

PLANNING APPLICATION: 07/00765/OUT

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- This application is for outline planning consent for residential development on land at Findhorn.
- Indicative plans indicate areas also for community, education and commercial facilities, and for open space.
- Use of existing vehicular access through the site and present access onto the B9011 Kinloss - Findhorn road.
- Private water supply proposed from well within site.
- Original scheme suggested the use of septic tanks and a reed bed system for the treatment of foul drainage. Now amended proposals for connection into the public mains drainage system.
- Pathways indicated through and around the site.

The Site

- The site extends to around 3.32 hectares (8.2 acres) in area.
- Site presently comprises an area of rough dune land, with the remains of former RAF base runways and dispersal 'pans'. There is visible evidence on site that areas of the dunes have been worked in the past, and that materials have been removed.
- Overall the ground level rises gradually to the north, where the edge of the site lies on a low ridge.
- Also included within the site is an area of existing mature Scots pine trees to the east of the site boundary, and forming a break between the runway and the existing residential areas.
- To the north the site is bounded by a continuation of the dune area with a covering of gorse and broom bushes.
- To the east it is bounded by the existing residential areas of the Foundation.
- To the south the site is bounded by areas of woodland and other facilities within the Foundation's area, including the Universal Hall.
- To the west the site is also bounded by a continuation of the dune area with residential properties (outwith the Foundation) beyond.

Policy / Objections-Representations / Consultations - See Appendix

History

No history for this site.

Advertisement

Not advertised.

Observations

The main planning issues are:

Access and Parking (L/T4, L/T7)

The aim of these policies is to ensure that all new development is provided with vehicular access and parking to an appropriate and acceptable standard.

No new vehicular access to the site is proposed; access being taken from the existing entrance to the site from the B9011. In view of this there is no potential conflict with the policies of the development plan at present, although it must be stressed that the situation will require to be reviewed as and when any future application for detailed or reserved matters planning consent is submitted. The Transportation Manager has raised no objections to the application, but has recommended two conditions for attachment to any consent for this proposal.

Drainage and Waste Treatment (Policies 2(h), 2(i), L/ENV21, L/ENV23, L/ENV24)

These policies are intended to ensure that all new development is provided with drainage to an acceptable and appropriate standard.

In the first instance it was proposed that foul drainage for the scheme would be dealt with by means of septic tanks connected to a red bed system. This has, however, since been revised and the applicants are now proposing to connect to the public drainage system. SEPA have indicated that they would have no objection to this, although they would wish this to be a condition of any planning consent. Scottish Water has indicated that they have no objection to the application, but have noted restrictions in the capacity of mains drainage treatment works at present. Scottish Water have no objection to the grant of outline consent for the development, but have stressed that there can be no connection into the mains drainage scheme until such time as increased capacity has been made available in the Kinloss Treatment works.

Affordable Housing Provision (Policy 1(d), L/H7)

These policies are designed to ensure that all new housing developments in excess of 10 houses incorporate an element of affordable housing. Above 20 houses, the requirement is for 20% of any scheme to be affordable units. The Housing Manager has noted in discussion that affordable housing will be sought on this site to 20% (i.e. 8 units) of the total.

Impact on the Environment (Policies 2(a), 2(b), L/ENV1, L/ENV7)

These policies seek to ensure that impact of new development on the natural environment is minimal.

In their consultation response, Scottish Natural Heritage have noted no objections to the scheme and stated that it should have no impact on nearby sites of national and international importance. Further advice is offered to the effect that there may be badgers on the site, and that the applicants/developers should ensure that there are no badger setts on or close to areas affected by the development. The advice of SNH should be sought in the event that setts are found. Similarly it is noted that development such as the felling of trees and the clearing of scrub should be avoided during the breeding season for birds - usually taken to be from 1st April to 31st July inclusive. Other than this, SNH request that as much natural habitat as possible be

retained, and that new planting schemes are appropriately sited and use native, rather than ornamental species.

Taking the advice of SNH as noted, and considering the scheme in relation to Environmental policies within the development plan, the current application is considered to be in compliance with policies, and to be acceptable.

Community Facilities (Policy 1(h), L/CF1)

These policies support the identification of sites for the provision of community facilities. As this application is in outline there are no specific details of community facilities to be provided within the site. The indicative layout for the site does, however, show that space for community facilities has been taken into consideration in the proposals, and will thus form part of any finalised scheme. On the basis of this the scheme is considered to comply with these policies.

Settlement Boundaries (L/ENV10)

The aim of this policy is to guide new development, wherever possible to established settlements, and to designated sites within these; thereby avoiding the creation of a precedent for un-planned development outwith settlement boundaries. In this instance the site lies entirely within the current settlement boundary for Findhorn, and is thus not a departure from policy.

Design and Layout (L/H3, L/IMP1, L/IMP3, L/IMP4)

The aim of these policies is to ensure that all new development is of a standard and design which are appropriate to the location and setting, and that it will not detract from its surroundings.

