



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100723157-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Grant Lodge
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	Birnie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	ELGIN
Fax Number:		Country: *	Scotland
		Postcode: *	IV30 8SW
Email Address: *	neil@ggmail.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *
Other Title:		Building Name: per grant and geoghegan
First Name: *	Emma	Building Number:
Last Name: *	Thorpe	Address 1 (Street): * Grant Lodge
Company/Organisation		Address 2: Birnie
Telephone Number: *		Town/City: * ELGIN
Extension Number:		Country: * Scotland
Mobile Number:		Postcode: * IV30 8SW
Fax Number:		
Email Address: *	neil@ggmail.co.uk	

Site Address Details

Planning Authority:	Moray Council
Full postal address of the site (including postcode where available):	
Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

The Level Farm, Birnie, Elgin

Northing	858194	Easting	322144
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Retrospective consent for change of use of land to caravan storage at Level Farm, Birnie, Elgin

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Grounds of Appeal provided in separate document.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds of Appeal Appendix 1 - Decision Notice Appendix 2 - Report of Handling Appendix 3 - Development Plan Policies
Appendix 4 - Letters of Support

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/01431/APP

What date was the application submitted to the planning authority? *

11/09/2024

What date was the decision issued by the planning authority? *

27/05/2025

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Neil Grant

Declaration Date: 18/08/2025

Payment Details

Cheque: X, X

Created: 18/08/2025 14:50

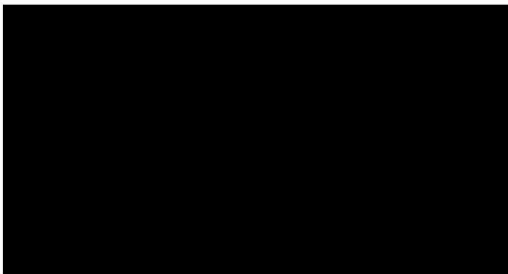


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO

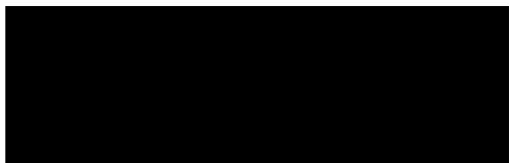


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development: -

Retrospective consent for change of use of land to caravan storage at Level Farm Birnie Elgin Moray

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

Date of Notice: **27 May 2025**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT

YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has **REFUSED** this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the Moray Local Development Plan 2020 (MLDP) because it is located in the Elgin Countryside Around Towns designation and is a use that is not acceptable under the terms of associated MLDP Policy EP4 "Countryside Around Towns". It subsequently fails to comply with the requirements of MLDP Policy DP5 (g) "Business and Industry" on the basis farm diversification proposals must comply with all relevant MLDP Policies. There are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
024/006412/02		Visibility Splays
024/006412/01		Site and Location Plan

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Ref No:	24/01431/APP	Officer:	Andrew Miller
Proposal Description/ Address	Retrospective consent for change of use of land to caravan storage at Level Farm Birnie Elgin Moray		
Date:		Typist Initials:	

RECOMMENDATION

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	17/09/24	No objections.
Transportation Manager	27/11/24	Following provision of a speed survey to inform necessary visibility at junction on to C2E Elgin to Birnie Rd, no objections subject to conditions in respect of access.
Moray Flood Risk Management	16/10/24	No objections.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF5 - Soils	N	
NPF12 - Zero waste	N	
NPF13 - Sustainable transport	N	
NPF14 - Design, quality and place	N	
NPF22 - Flood risk	N	
NPF29 - Rural development	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP5 Business and Industry	Y	

EP2 Biodiversity	N	
EP4 Countryside Around Towns	Y	
EP12 Management and Enhancement Water	N	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted National Planning Framework 4 (NPF4) and Moral Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

Site

An area of agricultural ground that is currently in use as caravan storage. It is located in the corner of an agricultural field, to the north east of a timber kit manufacturing facility. There is a group of houses to the west of the site. This site, along with the neighbouring uses, are accessed via a private track that leads from the C2E Elgin to Birnie Road to the west of the site. The Level Woods are to the north. This site is within the Elgin Countryside Arounds Towns (Elgin CAT) designation of the MLDP.

Proposal

Retrospective planning permission is sought for the formation of a caravan storage facility. Supporting information provided with the application notes it has been in operation since 2016 and is associated and runs alongside the Level Farm agricultural holding. The facility provides secure storage for 65 caravans.

Principle – Countryside Around Towns and Farm Diversification

As noted above, the site is located in the Elgin CAT. Associated MLDP Policy EP4 states development proposals within the CAT are not acceptable unless they meet specific criteria. This includes proposals necessary for agriculture and forestry, or low intensity recreational or tourism uses. Upon receipt this application was advertised as a departure from the development plan on the basis it was contrary to MLDP Policy EP4. The Green belts Policy (no. 8) of NPF4 is not relevant or applicable to the CAT designation.

The supporting Planning Statement that accompanies this application states that the applicant's business, which provides secure storage for caravans, is necessary to diversify an existing agricultural enterprise, supporting the rural economy by generating additional income from non-

traditional sources. They state that the proposal constitutes a recreational/tourism use as it enables caravan owners to use their vehicles for leisure purposes, aligning with the policy's support for low-intensity recreational or tourism uses.

The applicants further contend in the supporting statement that their proposal meets the specific tests within EP4, as it does not blur the distinction between built-up areas and the countryside, nor does it contribute to development sprawl. It notes the site is 1.4 miles from Elgin's southern boundary and is well-screened by existing homes, buildings, and trees, maintaining the traditional settlement pattern. The statement highlights that this proposal uses a small area of agricultural land with low biodiversity value and includes a long-term landscaping scheme to enhance the environment. It also notes that the business has not generated complaints and does not seek to expand, ensuring no significant impact on residential amenity (NOTE – the planning service has received one complaint). It concludes that the location is deemed appropriate for the existing farm operation, supporting the diversification of farm incomes and providing a needed service for the local community.

