

Development Sites

After reviewing the interactive map and the rural groupings document, SF objects to the following proposed development sites:

Objection 7

Main Settlements

Site Ref : T2, Location : Burghead, Site Description: Designated for extension of caravan park. Name : Caravan Park Extension, Site Type : Tourism

Reason for objection: The National Forest Inventory (NFI) shows this entire site as Conifer woodland. The COWRP has a presumption against development in woodland.

Objection 8

Rural Groupings

Knockando

Reason for objection: The area within the settlement boundary shows a high proportion of tree and woodland cover and not all of it has been identified as amenity land, therefore SF would ask that a clear statement is included that the trees and woodland present within this settlement should be protected and maintained in any development proposals. The COWRP has a presumption against development in woodland.

Objection 9

Logie, Site A

Reason for objection: This opportunity site is entirely within a woodland which is shown on the Ancient Woodland Inventory (AWI) as being of Long Established Plantation Origin. The COWRP has a strong presumption against development in AWI woodlands.

Yours sincerely

Tim Gordon-Roberts
Regulations and Development Manager
Grampian Conservancy

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: AB_R2 - 002208
Date: 15 March 2019 13:33:28

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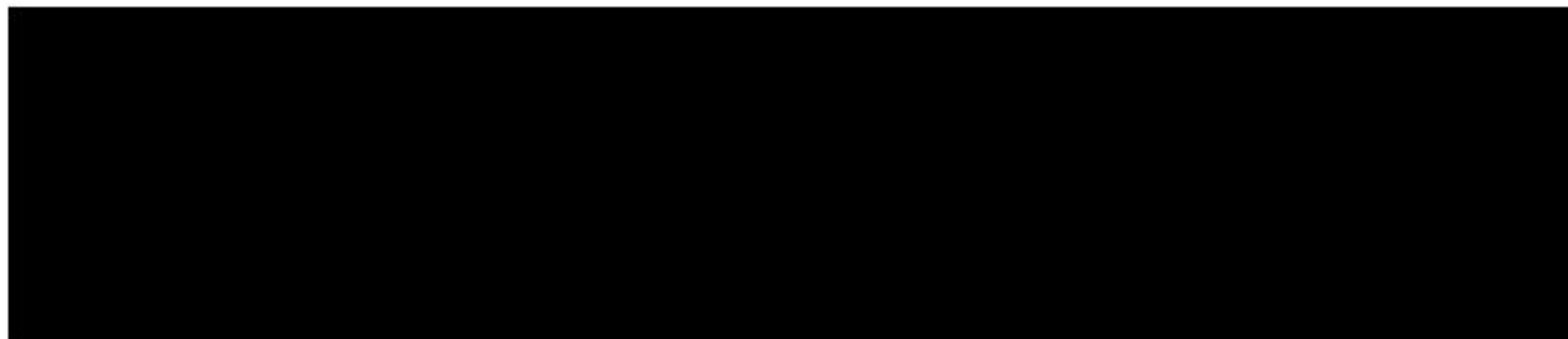
Your Details