In this instance the application before Members for determination is in outline only, and as such there are no specific details of the design and finishes that are proposed for any dwellinghouses on the site. A statement submitted with the application states, however, that development is proposed in a series of clusters with a consistent style for each. It is intended that natural, rather than synthetic materials will be used in the developments reflecting those already used elsewhere in the park, and that all built development will be to the highest Ecological Design standards. Without the specific details at this stage it is not possible to reach a recommendation on the acceptability or otherwise of the scheme in design terms.

In terms of layout, the proposal indicated at this stage is that residential development will be roughly divided into two main areas to the east and west of the site. The remainder of the site would be retained as a maintained dune area, areas of woodland, and areas for the development of community, educational and commercial facilities and open space. A small area of existing mature Scots Pine woodland will be lost to the eastern boundary of the site, but the greater part of the development areas are situated on former runway and dispersal areas, so that the largest possible dune area can be retained.

The site falls within the noise contours for RAF Kinloss and would normally require that a Noise Impact Assessment and details of the developments be submitted for consideration. Without this, refusal would be recommended. In this instance however, the Environmental Health Manager has stated that a suspensive condition will be acceptable as the application was received prior to implementation of the new policy.

Findhorn (Findhorn policies R3, RC)

These two policies relate specifically to the Findhorn Foundation, and to the site as applied for in this application. The majority of the site lies within the 'R3' designation, with a small area to the east of the site in the 'RC' area. The 'R3' designation is for the residential development of

land to allow for the redevelopment of existing uses within the park area and for the replacement of caravans and mobile homes with more permanent dwellings. The 'RC' designation specifically supports the replacement of caravans and mobile homes with more permanent dwellings.

The proposed development will allow for progress toward achieving the aims of these two policies, and is thus in compliance with them.

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Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- c) the identification within the local plan of the housing allowances set out within Schedule 2.
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy.
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible.
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste.
- i) promoting sustainable urban drainage systems(SUDS) in all new developments.

R3 Findhorn Foundation: Northern Runway

An area of land to the north of the disused runway has been included with the settlement boundary to accommodate redevelopment within the park. This area includes an existing builders yard and is defined by an existing fenceline separating the former runway from the semi-natural gorseland beyond.

This area has been included within the settlement boundary to enable redevelopment of existing uses within the park area including the replacement of caravans for permanent dwellings and to allow new visitor and small business facilities to be provided in the context of the existing mix of uses which are characteristic of the park area.

Development within this area shall not be allowed to proceed until the development of R2 is complete and fully occupied. Drainage constraints may further curtail development.

RC: Findhorn Foundation: Residential Caravans

Within the Pineridge and Park areas of the Findhorn Foundation, the Council will continue to apply a Policy allowing for the replacement of temporary residential caravans and mobile homes with more permanent dwellings, at lower or one-for-one densities. The Council does not oppose the innovative construction and design techniques used by the Foundation, provided they do not conflict with Objective 1.

Policy L/ENV1: Statutory Nature Conservation Sites

International Designations

Development proposals which may adversely affect a designated or proposed Special Area of Conservation, Special Protection Area or Ramsar site should be assessed in terms of its implications for the site's conservation properties and will only be permitted where it will not adversely affect the integrity of the site or there is no alternative solution and there are imperative reasons of over-riding public interest for the development. Where a priority habitat or species would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.

National Designations

Development proposals which may adversely affect SSSI's or NNR's will only be permitted where:-

- i) the objectives of designation and overall integrity of the site will not be compromised; or
- ii) any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Policy L/ENV7: Areas of Great Landscape Value (AGLV)

Development proposals within AGLV's will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area (see policies L/IMP2 and L/IMP3 in chapter 8). The Council will require detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes to be provided with planning applications.

The Council will seek a Direction from the Scottish Ministers to restrict the formation of vehicle tracks above the 150m level within AGLV's.

Policy L/ENV10: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Plan period. Development proposals immediately outwith the boundaries of these settlements will not normally be acceptable.

Countryside Around Towns (CAT's) have been designated within undeveloped countryside areas around Elgin, Forres, Buckie, Lossiemouth and Keith to preserve the distinction with the built up environment and to protect their special character.

Development in the countryside policies will be applied with greater restrictions within the CAT's. These are shown on the Proposals Map.

Policy L/ENV21: Private Waste Water Treatment and Drainage

The applicant must satisfy the Council in consultation with, SEPA and NOSWA that proposals for private sewage treatment can be implemented without adverse impacts on groundwater, and watercourses and provide for the efficient treatment of effluent.

Consideration will be given to advanced biological systems and new technology solutions as well as the more traditional septic tank and soakaway system. Disposal must satisfy testing procedures as required by the Council in consultation with SEPA and NOSWA and as outlined in appendix 3.