References in the supporting statement to NPF Policy 8 (Green belts) are not relevant to this proposal on the basis the CAT is not a Green Belt as noted above.

The information provided with the application is noted, however the intent of MLDP Policy EP4 is to prevent urban sprawl of settlements, to protect the character of areas of countryside around towns. The proposed use of the land to store caravans would fall under Use Class 6 (Storage and Distribution). This use is not considered to be necessary for the purposes of agriculture, on the basis such a use can be accommodated within designated sites in Elgin and other settlements in Moray - e.g. self-storage facilities within designated industrial estates where storage uses are an acceptable land use. The proposed use is also not considered to fall within the definition of a tourism use, as the storing of caravans for local residents (noting that most customers are within 10 miles of the site) falls under use class 6, and the use is very unlikely to result in tangible tourism benefits for the local area.

Although farm diversification projects are generally supported by the planning authority under MLDP Policy DP5 (see below), they must comply with relevant planning policies. As stated above the use of caravan storage can be accommodated (and currently is a use provided for) within Elgin's settlement boundary and there is no need for this use to be accommodated within the CAT and the proposal does not constitute low-intensity tourism use. Therefore, the proposal is contrary to the requirements of MLDP Policy EP4.

In relation to farm diversification developments, MLDP Policy DP5 states projects that enhance the economic viability of farms are supported if they comply with all relevant Local Development Plan policies. On the basis the proposal is contrary to MLDP Policy EP4, this proposal is subsequently at odds with MLDP Policy DP5. Farm diversification is also supported by NPF4 Policy 29, however this does not specifically override or contradict the LDP policy position.

Siting and Design

Both NPF4 Policy 13 and MLDP Policy DP1 seek to ensure all development is sited and designed at a level suitable to the character and amenity of the surrounding area. MLDP Policy DP5 requires all rural business proposals to be of the highest design standard. In this case there are no buildings as part of this proposal, only the hardstanding on which this proposal sits, in recognition of its functional purpose. The site subject to this application is well enclosed, and offered screening from the public road to the west by woodland and adjacent development. In light of this, the proposal is not considered to be contrary to the aforementioned policies in respect of siting and design.

Access

NPF4 Policy 13 and MLDP Policy PP3 both require development to be served by suitable and safe transportation arrangements, and ensure proposals are adequately served by infrastructure, either existing or proposed as part of development.

The site is accessed via an existing access road leading from the C2E Elgin to Birnie road, to the west of the site. Initially the Transportation Manager responded to this proposal advising that further information was required to determine whether the level of visibility at the junction was acceptable, as this fell below the standard for this stretch of road (215 m x 0.6 m in either direction). The Transportation Manager stated that there would appear to be scope to improve the visibility splay to the north by lowering the existing high verge; however, the resulting improved visibility splay would still be likely to fall below the requirements. It was therefore not clear what impact the vertical alignment of the carriageway would ultimately have on the visibility splay provision. The visibility splay to the north is also restricted by two utility poles and to the south by the boundaries of the property 'Denarii'.

In order to demonstrate whether a reduced visibility splay would be accepted, the applicant was requested to undertake a speed survey to analyse average traffic speeds over a one week period. This survey identified the required visibility splay "Y" distances and importantly confirmed that the corresponding visibility splays are achievable. Considering this, the Transportation Manager raised no objection to the proposal, subject to conditions in respect of access arrangements. Subject to condition (if approved) the proposal would comply with NPF4 Policy 13 and MLDP Policy PP3.

Drainage

As a result of this proposal, there is no net increase in impermeable surface on site. Moray Flood Risk Management have not objected to the application in light of this. The proposal is therefore not at odds with NPF4 Policy 22 and MLDP Policy EP12.

Biodiversity

Under the terms of NPF4 Policy 3 and MLDP Policy EP2 (and associated Council guidance), all proposals are required to contribute to the biodiversity enhancement. Although not shown as part of the submitted plans, the supporting statement makes reference to the low biodiversity level of the site pre-development, and that planting of native species would be undertaken to enhance biodiversity. This could be required by condition to ensure compliance with biodiversity policies and guidance.

Conclusion and Recommendation

Regardless of its retrospective nature, the proposal is not considered to be an acceptable land use in the Elgin Countryside Around Towns designation under the terms of MLDP Policy EP4 (and subsequently MLDP Policy DP5) and as such is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
17/00928/PNOT	Erect agricultural store at The Level Birnie Elgin Moray			
	Decision	Permitted	Date Of Decision	13/07/17

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan No Premises	17/10/24
PINS	Departure from development plan No Premises	17/10/24

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Background to proposal and implications of relevant planning policies from National Planning Framework 4 and the Moray Local Development Plan 2020.	
Document Name:	Speed Survey	
Main Issues:	Analysis of average vehicle speed on C2E Elgin to Birnie Road to inform necessary visibility splays at access point to public road.	

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

Biodiversity

Policy Principles

Policy Intent:

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

Policy 3

- Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - wherever feasible, nature-based solutions have been integrated and made best use of;
 - an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - local community benefits of the biodiversity and/or nature networks have been considered.
- Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

EP2 BIODIVERSITY

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.



©Lorne Gill/SNH

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.



Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

Justification/ Notes

Biodiversity encompasses a variety of biological life at more than one scale. It is not only the variety of species (both plant and animal) but the variety of genes within those species and variety of ecosystems in which the species reside. Scotland's biodiversity is under pressure from various sources including pollution, invasive species, and a lack of recognition of the value of nature and climate change.

This policy aims to deliver biodiversity enhancement by creating networks of high quality green spaces, including wildflower meadows, allotments, orchards and woodlands through towns and villages, connecting them to the wider Moray countryside. This will help promote new habitat creation and expansion and help avoid habitat fragmentation.

Incorporating biodiversity into design and layout of a development from the outset helps to create attractive places for people and nature. All development proposals must retain, protect and enhance features of biological interest and provide for their appropriate management. It should be noted that reference to compensatory habitat creation within the policy does not apply to woodland removal which must meet the requirements set out in Policy EP7 "Forestry, Woodlands and Trees."