Title: **Mr**

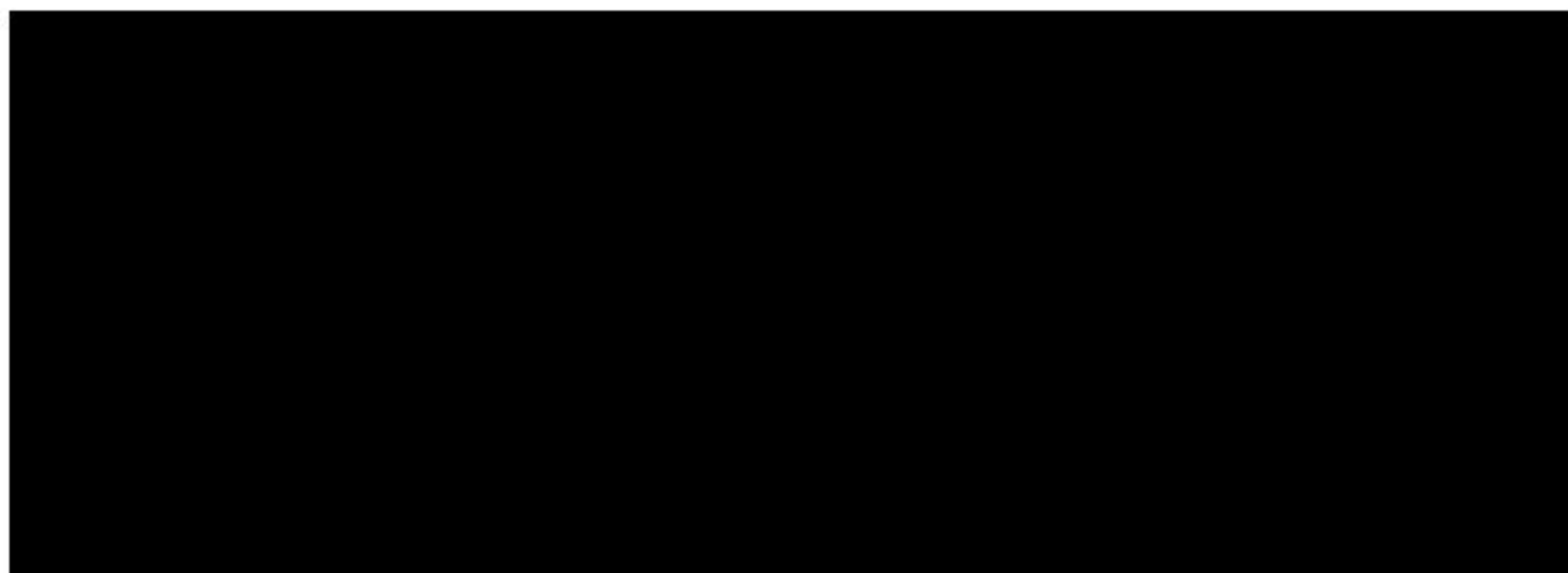
Forename(s): **Eric**

Surname: **Forsyth**

Your Address



Contact Details



Agent Details

Do you have an agent: **Yes**

Address: **Wards House, Wards Road,**

City/Town: **ELGIN**

Postcode: **IV30 1NL**

Email Address: **enquiries@ashleybartlam.co.uk**

Telephone Number: **01343543287**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Aberlour**

Site reference: **Local Plan R2 - Speyview**

Site name: **R2 - Speyview**

Comments: **Aberlour ? R2 Speyview** The opportunity should be considered to extend the area of R2 Speyview to the West, to run along the A95 and to the South West, to run along the Ruthrie Road (U103H). A Planning application (ref no.18/01373/APP) is already under consideration for part of this R2 development area and the Local Plan should therefore include consideration of expanding further, the settlement of Aberlour. There is much needed housing in Aberlour and this further flat area to the West of R2 would provide further easy development potential rather than the limited opportunities for development on the plateau at the top of the R2 hill. The additional area also affords greater possibilities of an enhanced landscaped design separating housing and employment land elements of the overall potential development. The opportunity would also be available to provide a proper 'gateway' into the settlement of Aberlour with the possibility of long term improved pavements, cycle paths, and most particularly a safe and conveniently located bus stop layby, on level land with clear road sight lines. Future possible road improvements at the junction of the A95 and Ruthrie Road (U103H) could also be undertaken together with moving the 30mph speed limit to the South West of the junction. Increased traffic can be foreseen at this junction emanating from the envisaged Southmost access road off Ruthie Road (U103H) from the Southmost end of the R2 development. Control of this South West 'gateway' into Aberlour would afford landscaping opportunities on the Western edge of the R2 development and provide an entry into Aberlour worthy of a town that attracts many local and overseas visitors.

Please use [this link](#) to view and retrieve the uploaded attachments.



PROPOSED PLAN 2019

MORAY LOCAL DEVELOPMENT PLAN 2020

RESPONSE FORM

Please use this form to submit your response to the Proposed Plan 2019.
The Council will consider your response to be a formal representation to the Proposed Plan and unresolved objections will be referred to an Examination conducted by a Scottish Government Reporter.

*Mandatory fields

YOUR DETAILS

Title* Forename* Surname*

Address*

Post code*

Email

Telephone*

AGENT DETAILS (if applicable)

Title Forename Surname

Address

Post code

Email

Telephone



Your place, Your plan, Your future

Which section of the Proposed Plan does your comment relate to?

Volume*: Policies/Settlements/Rural Grouping/Delivery Programme/ Other (Delete as appropriate)

Heading *(e.g. Housing, Keith)

WALLED GARDEN, ELGIN

Page Number

143

Site/Policy Reference

"OPP 11 - WALLED GARDEN."

Your comments

I am objecting to your proposed development plan for the walled garden. Because it would be a great loss for two good facilities for Horticulture at Greenfingers and the college.

I have been a helper and volunteer with Greenfingers for 5 years this year and I have seen and been involved with the improvements to the site round the walled garden. I have seen how the trainees and the staff and volunteers work as a great team from sowing seeds, potting on plug plants for the orders for the council war memorials and our plant sales too making Christmas holly wreaths at Christmas time. I also went to the college for 2 years and I also volunteer for the Friends of the Biblical gardens maintaining it in the summer time. I get great therapeutic joy for doing these things as do the people and staff trainees and students.

You would be getting rid of all the facilities that Greenfingers and the college and the Friends of the Biblical gardens use throughout the year. I really hope you change your minds about the proposed development plan for the walled garden.

Are you providing any supporting information?

Yes

No

☐

If yes, please advise what this is, and attach to this form e.g. maps/plans, supporting documents.

All comments should be returned by 5:00pm on 15 March 2019

Post to: Local Development Plan Team, Development Services, Moray Council, Council Offices, High Street, Elgin, IV30 1BX

Or email: localdevelopmentplan@moray.gov.uk

Or you can use our online form at www.moray.gov.uk/proposedplan2019



Your place, Your plan, Your future

Dear sir/madam



Re local development plan 2020 site reference Garmouth R1

I stay [REDACTED] and I have a serious concern this is going to go ahead without any attention being given to the narrowness of the road opposite my property. The width of the road in front of my property is 4.7 metres and my drive is being used as a passing place especially in the case of vans meeting head on, I have had my own car damaged by a motorist reversing into it in order to let a lorry past and then driving off quick smart,

Ironically as I write this letter I have witnessed a near head on collision only averted by the fact the fence is down on the proposed development site due to the fact it was used as a park for lorries involved in the construction of the new house at smithfield

Surely widening of the road should be part of any planning permission being granted for new housing on this site

yours faithfully

Stephen forsyth

15/01/2019

From: [Tina dougie](#)
To: [Localdevelopmentplan](#)
Subject: DP4 - 002221
Date: 15 March 2019 13:44:50
Attachments: [IMG_0992.PNG](#)
[ATT00001.c](#)
[IMG_0991.PNG](#)
[ATT00002.c](#)
[IMG_0990.PNG](#)
[ATT00003.c](#)

Hi ,

I would like to make my objections known about proposed changes to planning .

1 this is like moving goalposts half way through a game of football : how can people make plans for second half not knowing what rules are? Why make rules if you are going to change them half way through game ?

2. On a more personal level , I have put off putting in planning till last year of current plan which at the minute would probably pass and if proposed changes are made they will definitely not pass (proposed sites are for my retirement as being a farmer have very little set aside for pension)

3 we all need rules in life whether we like them or not but I cant see how you can just change them as and when you like ? How would the world work if we all did that

Regards Dougie Fraser

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: DK_R2 - 002152
Date: 11 March 2019 18:10:28

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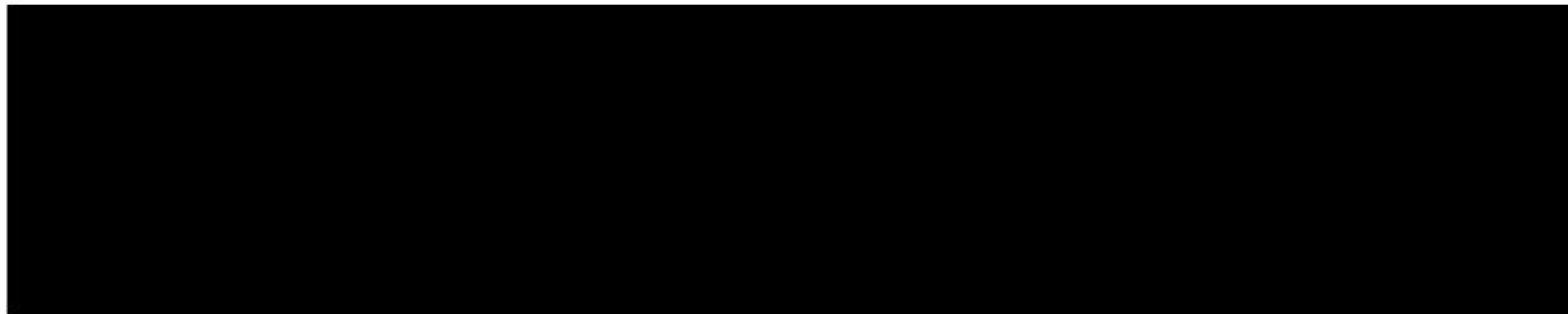
Your Details