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

Local Development Plans:

LDPs should prioritise locations for future development that can be accessed by sustainable modes. The spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making best use of existing infrastructure and services.

LDPs should promote a place-based approach to consider how to reduce car-dominance. This could include low traffic schemes, shared transport options, designing-in speed controls, bus/cycle priority, pedestrianisation and minimising space dedicated to car parking. Consideration should be given to the type, mix and use of development; local living and 20 minute neighbourhoods; car ownership levels; the accessibility of proposals and allocations by sustainable modes; and the accessibility for users of all abilities.

LDPs should be informed by an appropriate and effective transport appraisal undertaken in line with relevant transport appraisal guidance. Plans should be informed by evidence of the area's transport infrastructure capacity, and an appraisal of the spatial strategy on the transport network. This should identify any potential cumulative transport impacts and deliverable

mitigation proposed to inform the plan's infrastructure first approach. Where there is likely to be an impact on the trunk road or rail network, early engagement with Transport Scotland is required.

Policy 13

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
 - d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
 - e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
 - f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
 - g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Retail](#)
- [Rural development](#)
- [Tourism](#)

PRIMARY POLICIES

PP2 SUSTAINABLE ECONOMIC GROWTH

Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.

Justification/ Notes

The Moray Economic Strategy provides a long term strategy to influence decision makers in addressing the challenges in diversifying the economy of Moray. This includes the objectives for growth and inward investment in higher paid employment, to reduce the outmigration of young people and to reduce any dependency on public sector employment including the defence sector.

The Spatial Strategy reinforces Elgin's role as a regional centre supported by the secondary and tertiary growth towns of Forres, Buckie, Lossiemouth, Keith, Fochabers and Aberlour.

The aims of this policy must be balanced with the need to safeguard Moray's natural and built environment.



PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
 - i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.

- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
 - vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
 - vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
 - viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
 - ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
 - x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
 - xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.
- b) Development proposals will not be supported where they:**
- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
 - iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
 - iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
 - v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
 - vi) Adversely impact on flood alleviation and mitigation infrastructure.
 - vii) Compromise the economic viability of bus or rail facilities.
- c) Harbours**
Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.
- d) Developer Obligations**
Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.



Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

Justification/ Notes

The Council wishes to ensure an infrastructure first approach is taken to development and that any adverse impact upon infrastructure is mitigated. Development should be adequately serviced in terms of transport, water, drainage and local education, recreation and health facilities able to accommodate the resultant growth. There is a particular emphasis on providing pedestrian and cycle access and any necessary public transport.

Further information on infrastructure requirements is set out in the Strategic Context section on page 12, in the settlement statements in Volume 2 and in the Action/ Delivery Programme in Volume 4. Transport Proposals (TSP's) are identified in the settlement statements covering proposed network improvements, safeguarding and areas where capacity testing is required.

The Council will secure Developer Obligations to mitigate impacts on infrastructure and full details are set out in the Developer Obligations Supplementary Guidance.





Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

DEVELOPMENT POLICIES

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be

submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).

- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

Policies



DEVELOPMENT POLICIES

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.

- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.



(iii) **Water environment, pollution, contamination**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

Justification/ Notes

The policy sets out detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.



Flood risk and water management

Policy Principles

Policy Intent:

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy Outcomes:

- Places are resilient to current and future flood risk.
- Water resources are used efficiently and sustainably.
- Wider use of natural flood risk management benefits people and nature.

Local Development Plans:

LDPs should strengthen community resilience to the current and future impacts of climate change, by avoiding development in areas at flood risk as a first principle. Resilience should also be supported by managing the need to bring previously used sites in built up areas into positive use; planning for adaptation measures; and identifying opportunities to implement improvements to the water environment through natural flood risk management and blue green infrastructure.

Plans should take into account the probability of flooding from all sources and make use of relevant flood risk and river basin management plans for the area. A precautionary approach should be taken, regarding the calculated probability of flooding as a best estimate, not a precise forecast. For areas where climate change is likely to result in increased flood exposure that becomes unmanageable, consideration should be given to alternative sustainable land use.

Policy 22

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
 - i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Green belts](#)

[Coastal development](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Health and safety](#)

[Business and industry](#)

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 – a flood statement with basic information with regard to flood risk.

Level 2 – full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.



ENVIRONMENTAL POLICIES

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will

also be applied to take account of the degree of flooding as defined in Scottish Planning Policy:

- In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

- Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must be drained by a sustainable

drainage system (SUDS) designed

in line with current CIRIA guidance.

Drainage systems must contribute

to enhancing existing "blue" and

"green" networks while

contributing to place-making,

biodiversity, recreational, flood risk

and climate change objectives.



When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

c) **Water Environment**

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.



The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

ENVIRONMENTAL POLICIES

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

Width to watercourse (top of bank)	Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

Justification/ Notes

This policy seeks to direct development away from areas at risk from flooding and to ensure that potential risk from flooding is adequately considered. Where impacts are identified these must be satisfactorily mitigated and not materially increase the possibility of flooding elsewhere.

SUDS are a statutory requirement for almost all new development and need to be considered early in the design process to ensure adequate space is available within a development site. Well designed and managed SUDS that integrate with other land uses (such as active travel routes and open space) can reduce diffuse pollution and contribute to green and blue networks, enhance biodiversity and create attractive places for people to live and work.

This policy supports the protection and enhancement of the water environment in accordance with the WFD. The water environment is defined within the directive to include all wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and ground water. New development must be set back from and planned around water features to create/extend green and blue networks that help to enhance biodiversity. Water features include all watercourses, waterbodies, drainage ditches, ponds, existing SUDS both natural and man-made.

Coastal changes caused by flooding, climate change driven increases in storm frequency and severity and/or development are not limited to coastal erosion. Sediment deposition (accretion) in coastal locations can also be an issue. Further information for developers is available on the National Coastal Change Assessment website www.dynamiccoast.com



Part 2 – National Planning Policy



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- Development proposals will be sited and designed to adapt to current and future risks from climate change.
- Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Soils

Policy Principles

Policy Intent:

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy Outcomes:

- Valued soils are protected and restored.
- Soils, including carbon-rich soils, are sequestering and storing carbon.
- Soils are healthy and provide essential ecosystem services for nature, people and our economy.