Title: **Mrs**

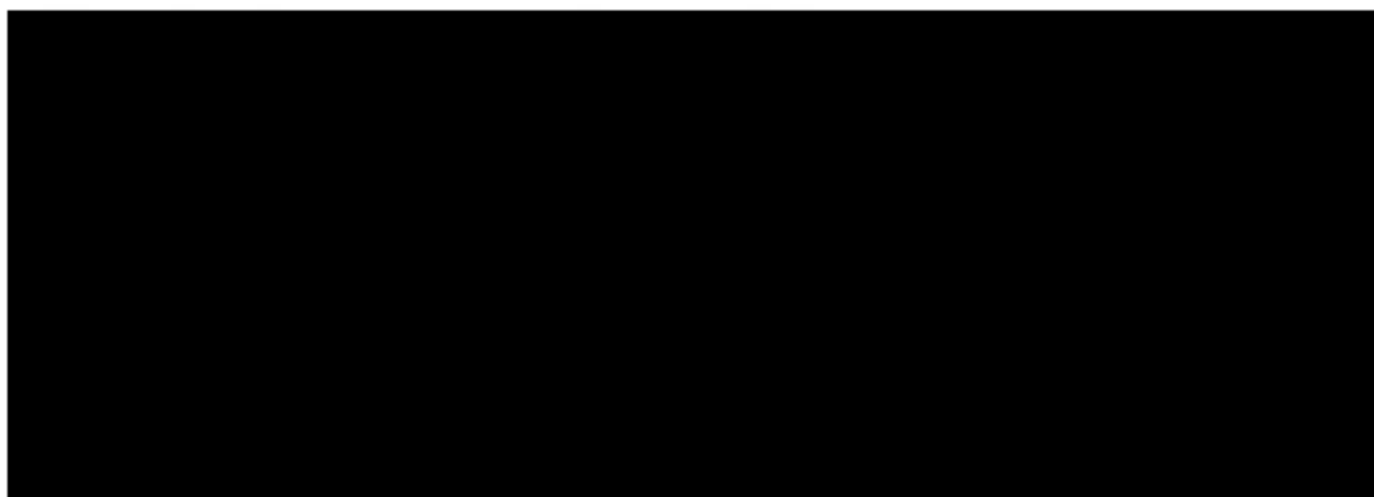
Forename(s): **Erin**

Surname: **Fraser**

Your Address



Contact Details



Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Dyke**

Site reference: **R2**

Site name: **South Darklass road**

Comments: **We would like to submit an objection to this proposal for the following reasons: Access- Darklass Road is already very congested due to the number of households using it. Most houses using the road have 2 cars and it is simply not fit to accommodate more, particularly considering the building which is currently taking place at R1 and Darklass, which will add 19 large houses (potentially nearly 40 extra cars) to the existing route. The road is often single track due to households parking on the road, and can be extremely treacherous in the winter. The junction at the bottom of Darklass Road has poor visibility and the Main Street in Dyke is frequently blocked. Screening- living directly beside the proposed site will compromise our privacy. What is currently a private setting will become overlooked and may be affected by noise issues. The character of the village is being compromised by too many houses in such a small space.**

Please use [this link](#) to view and retrieve the uploaded attachments.

grant and geoghegan

planning · development and architectural consultants

Development Plans Team
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
IV30 1BX

13 March 2019

Dear Sir/ Madam

Moray Local Development Plan – Proposed Plan DP4 Rural Housing - Representation

In general, we are of the opinion that there are several areas within the proposed rural housing policy which could be refined but that ultimately, most of the policy is workable.

The exception to this is the prescription, set out in the siting criteria of the 'New Houses in the Open Countryside' section of DP4, for 75% enclosure, containment and backdrop made up of existing landform, mature trees, established woodland or buildings. We object in the strongest possible terms to its inclusion in the final version of the Local Development Plan and respectfully request that the percentage is reduced to 50%, as is prescribed in policy H7 of the outgoing LDP.

Based on our extensive experience working on housing projects in the Moray countryside, we need to highlight that the prescribed 25% increase in boundary treatment inadvertently wipes out the potential for any new housing in the Moray countryside (except in the rarest circumstances) and we would contend that this requirement transposed into planning policy serves no purpose in promoting good siting over and above what the current 50% boundary enclosure criterion can achieve.

It is important that the aim behind the policy is considered in the context of the outgoing LDP and the inevitable outcome- if the aim is to ensure a building has sufficient backdrop or enclosure and guard against inappropriate development in the countryside then the current policy approach has proven to be sufficient in the preceding Plan period. In our previous response to the Main Issues Report we set out several illustrations of extremely well defined properties in the Moray countryside which would fail the proposed policy test.

If the aim of this policy is to eliminate the possibility of any new Housing in the Moray Countryside over the next Plan period then we contend that it should not be accomplished through the prescription of an unachievable policy test. Such an approach is clearly at odds with the spirit of SPP, NPF3 and the aims and objectives of the Proposed Plan itself. In its current form, this aspect of the Rural Housing policy is unnecessarily restrictive and detracts from the ability of decision makers to make assessments based on the individual merits of an application.

We need to make clear that in practice, the amendment of this single aspect of the Proposed Plan would only be sufficient to enable some limited residential development in the countryside and cannot reasonably be expected to give rise to unsustainable growth and suburbanisation of the countryside. On this basis, we are proposing a compromise i.e. the prescription of 50% enclosure, containment and backdrop made up of existing landform, mature trees, established woodland or buildings.

An example of what an amended policy approach would look like is appended to this response. The removal of field drains, ditches, burns and wire fencing, roads and tracks as suitable boundary treatments should serve to remove any prospect of housing coming forward which is poorly sited but meets the minimum requirements of the policy. The proposed compromise will allow for a limited amount of well sited, residential development in the countryside which we feel is the most sustainable approach and what the Council is aiming for.

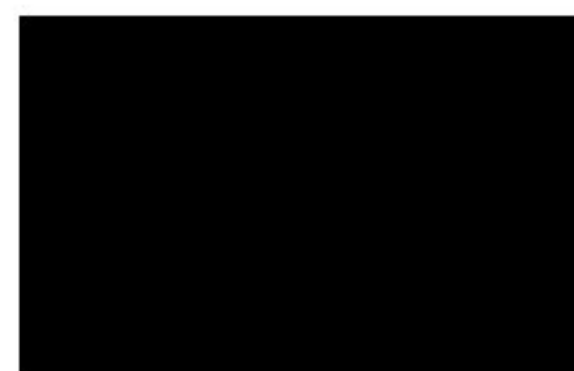
For the reasons given, we would respectfully ask that the economic and social benefits associated with a limited amount of well sited residential development in the countryside amounting to proportionate growth over the next Plan period is given sufficient weight in the plan making process and that the proposed amendment is made to the Rural Housing Policy.

We would welcome an opportunity to come in and discuss this in more detail.

Kind regards,

Neil Grant
grant and geoghegan

Moray Council
Local Development Plan Team
Development Services
Moray Council
Council Offices
High Street
Elgin IV30 9BX



jll.co.uk

By Email

14 March 2019

Dear Sirs,

Moray Local Development Plan 2020: Proposed Plan - Consultation Response Fred. Olsen Renewables Ltd

On behalf of my client Fred. Olsen Renewables Ltd ("FORL") I am pleased to submit this representation / objection to the Moray Local Development Plan 2020 ("Proposed Plan"). This representation specifically addresses matters relevant to the delivery of onshore wind energy development.

The Vision

Page 7 of the Proposed Plan sets out a series of "plan aims and objectives". These generally include high level environmental, housing and infrastructure objectives. The end of the list contains reference to encouragement of the efficient use of land and promotion of low carbon and sustainable development and references the need to address resilience of the natural and built environment to climate change which is welcomed.

It is disappointing that there is no specific reference to the need to encourage renewable energy development, especially given the very significant policy support at the Scottish Government level for further renewable energy development and in particular with regard to onshore wind energy and indeed other renewable energy technologies.

It is helpful to look at some comparator LDP provisions of what is said in this regard. For example the Dumfries and Galloway adopted LDP (2015) vision sets out that in the future the expectation is that there will be a viable rural economy characterised by various attributes including "*a range of renewable energy developments*" – recognising that a significant part of the area's economy involves generation of renewable energy, and that the plan should take a positive and encouraging approach to this type of infrastructure, given the strong policy approach at the Scottish Government level.

In addition, the Scottish Borders adopted LDP (2016) is helpful which sets out that "*encouraging renewable energy is seen to be a key part of the Government response to climate change and this supports the emphasis towards a low carbon economy*". The Scottish Borders LDP identifies at the outset that a key outcome that the plan aspires to is "*the development of the area's full potential of electricity and heat from renewable sources, in line with national climate change targets....*"

It is therefore recommended that the vision in the Proposed Plan should be amended to properly reflect the current intensification of policy support for renewable energy development, since SPP was published in 2014. This should be expressed within the vision and associated plan aims and objectives. This would be consistent with the approach taken by other rural local planning authorities throughout Scotland. The Proposed Plan is currently silent on this topic and that is an unacceptable position.

The Spatial Strategy

The Spatial Strategy plan on page 11 of the Proposed Plan sets out a range of high level land use geographical indicators, including graphic icons for indicative potential for offshore renewable developments, tourism development opportunities as well as suggested new health centres. The rural area on the plan is entirely empty of any indication of opportunities.

Given the points made above with regard to the Government's strong approach to renewable energy development and how that matter is set out in national planning policy and associated renewable energy, electricity and climate change targets: it seems a missed opportunity not to identify the scope offered by the extensive rural area in Moray for renewable energy development, in particular onshore wind. If offshore wind potential is highlighted then why not onshore? This is particularly relevant given the existing supply of onshore wind developments within Moray and the opportunities in due course offered up by repowering and possibly extensions as well as potentially new greenfield development opportunities.

Draft Policy DP9 'Renewable Energy'

Policy DP9 is a general policy that applies to all forms of renewable energy development. Part B of the policy is of specific relevance to onshore wind energy development.

Part a) Policy Tests

Part (a) of the policy sets out that all renewable energy proposals "*will be considered favourably where they meet the following criteria*" and included at criterion (iii) is where developments "*avoid or address any unacceptable significant adverse impacts*". This is then followed by a list of land use and environmental topics. This wording of the policy test is supported. It generally reflects the terminology used in assessing proposals where environmental impact assessments will be required.

However later in the policy, the focus of dealing with "*relevant unacceptable significant adverse effects*" is lost and becomes inconsistent with varying phrases and 'sub-tests' introduced. The approach needs to be rationalised. This is further explained below.

For example, in section b) of the policy, reference is made to "*without significant detrimental impact*" and in iv) reference is made to "*any detrimental impact*". The phrase "any detrimental impact" also appears with regard to impact on local communities and under the 'other' category.

Therefore, the policy test needs to be consistently expressed throughout the whole policy to avoid the contradictory expressions that it contains at the present time.

In addition, it may be helpful to set out a footnote (or include within the 'Justification / Notes' Box on page 62) on the word "unacceptable" along the lines of "*acceptability will be determined through an assessment of the details of a proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed*". This is the approach that is taken to the emerging new Dumfries and Galloway LDP Renewable Energy Policy IN2 and indeed was added into the current Dumfries and Galloway LDP to alter the same approach that is now being proposed by Moray Council.

Part a) i) of the policy requires developments to be “*compliant with policies to safeguard and enhance the built and natural environment*”. This element of the policy is unnecessary as a draft policy DP9 is already very comprehensive in terms of the natural and built heritage topics that it contains. Furthermore, to state that a requirement for all commercial scale wind energy developments is that they must be “*compliant with all enhancement built and natural heritage policies*” is entirely unrealistic. It is inevitable that there will be, from such development, a range of significant and potentially adverse impacts which will be mitigated to a greater or lesser degree, but that particular policy criterion is a test that is set unattainably high.