Local Development Plans:

LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

Policy 5

- a) Development proposals will only be supported if they are designed and constructed:
 - i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
 - b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
- In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
 - d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
 - i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

Local Development Plans:

LDPs should identify appropriate locations for new waste management infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible.

Policy 12

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
 - i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Compact urban growth

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Brownfield, vacant and derelict land and empty buildings](#)
- [Energy](#)
- [Infrastructure first](#)
- [Heat and cooling](#)
- [Community wealth building](#)
- [Minerals](#)

Rural development

Policy Principles

Policy Intent:

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy Outcomes:

- Rural places are vibrant and sustainable and rural communities and businesses are supported.
- A balanced and sustainable rural population.

Local Development Plans:

LDPs should identify the characteristics of rural areas within the plan area, including the existing pattern of development, pressures, environmental assets, community priorities and economic needs of each area. The spatial strategy should set out an appropriate approach to development in rural areas which reflects the identified characteristics. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Spatial strategies should support the sustainability and prosperity of rural communities and economies. Previously inhabited areas which are suitable for resettlement should be identified in the spatial strategy.

Policy 29

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
 - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
 - ii. diversification of existing businesses;
 - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
 - iv. essential community services;
 - v. essential infrastructure;
 - vi. reuse of a redundant or unused building;
 - vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
 - ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
 - x. improvement or restoration of the natural environment.
- b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
 - i. will support local employment;
 - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
 - iii. is suitable in terms of location, access, siting, design and environmental impact.
- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
 - i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to their rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

DP5 BUSINESS & INDUSTRY

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

Efficient energy and waste innovations should be considered and integrated within developments wherever possible.

b) Business Parks

Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

c) Industrial Estates

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

d) Existing Business Areas

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

e) Other Uses

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (sui generis), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

f) Areas of Mixed Use

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.



DEVELOPMENT POLICIES

- g) **Rural Businesses and Farm Diversification**
Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

- h) **Inward Investment Sites**

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

Justification/Notes

Developing business is essential to the sustainable economic growth of Moray. The Local Development Plan looks to cater for the diverse needs of different sectors and sizes of businesses. Policy seeks to provide a range of locations for new and expanding businesses. It also seeks to ensure that sites are used primarily for the role that was intended and that non-conforming uses are restricted. Policy seeks to direct employment uses to the most appropriate type of designation/location and separate uses that may not be compatible e.g. ensuring business parks are primarily for "clean" employment uses reflecting the higher quality environment. The policy also seeks to ensure the retention of long established business areas and non-business uses will not be supported in these areas. The use of previously used land that is now vacant or derelict is encouraged.

For the purposes of the policy large scale inward investment sites are sites of up to 40ha that will be in rural areas and suitable for large scale proposals that cannot reasonably be accommodated within a settlement due issues such as noise, odour, dust, operating hours, site scale etc. These sites will be reserved for single user proposals that require significant areas of land and piecemeal erosion by smaller proposals will not be acceptable.

In rural areas the Council would wish to support economic development and sustain employment in rural areas. The policy seeks to support rural business proposals that fit into the environment and can be adequately serviced. Locational need is where it is necessary for a proposed development to be located at or in close vicinity of the development site; necessary in this context means more than convenience. For example long established traditional business operations in rural areas (e.g. distilleries) which may have expansion requirements and relocation is not a realistic option.



ENVIRONMENTAL POLICIES

EP4 COUNTRYSIDE AROUND TOWNS

Development proposals within the Countryside Around Towns (CAT's) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless they;

- a) Involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b) Are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use or specifically allowed under the terms of other Local Development Plan policies or settlement statements within these areas (excluding houses in all these cases), or
- c) Are a designated "LONG" term housing allocation released for development under the terms of Policy DP3.

Countryside Around Town areas are classed as "sensitive" areas in terms of Policy DP4 Rural Housing and no new rural housing will be permitted within them unless the above criteria is met.

Justification/Notes

The five main towns of Elgin, Forres, Buckie, Keith and Lossiemouth are subject to the highest development pressures and CAT's have been designated to prevent development sprawl into the countryside. Only certain types of development are appropriate within CAT's to protect their special character. New housing development (other than under criteria a) and any LONG designations released through Policy DP3) is specifically excluded from the types of acceptable development, to maintain and preserve the distinction with the built up area.



Letter of Support for a Small Business

Refused Planning Permission

10/07/2025

To Whom It May Concern

I am writing this letter to express my sincere support for TLC Storage, a valued local enterprise that has recently been refused planning permission. As a customer, I wish to outline the significant positive impact that TLC Storage has had, and can continue to have, on the community and more importantly to me. TLC Storage allows me to own a caravan and store it in a safe location. One other option I had was to store my caravan on the road outside my house.

I hope my perspective, along with those of many others who cherish what this business stands for, can help you reconsider the decision or, at the very least, open a constructive dialogue about the path forward.

I was extremely happy when we found / was recommended TLC Storage as this allowed for us to purchase a caravan which allowed for us to take holidays with the family, we also stay in the surrounding areas when we take holidays, Lossiemouth, Nairn, Fochabers etc. The TLC Storage facility is also extremely hard to find; this also helps with reducing any theft and vandalism that we have experienced in the past. They have the perfect location for this type of business, it is out of the way, has secure parking, it has security cameras also a padlocked gate. All these features are also greatly effective when insuring the caravan. It really is peace of mind and the possibility of not having this service is genuinely concerning.

Contribution to the Local Economy

Small businesses are often described as the backbone of our economy, and with good reason. TLC Storage is a shining example of this. Since its inception, it has contributed to the local tax base. The ripple effects of its operation extend far beyond its own premises and into the local community. TLC Storage only a two-minute drive to Elgin for all the shopping, caravan shop and service requirements we need.