Moreover, it is often the case that commercial scale onshore wind developments can result in some tensions amongst various policies within an LDP when considering overall “accordance” of a particular development with individual policies, and then with the development plan when read as a whole. That is a matter however that is already taken into account in the approach to considering the application of section 25 of the Town and Country Planning (Scotland) Act 1997 in a planning determination and indeed when considering development plan matters in the planning balance in a determination under the Electricity Act 1989. It is recommended therefore that part a) i) of Policy DP9 be struck out.

This proposed policy approach is also contrary to the case of City of Edinburgh Council v The Secretary of State for Scotland SLT 120, which advises careful identification and assessment of relevant development plan policies rather than requiring compliance with all.

In terms of Part a) ii) requiring no “*permanent loss or damage*” upon agricultural land of any quality, is also considered to be inappropriate. The Proposed Plan provides no definition of agricultural land and the approach within national planning policy (Paragraph 80 of Scottish Planning Policy (“SPP”)) applies either to prime agricultural land or land of lesser quality that is locally important: not to all agricultural land as the Proposed Plan currently states. Accordingly, the Proposed Plan is overly restrictive in this regard. It would be far more appropriate to consider the planning balance of socio-economic and environmental effects on the agricultural unit, under the suggested definition of acceptability, than to introduce such unnecessary and potentially unachievable tests.

Part a) iii) of the policy requires developments to “avoid or address unacceptable significant adverse impacts” – and as stated, this is considered to be an acceptable and appropriate policy test to set out at the outset of the policy, with reference to various land use considerations.

Part b) of the policy is entitled ‘onshore wind turbines’ and applies only to onshore wind energy development. There are a number of aspects of this part of the policy that are inconsistent and contrary to the national policy position as well as inconsistent with the preceding Part a).

The Need for Deletion of the Landscape Capacity Maps

Under part i) entitled ‘The Spatial Framework’ it is recommended that the reference to the ‘Moray Onshore Wind Energy Landscape Capacity Study’ is removed from this part of the policy. It does not form part of the Spatial Framework and should not form part of it as this would be contrary to the policy position in SPP regarding the preparation of Spatial Frameworks. Furthermore, the document is referenced in a later part of the policy – namely section b) iii).

In terms of Part b) iii) ‘Landscape and Visual Impact’ the reference to consideration “*of the extent to which...the proposal address the guidance set out in the Moray Windfarm Landscape Capacity Study*” is appropriate – but the reference to “*see Maps 3-5*” should be struck out.

A fundamental issue and matter of strong objection to Policy DP9 is the inclusion of Maps 3-5 which the Council has lifted from the Landscape Capacity Study.

Scottish Planning Policy (2014) explains that Planning Authorities should set out in the Development Plan a Spatial Framework identifying those areas that are likely to be most appropriate for onshore wind farms, following the approach set out in table 1, and indicating the minimum scale of development that the framework is intended to apply to. Table 1 divides the Spatial Framework into three groupings: (1) areas where wind farms will not be acceptable (National Parks and National Scenic Areas); (2) areas of significant protection (national and international designations; other nationally important mapped environmental interests; and community separation (an area around cities, towns, and villages identified in the local development plan); and (3) areas with potential for wind farm development (beyond groups (1) and (2), wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria). This approach requires to be followed in order to deliver consistency nationally. Additional constraints should not be applied at this stage.

No provision is made in the Spatial Framework approach for dealing with landscape capacity (including turbine height banding) and cumulative impact. SPP is clear that additional constraints like these should not be applied at this stage in the interests of consistency nationally.

The current inclusion of selected maps from the Landscape Capacity Study, alongside the Spatial Framework Mapping is misleading and inappropriate. This approach has in the past been proposed by other Planning Authorities in the preparation of LDPs but has been rejected by Reporters at Examination stage. By way of an example, an almost identical approach was taken by Scottish Borders Council ("SBC") in their Proposed Plan in 2012 but was rejected in the Examination process.

The following is an extract from the SBC Report of Examination in relation to the LDP's renewable energy policy. The Reporter at page 125 of the Report of Examination ("RoE") stated:

"The proposed plan contains landscape capacity maps (figures ED9b-9e) extracted from the landscape capacity study. Figure ED9b shows wind turbine development opportunities and constraints (overall landscape capacity), and is a summary of figures ED9c-9e (which show landscape capacity for different heights of turbines). The maps, along with the spatial strategy, are also referred to in policy ED9. There is no doubt that landscape capacity studies are relevant, can be helpful, and will help bridge the gap between the spatial framework and development management decisions. However, given the way they are presented in the proposed plan, I am concerned that they could be seen as an alternative framework, and this is misleading. I do not consider the planning authority's proposal to add to the title of figure ED9b the words landscape capacity would satisfactorily deal with this issue. I also consider that it is inappropriate to extract these figures from the context provided for them by the landscape capacity study as a whole, without a fuller explanation of the study and its terms. As such, I believe that figures 9b-e should be deleted from the proposed plan. I accept that the study should be mentioned in the plan, but it should be highlighted that it is identifying potential landscape capacity (as the study is a general, broad scale analysis, focussing on landscape character units, and is not site specific).