It is important to recognize that the success of small businesses like TLC Storage directly supports local families. The additional revenue that it also brings, I personally live twenty miles away and I use TLC Storage to store my caravan. When we do go on holidays we stock up with food, fuel, and all sorts of holiday required items from the local area of Elgin.

Addressing the Concerns Behind the Refusal

While I understand that the process of granting permissions is governed by regulations and careful considerations, I urge you to revisit the reasons behind the refusal.

Businesses like this one thrive on innovation and adaptability. In the current financial climate, it is vital we have businesses that adapt and provide an affordable service. We looked within fifty miles of Elgin, and we just could not afford what the other businesses were looking to charge. Just to add there was not too many and those that are within the area had no space.

I do ask myself what the difference is with TLC Storage and the caravan storage facility at Cowfords Farm Mosstodloch, Fochabers are?

Both farms that have diversified their business to help others.

If I am unable to continue to store my caravan at TLC Storage, we will have to look at alternative site, there is few and those that may have room cost a fortune. We have been quoted up to £100 per month in the past, a minimum was around £60 if you could get a space. We will look to have to sell our caravan, and although it does not affect anyone else, the van is out only options of taking holidays in the tough times we face in the current climate around the world.

I really hope the decision is looked at again and reversed, not only will it have a negative impact on TLC Storage and the local businesses and community, but it will have a terribly negative impact on myself and my family.

Yours sincerely,



From: [REDACTED]
Date: 10 July 2025 at 15:46:14 BST
To: [REDACTED]
Subject: Motorhome storage

Dear Emma

I am so sorry to hear about the problems you are having with retrospective planning permission to allow TLC Storage to continue

From our point of view the storage facility is perfect for our needs. The location being just 10 minutes from our work place and 30 from our home is ideal. Our insurance policy states that our motorhome must be kept in a secure place. We have peace of mind that while she is at TLC she is safe and secure.

The facility being set back off the road and very few people knowing it is there makes it even more attractive as a location for keeping our motorhome. The hardstanding is ideal as there are never issues with our van being stuck when we go to get her. In the 3+ years that we have been a customer of TLC Storage we have been very happy with the location and facility. We would not want our van to be kept in a more central location that perhaps everyone knows of them being left for longer periods of time. Where she is currently she is away from view with minimal people knowing of the facility. Before finding TLC we researched around the local area and this was the most convenient and most secure for our needs. I fear that if this facility closes we will struggle to find storage that gives us what we have now.

I really hope you are successful with your appeal.

Kindest regards



From: [REDACTED]
Date: 10 July 2025 at 16:47:48 BST
To: [REDACTED]
Subject: Re: TLC Storage Planning
Reply-To: [REDACTED]

To whom it may concern, we store our caravan at this location because it was the only caravan storage in Elgin and travel up from Cornwall every year. We have been doing this for 4 years. We use it while looking after our grandchildren whilst their parents are at work during the school holidays. My son in law is employed at RAF Lossiemouth and can be away for long periods of time. Whilst we are in Elgin we spend heavily in the surrounding area and holiday further afield in Scotland.

To lose this facility would be devastating for our family and my daughter who works for Johnstons could not continue in her workplace.

To Moray Council Town & Country Planning Department

In Reference To: 24/01431/APP

Application for a Motorhome & Caravan Storage Facility At
Level Farm
Birnie
Elgin

13/07/2025

Dear Mr. Miller

As a user of the storage facility, I am writing in response to the Council's decision to refuse planning permission for, in my case, my Motorhome to be stored at Level Farm

One of the reasons for refusal is that it is not linked to promoting tourism into the area.

I respectfully refute this conclusion and would like to offer a few supporting points for maintaining this storage facility at Level Farm.

Owners of Motorhomes and Caravans are, by nature, tourists. We actively seek out rural and scenic areas in and around Morayshire and of course further afield.

My wife and I have had many an outing in this area and in doing so supporting local attractions, hospitality venues and shops etc. This knowledge of ours, and others, is passed onto numerous other owners of Motorhomes and Caravans who don't dwell in this area but are attracted to it in some part by the positive reviews and comments we locals pass on through various groups.

I myself am a member of numerous groups.

Scottish Motorhome Campervan Adventures - 43K members
Wild Camping Scotland - 59K members
CAMPRA Scotland - 950 members
CAMPRA Aires - 11K members
Real Scottish Motorhome Park ups - 10K members
Bailey Motorhome Owners Group - 8K members
The Bailey Motorhome Owners Group - 4K members
Motorhome Happiness - 104K members

I'm sure you have noticed the increased numbers of Motorhomes on the road. Local owners of Motorhomes and indeed many others attracted to Moray, applaud the council for its positive outlook in also promoting the area. I offer the parking / overnight stay car parks in Lossiemouth as an example

I feel that the development at Level Farm goes somewhat to align with regional strategies to promote rural tourism and the 'staycation' trend.

P10

There is also another very important point that I feel I need to bring to your attention and that Motorhome and Caravan Owners always have upper mind in their thoughts. And that is finding a suitable and safe location for storing their Motorhome and Caravan for what can be for many owners a considerable expense and long-term investment.

The Level Farm provides this. It has been designed to minimise visual and environmental impact, with appropriate screening. In-fact none of the vehicles can be seen from the nearest rural road which is a plus point for us owners, it has one road in – one road out, and the fact that someone is always at or very near the location is a piece of mind.

More importantly the site is approximately 4 miles from the A96 - from the perspective of a thief, the Level Farm Storage facility does not offer a quick getaway for anyone thinking of stealing what we know are highly sought after vehicles. Motorhome and Caravan theft is on the up with approximately 4000 stolen each year. This in turn drives up insurance costs yearly.

But the Level Farm Storage Facility, the subsequent post code and the distance and difficulty in getting to the A96 is taken into consideration when insurance quotes are offered.

If I and others using the Level Farm Storage Facility have to be relocated, I fear the Insurance Companies would take this into consideration as the limited number of storage facilities on offer are not ideal as far as the location goes.

If approximately 60 Motorhomes and Caravans do have to move off the site, where do we go. I, for one, know that a number of Estates in Elgin do not allow such vehicles to be parked on your drive as part of the deeds.

I respectfully request that the planning authority reconsider the broader definition and contribution that this facility provides to us Motorhome and Caravan Owners.

Yours Sincerely

[Redacted signature block]

To whom it may concern. I would just like to give my full support to Emma Thorpe and the TLC storage area at the level near Elgin.

This is an excellent area for storing our caravan whilst it is not in use. It is within a short distance from Elgin. It is out of sight from the public eye. Although near to Elgin it has no effect whatsoever to the very small amount of local residents in that area. With easy access and very secure. It gives us peace of mind that it is secure and well looked after by the owners of the place. The cost of putting our van there is well affordable. We compared it to others in Elgin, and they were extremely more expensive.

My wife and I would be extremely disappointed if the well run business was to close as we feel much happier having the van there rather than outside our home.



From: [Redacted]
Date: 11 July 2025 at 15:02:52 BST
To: [Redacted]
Subject: Caravan storage

To whom it may concern. I am writing in support of the proposed caravan storage at the Level Farm Birnie. The facility for us is in an excellent location. It is not able to be seen from the roadside so has no visual impact on the countryside. It is supporting the enabling of tourism in the local area as we use local sites to go to and thus it enables us to support local shops, restaurants and other facilities. The site has no environmental impact as all we do is store our caravan there. This is a much needed facility in this area, we researched heavily for a site to store our caravan and this was the only one available to us within a reasonable distance and if this site is closed we would seriously consider selling our caravan therefore being a loss to the local area and the support we give local amenities.

Kind regards
[Redacted]

Sent from my iPhone

To Whom It May Concern,

Re: Support for Caravan Storage Facility, Level Farm – Planning Appeal

I am writing on behalf of JayRock Grounds Maintenance Ltd in support of the continued operation of the caravan storage facility located near Elgin, which is currently the subject of a planning appeal following the refusal of retrospective planning permission by Moray Council on 27 May 2025.

As a local, professional grounds maintenance company, we have been contracted to carry out regular maintenance at this facility, including grass cutting and general site upkeep. This forms part of our ongoing business operations in the area and contributes directly to local employment and economic activity.

In our professional opinion, the facility is a low-impact, well-maintained site that integrates appropriately into its countryside surroundings. Its proximity to Elgin makes it a practical and accessible solution for local residents seeking secure and affordable storage for caravans. The site does not create noise, traffic, or environmental disruption, and is maintained to a high standard.

We also recognise the wider value this facility brings to the local economy, particularly in relation to tourism. By offering a secure and cost-effective storage option, it supports holidaymakers and touring visitors without adding pressure to residential areas or public spaces.

It is our belief that relocating such a facility to industrial land within Elgin would not only be economically challenging for its operators and users, but would also place unnecessary strain on limited commercial space needed for other industries. Retaining the current site provides a balanced solution that supports rural diversification, tourism infrastructure, and local business partnerships such as ours.

We respectfully ask that the planning authority reconsider the value of this facility to both the local economy and the wider community, and we fully support its continued operation.

Kind Regards,

Sam Jarockyj
Managing Director
JayRock Grounds Maintenance Ltd

From: [REDACTED]
Date: 14 July 2025 at 11:01:45 BST
To: [REDACTED]
Subject: Support for application

Hi Emma

Sorry to learn of the problem with the caravan storage site.

We would like to show our support on this matter.

This is the third year we have stored our caravan at The Level and found it perfect for our needs along with many more caravan owners. It is plain to see you have a lot of customers who have stored their caravans etc with you for years now.

Why did we pick The Level before other storage facility's. ?

Having stayed in Thomshill for 54 years I knew the area well and knew the level was the perfect location for storing our caravan.

We looked at other storage facility's but they were mostly exposed to the general public in some way.

There is one site that is in plain view from the A96 and is less than 500 yards from the road!

The storage area at the Level is down a dead end road and is hidden from the general public.

There is no reason for the general public to drive down this road.

This is a HUGE plus for owners and is DESPERATELY needed in the local area

We do not want potential thieves driving past looking and planning what they can steal next !

The caravans at the Level have a decent space between them.

We looked at one site and is near impossible to get into the caravan and it has restricted access to the site.

The caravans at the Level have a decent space between them.

We looked at one site and is near impossible to get into the caravan and it has restricted access to the site.

We like the open access we have to the facility as sometimes we use the caravan to go away for a weekend in the local area, we don't have to travel far to enjoy our caravan!

We just pop up the day before, load the caravan ready to leave the next day, just brilliant.

We believe in supporting local business's that are willing to invest their time and money into projects that better the area and bring something to the area which is much needed.

It seems very strange that the council have knocked back your application when there is factory next door making house kits.

I see one reason for refusing the application is people with caravans travel outwith the area. This reason does not make sense. Like most of the population, people travel for their holidays. Going by the councils reasoning, do they want local people not to travel and see the world?. Do they want people not to travel by bus, train or plane for their holidays?

This is simply not a valid reason for refusal.

We wish you have success in this matter

[REDACTED]

From: [REDACTED]
Date: 14 July 2025 at 21:05:13 BST
To: [REDACTED]
Subject: TLC storage
Reply-To: [REDACTED]

TLC Storage

I keep my caravan at TLC Storage this is a safe and secure place to keep it away from my home. It has easy access and very secure, if this facility is forced to close my caravan would have to be kept at home as other storage facilities are full, this would be unsafe as I have 2 cars that are already parked on the drive either the caravan or a car would have to be parked on the road.

I find the site very handy to pick up the caravan when going away for a couple of nights in the Moray area to local events or just a weekend away.

The caravans in storage are not leaving a footprint or damage to the land, they give off no pollution and are not a permanent fixture.

TLC Storage is not able to be seen from the road unlike other caravan storage facilities such as the site outside of Mosstodloch that is in full view from every direction, and also on farm land.

Right next to the TLC storage is the industrial site Springfield Timber Kit Systems which is not in keeping with the countryside at all.