In light of the above conclusions on the spatial framework and the landscape capacity study, I consider that in the wind turbine proposals section of policy ED9 the references to figures 9a-e, i.e. landscape capacity maps, should be deleted." (underlining added)

Furthermore, the Landscape Capacity Study is not the subject of consultation and would not be before the Examination process in due course. It can only be dealt with here to the extent that it is referred to in the Proposed Plan. Moreover, the Landscape Capacity Study has not had any form of independent scrutiny. This is unfortunate, and unhelpful to all parties, particularly given that SPP – 'frequently asked questions' highlights the need to encourage fuller public engagement in the preparation of such studies. To therefore include such a study's findings within the body of a statutory Development Plan policy is entirely inappropriate.

Caveats to be included with regard to the Landscape Capacity Study References

An additional related point is that it should be explicitly stated that the Landscape Capacity Study is only an initial reference point. This is also a matter that was very well put by the Reporter in the SBC RoE where at page 127, the Reporter stated:

“In the consideration relating to landscape and visual impacts, I believe that it is reasonable to mention that the landscape capacity study is only an initial reference point. As this study is just one of the elements to be used in the assessment of proposals, I also believe that it would be appropriate and helpful to refer to other important elements, particularly the landscape and visual impact assessment that would be prepared for a proposal” (underlining added).

Reference to Significant Detrimental Impact

The requirement at section b) iii) of the policy for onshore wind farms to be accommodated without “significant detrimental impact” on landscape character or visual amenity also sets to high a bar for the assessment of onshore wind energy development and as noted, differs from the policy test set out at the start of the policy in section a) iii).

The phrase “significant detrimental impact” should be struck out and the approach to the assessment of proposed developments currently set out at the start of the policy should be followed for consistency, namely reference should only made to proposals being approved provided that there are no relevant unacceptable significant adverse effects or impacts that cannot be satisfactorily mitigated.

In addition, in part b) iii) bullet 2, the need for developments to “*respect the main features of the site and wider environment*” is vague and unnecessary. Landscape and visual impacts are addressed elsewhere in the policy.

Part b) iv) to vi) deal with other onshore wind topics / considerations. Reference is made to a requirement for onshore wind energy development to address “any impact”. This requirement to address any impact is onerous. Again, the policy tests throughout the policy can be rationalised by relying on the introductory wording and by taking a more proportionate approach to the appraisal of impacts. The EIA Regulations provide some helpful guidance in the regard including “*a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment.....that description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases*”.

In addition, under section b) vi) there is reference to the need for proposals to “avoid or adequately resolve other impacts”. Again, there needs to be consistency in policy test wording, as explained above.

Integration of Spatial Framework within the Proposed Plan

It is considered that the Council’s approach to mapping of Group 2 constraints around settlements is contrary to national planning policy.

Regarding settlements, the approach to Spatial Framework preparation is set out within SPP under the heading “*community separation for consideration of visual impact*”. SPP states that when preparing a Spatial Framework, Stage 2 areas can include “*an area not exceeding 2km around cities, towns and villages identified on the Local Development Plan with an identified settlement envelope or edge*”. The proposed Plan applies a blanket 2km zone around all settlements, but also applies this 2km zone to what is termed ‘Rural Groupings’, which do not have a defined settlement envelope or edge. This aspect of the Spatial Framework is contrary to SPP.

However, there are clear national planning policy implications arising from being identified as a 'settlement' under Group 2 areas of the Spatial Framework. The identification of dispersed rural groupings as settlements requires further consideration and they should be excluded from the Spatial Framework approach.

Conclusions

It is recommended that the above matters should be fully taken into account and addressed in the next stage of the LDP preparation. The recommended amendments to the Proposed Plan and policy DP9 would in my client's view, bring the plan and policy in line with SPP. This would not only set a more positive policy framework for delivering renewable energy development within the Moray area but also assist in meeting Moray Council's own aims and objectives for the promotion of low carbon and sustainable rural development in the proposed LDP. This would tie in more consistently with the significant policy support at the Scottish Government level for the deployment of onshore wind energy development and indeed other renewable energy technologies as set out in the Onshore Wind Policy Statement and Scottish Energy Strategy. At present, the wording of policy DP9 and the approach to Landscape Capacity Study mapping and how the study is referenced is unacceptable and is fundamentally at odds with the provisions of SPP and the wider aims and objectives of the proposed LDP.