[REDACTED]

From: [REDACTED]
Date: 14 July 2025 at 20:55:22 BST
To: [REDACTED]
Subject: Moray council

Re retrospective planning permission TLC storage

After searching for a while to find no availability in any existing storage areas we at last found TLC. This allowed us to move our caravan from off the public road to safe storage. The site is well concealed and not visible from any roads and is right next to a timber yard which is already in my mind a business premises

We use our caravan on many occasions within the local area. As there are enough places within a short drive for quick weekends

This is also a service which helps the local community as businesses store there outside catering vans etc here.

I hope you will reconsider your objections to this small business.

[REDACTED]

[REDACTED]

14th July 2025

Dear Sir/Madam,

I am writing to express my concerns regarding Moray Council's decision to deny planning permission for TLC Caravan Storage. From my understanding, a primary reason for the refusal is the belief that there are more suitable sites available within built-up areas of Elgin.

I would like to highlight that the location of TLC Caravan Storage is highly appropriate for both customers and the local community. It is situated in an unobtrusive area with minimal visual impact on the surrounding countryside, which is only visible from within the site. The site benefits from excellent road connectivity to Elgin, making it easily accessible.

Locating caravan storage in an urban or industrial area increases the risk of theft, vandalism, and break-ins, thereby providing a riskier environment for individuals' investments. Additionally, many residential areas include clauses in property deeds that prohibit the parking of caravans and motorhomes on driveways, underscoring the importance of accessible, secure storage solutions.

Another reason cited for the refusal relates to the perceived lack of tangible tourism benefits. However, I believe that caravan storage facilities can indeed support local tourism. For example, I frequently use my own caravan for short stays in Moray, visiting locations such as Hopeman, Finnechty, and Lossiemouth, thereby contributing to the local tourism sector.

I fully support TLC Caravan Storage's application to appeal this decision for the reason outlined above.

Thank you for considering this perspective.

Yours sincerely,

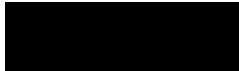
[REDACTED]

From: [REDACTED]
Date: 15 July 2025 at 16:32:51 BST
To: [REDACTED]
Subject: Re: TLC Storage Planning

Hi Emma

I am sorry to hear that the planning permission has been refused and we would be happy to support your appeal. We have used your facility for almost three years and are very happy with the current arrangement. We feel that it provides good value for money compared to other storage facilities we looked at in Elgin. In particular we feel that it provides excellent security for our vehicle as it cannot be seen from the main roads in the vicinity and is only accessed by a small number of likeminded users with similar needs. With regards to the claim that it contributes the the urban sprawl of Elgin, we would point out that the nearby housing estate that is currently under construction is having a far larger impact. Also, the fact that there is a commercial/industrial construction facility immediately adjacent to the site does not appear to adversely affect the neighbouring landscape.

Please let me know if there is anything further we can do to assist.



Sent from my iPhone



64 Glen Moray Drive, New Elgin, Elgin IV30 6YA

Tel: 07713287426

VAT Registration Number 357 8003 89

thecroftersneuk20@gmail.com

To whom it may concern,

I am writing to voice my concerns on the rejection to change the use of land at the level farm Birnie Elgin Moray TLC.

TLC is a safe, secure, and well-kept area that allows me convenient access to store and collect my catering trailer.

I am an event caterer, and all my events are in held in the local area. These events bring in a lot of tourists and more visitors to our area we also cater for charity events supporting a variety of charities in the area.

My concern is that I will find it difficult to store my catering trailer elsewhere that is available, reasonably priced, secure, secluded, not visible from public roads and convenient access.

It is a perfect area as it next to an operational timber factory, so it does not look or feel out of place (dumped in a country field for all to see).

I do hope that you reconsider your decision as this will be a costly loss and a huge disappointment to many businesses and holiday makers alike.

Kind regards

Gayle Johnstone

From: [REDACTED]
Date: 15 July 2025 at 21:06:56 BST
To: [REDACTED]
Subject: Re: TLC Storing Planning

Dear Emma

Absolutely devastated about this news.

We just bought the caravan from Harpers's in Elgin 6 months ago only because they recommended yourself for storage.

Where we live in Craigellachie it's very restricted for storage and I'm reluctant to park it on the road. This is due to limited parking spaces and a primary school situated close to our house.

We have enquired about storage elsewhere but no luck.

With regret unless anything changes we are going to have to sell the caravan.

Grandchildren are going to be devastated as we took them away on a regular basis.

Going abroad is too expensive for us.

The only issue I have with selling it is the viewings would have to take place where it's stored. I don't have any other option than this.

We are really stressing about this situation.

Is there anything that can be agreed to allow us to continue parking it there.

Kind regards

[REDACTED]
From: [REDACTED]
Date: 17 July 2025 at 19:05:36 BST
To: [REDACTED]
Subject: Caravan support letter

Hi there, I'm writing in support of the caravan storage facility. The caravan storage facility is a great place where it is situated, with a locked gate and CCTV. The owner charges a very small amount of money each month, which isn't noticed coming out of the bank, which I'm very happy with.

As the storage facility is completely off the main road and you wouldn't even know it's there as you drive past which takes all stress off me as I know my caravan is safe and secure and free from getting any sort of damage

The storage facility doesn't look out of place at all in the countryside and to me it blends in very nicely compared to some of the buildings and compounds that are out in the middle of the countryside that stick out like an eyesore.

So the truth to be I'm a born country person that was brought up in a farming family that loves the countryside. I can't see any problem with the caravan storage site. It's benefiting a lot of people and families and encouraging more and more people to buy caravans/motorhomes to go touring the country. If the Moray Council shut down the caravan storage facility I will most definitely have to sell my caravan that I have worked so hard to get and that is going to affect me, my partner and my 4 young children plus 2 of my children have autism and they now love the caravan and going away for weekends which will be very hard for them to understand if it's taken away from them.

At my home I have a shared drive way with my neighbour that my caravan does not fit in and I certainly would not be storing my caravan in any storage facility in the middle of Elgin as storage charges would be astronomical and also the amount of vandalism that happens in Elgin is out of hand so that wouldn't be happen so yes I would have to sell my caravan and probably so would a lot of other people that use the Level storage facility.

I hope this permission situation gets sorted out as it really would be a shame if it has to get shut down. Yours sincerely [REDACTED]

From: [REDACTED]
Date: 20 July 2025 at 16:59:48 BST
To: [REDACTED]
Subject: Re: TLC Storage Planning

Dear Emma,

Apologies for the delay in responding.
We'd be delighted to support you in your appeal.

We agree with your argument that the proposal does represent a low intensity/impact to the environment. It's very difficult to find the site, let alone see from public highways. I imagine the activity of the access road to your development is comparable, if not considerably less, than that of the nearby lumber storage facility. I also feel that your proposal would generate less noise. Furthermore, the proposed quarry and cement works in Birnie has raised considerable local objection, on the grounds of increased noise/dust pollution, traffic activity, and potential health hazard. I can't imagine your development having anything near that level of objection.

With regards MLDP Policy DP8/DP4 insisting 'Proposals must demonstrate a locational need for a specific site and minimise any adverse impacts on the environment and amenity.'; the number of clients you have, and the fact that the facility has been in use for several years, is a clear indication that there is a need, and your site is an adequate location.

Having had our own development proposal (for an electric charging station in our front garden) rejected from Moray Council on the grounds that parking in central Elgin was at a premium, I can't understand why the council aren't encouraging solutions to minimise congestion within the urban area.

Secure storage of caravan/motorhome, in a remote location, away from built-up residential areas, that presents minimal (if any) impact on local environment, is indeed of great benefit to those who have one. We use our van to travel far and wide, as do a lot of other fortunate owners. However, more often than not, we travel and stay at locations throughout Moray. It's a huge area with numerous attractions and diverse countryside and we're delighted to have such access using the van. We spend money in Dufftown, Nairn, Buckie, all over Moray as, I suspect, many others do too. To suggest that your clients, or indeed any other caravan/motorhome owner in Moray, doesn't directly contribute to tourism in the area is an exceptionally naive stance from Moray Council.

We have attempted to source other suitable storage options in the past. These tend to be west Moray, towards Inverness. Having storage in Highland region would serve our purposes certainly and, more than likely, be more expensive. However, we would probably continue journeys further into Highland than return to Morayshire. We'd still contribute to tourism, just not in Moray.

Regards,

[REDACTED]
From: [REDACTED]
Date: 27 July 2025 at 19:39:30 BST
To: [REDACTED]
Subject: Caravan Storage Facility

Dear Emma

I am writing in support of your business case to Moray Council with regards to the provision of caravan storage facilities at The Level Farm, Birnie, Elgin.

As you're aware, we currently have our caravan in storage at the site and have had since we moved into the area a few years ago.

On arrival in Moray, we found that such storage facilities were few and far between in the Moray area and the site at your farm offered a secure facility at a reasonable cost which met the demands of our caravan insurance company.

The site at The Level is ideal in that it is out of sight from the surrounding area given the natural boundary provided by the timber yard and the woodland in the area. As stated, we found that other sites located in Moray were highly visible from public roads thus reducing the security of these facilities and increasing the risk of thefts etc.

The site is also a short drive from our home in Elgin which is a major consideration in choosing a storage facility as it makes it easier to retrieve the caravan for short breaks, some of which we take in the Moray area.

Your site is very well maintained, is on level well drained ground and has provided us with the knowledge that our caravan is safely stored throughout the year. The loss of this facility would undoubtedly cause us significant issues in identifying another suitable site within the local area given we reside in an area where caravan storage is not encouraged on our private driveway.

[REDACTED]

From: [REDACTED]
Date: 26 July 2025 at 19:47:27 BST
To: [REDACTED]
Subject: Support for TLC Storage

Hey Emma

Hope the below is ok and helps us all keep TLC going 🍷

I am writing to give my full support to TLC Storage in regards of they're planning permission being rejected

This business we support allows my family to own a motorhome to travel round the local area visiting well known tourist attractions which allows us to support local businesses as we travel around , if we did not have this safe secure storage we would not be able to own a motorhome as we cannot store it at home.

The reason we chose TLC is that it is not visible from the public road giving us peace of mind, is secluded and screened by grass banks and trees therefore safer than some other open storage sites in the area that we would not feel safe leaving our motorhome in even if they did have spaces available.

The reason given by yourselves that it is not keeping within the countryside is not a valid reason as there is a timber factory in full operation right next door to the site with heavy goods vehicles in and out daily

If you decide to again reject the permission then ourselves , children and grandchildren would lose out visiting our local attractions as we would have to sell our motorhome as there is nowhere else available or I feel as safe as TLC, all well and good you promoting stay at home and enjoy our local areas on our doorstep but then not supporting us all to be able to do so is extremely disappointing

[REDACTED]

Dear Sir/Madam

I have recently been made aware of the councils' rejection of Emma Thorpes retrospective planning permission application for Level Farm. I currently keep my motorhome at the Farm and am writing to support Emma's application.

We have kept our motorhome at the farm for a number of years now and chose the location as it was by far the best option in a very small pool of option in the Elgin area. The only other real option for us was a site to the west of Lossiemouth, the other storage facilities in Elgin are not suitable for large motorhomes. Level Farm offers a secure site, that is out of view from the general public making it in our option safer and less of an eye sore than other options in the area, as well as keeping the motorhome away from the small village that we live in where the streets and parking are just not suitable for larger vehicles.

I have been made aware that one of the reasons for the initial application was rejected was due to the fact that it was not felt that motorhomes kept at Level Farm supported local tourism. I can state that this is not true in just the last year we have spent nights in our motorhome in the following locations with in Moray Glenlivet Mountain Bike Centre, Tomintoul, Lecht Ski Centre, Cullen and Findhorn, each time staying in a paid aire or campsite and spending money in the local area.

I hope that the council will review the retrospective application and see that the fact that there are motorhomes kept the Level Farm supports the local economy and that it is the most appropriate facility out of a very small pool of options.

Yours,

[REDACTED]