Yours faithfully
For Jones Lang LaSalle



cc. Mr Craig Potter, Natural Power

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002061
Date: 22 February 2019 12:44:30

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

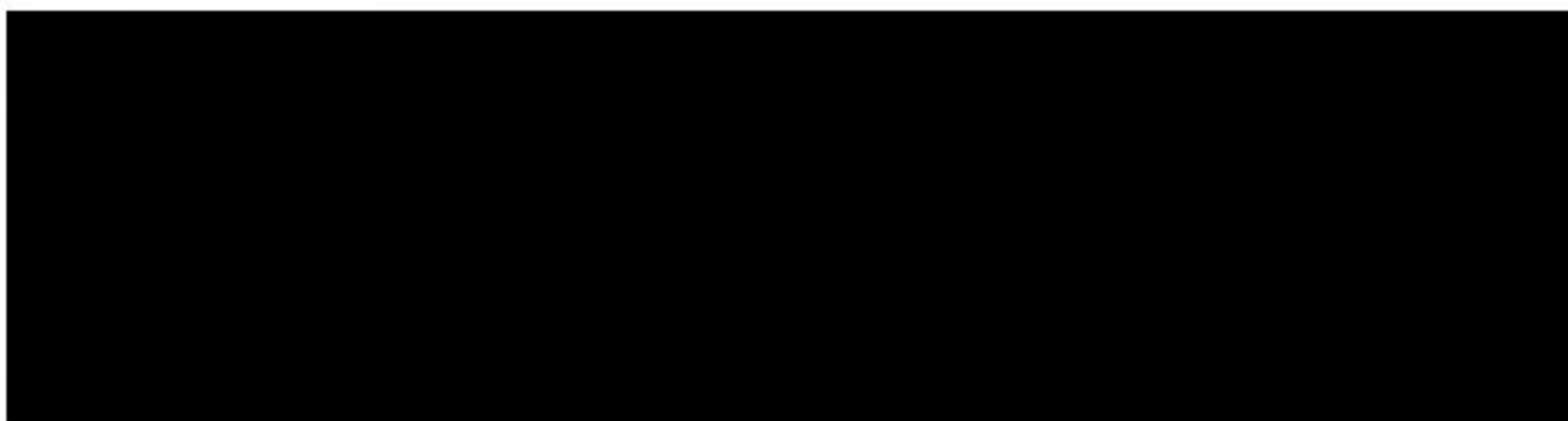
Your Details

Title: **Miss**

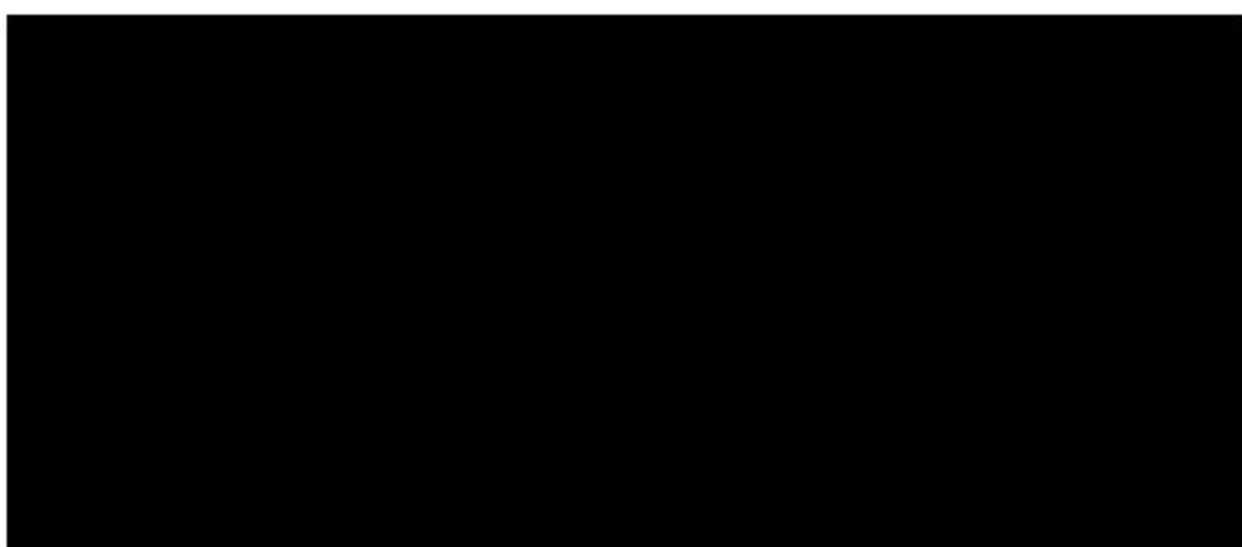
Forename(s): **Charlotte**

Surname: **Friston**

Your Address

A large black rectangular box redacting the address information.

Contact Details

A large black rectangular box redacting the contact details.

Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin Central**

Site reference: **OPP 11**

Site name: **Walled Garden**

Comments:

Please use [this link](#) to view and retrieve the uploaded attachments.

Please also note that there are no existing septic tanks that would be suitable for any additional houses. All septic tanks in the area serve individual houses and are privately owned and maintained.

Templestones

We would reiterate our previously submitted comments with regard to the proposed rural grouping at Templestones. There is currently a known, and ongoing issue, with septic tank drainage from the existing residences. Given the topography of the site, additional development in the area proposed will exacerbate the existing issue.

As noted in the latest version of the development plan, significant improvements would be required to the single-track road which connects the proposed site to the B9010 if further development is permitted in this area. The FCC is concerned that acceptable visibility splays into the proposed site could not be achieved without significant removal of mature trees adjacent to the area marked as site A.

Tony Pinner
Finderne Community Council