Policy L/ENV23: Private Water Supplies

The Council will require all applicants who propose to use a private water supply, to mark the supply and all works associated with the supply to the site e.g. the well, holding tank, supply pipe accurately on the application plan to enable the appropriate authorities to advise on adequacy, wholesomeness and pollution risks. This will require the applicant to provide specific information regarding the proposed water supply prior to determination of the planning application.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/H3: Servicing and Layout of new Housing Developments

(i) Layout

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

(ii) Drainage

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

(iii) Landscaping

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

(iv) Recreational Space and Community Provision

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments) in order to redress any negative impacts by upgrading existing facilities or through the provision of additional facilities. Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for the provision of recreational space for all types of housing will be prepared by the Council. Redevelopment proposals for existing facilities will be guided by Policy L/CF3.

(v) Energy Conservation

Planning applications and development briefs for developments of 10 or more houses must include a statement on the energy conservation techniques to be incorporated in the layout and design of houses.

Policy L/H7: Affordable Housing Provision

Proposals submitted for housing (on designated or undesignated sites) which are above the threshold for consideration of developer contributions as described in Policy L/F1 (i.e. 10 houses or more) will be assessed for an 'affordable housing' element. The proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing.

The Council will endeavour to provide affordable housing so that the benefits are passed on to serve the community in future years. The range of mechanisms under which this will be achieved may include but not be limited to:-

- i) that part of the site or development proposed for affordable housing use being transferred to the Council, Scottish Homes or a similar management body;
- ii) through the use of planning agreements and conditions; and
- iii) a partnership, joint venture and or other innovative arrangement between developers and the Housing Authority.

The Council's Community Services Department, is to produce detailed guidance on the implementation of these mechanisms.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/CF1: Designation of Community Facilities

Town and Village Statements will identify where local facilities are under provided, or in need of upgrading to meet the demands of that community. Sites designated for community facilities in Proposals Maps will be presumed to be protected from redevelopment unless replacement is included in the development proposal

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with bodies such as The Royal Fine Arts Commission, the Royal Institute of Architects in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high

energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

OBJECTIONS-REPRESENTATIONS

Letters of objection/representation have been received from:

- Loriana Pauli, The Park, Findhorn, Forres, IV36 3TZ
- Beverly A Court
- Marion Leigh, Cullerne House, Findhorn, Forres, IV36 3YY
- M Start, 414 Field Of Dreams, The Park, Findhorn, Forres, IV36 3TA
- Joanna Darling, 88A High Street, Forres, Moray, IV36 1NX
- Frances Robbe, 9 Batchen Court, Forres, IV36 1GL
- George Ripley, Clarepoint, Findhorn Bay, Forres, Moray, IV36 3YY
- David Steel, 92B High Street, Forres, IV36 1NX
- Joe and Mara Pearson, Cluny Hill Lodge, 35 St Leonards Road, Forres, IV36 1DW
- Gelda M MacGregor, 14 Old Bridge Court, Forres, Moray, IV36 1ZR
- Dr D A Bell and Mrs J V Bell, Tor Avon, Findhorn, Moray, IV36 3YY
- Ann Milston and Ken Mills, 11 Howard Park, Greystoke, Penrith, CA11 0TU

The main grounds of objection are as follows:

- **Environmentally sensitive area**

In some of the letters of representation it is stated that the site on which development is proposed is environmentally sensitive, and should be subject to more detailed surveying. The presence of various species on the site and in the general area is cited.

Comment: During consideration of this application, consultation was sent to Scottish Natural Heritage. In their reply, SNH have categorically stated that they have no objections to the proposals. It is noted that the site is around 170 metres away from the Moray and Nairn Coast SPA and Ramsar site and from Culbin Sands, Forest and Findhorn Bay SSSI, but that there should be no impact on these. The need to observe the breeding season for birds, and to ensure that no badger setts are disturbed is also highlighted.

- **Impact on Cullerne House**

Specific objection is raised to the likely impact of the development on Cullerne House. It is stated that this will result in adverse impacts on the privacy enjoyed by the house, and to the business run from there. It is stated that this will arise from increased vehicular traffic passing close to the house, and to increased pedestrian traffic passing by the house.

Comment: Although the applicants and their agent have issued no formal response to any of the objection points raised, this particular issue was raised with them, and they have categorically stated that there will be no vehicular traffic passing close to Cullerne House as a result of this development, nor will there be any change to pedestrian routes in the vicinity. From a planning perspective there is no issue to address here given the nature of the proposals and the amenity of Cullerne House, as it is speculation to suggest that the proposed development will result in adverse impacts on the property.

- **Conflict with coastal protection and nature conservation policies and lack of EIA**

Letters of representation make reference to the impact of the proposed development upon the coastal area and the natural environment, and thus conflict with development plan policies. The lack of an EIA and full assessment of the site is also given as a reason for objecting to the proposal.

Comment: As has been detailed above, and noted in the summary of the consultation response from SNH, it is not considered that the proposal represents a departure from the policies pertaining to coastal and environmental protection, and the consultation response received from SNH supports this view. In their consultation response, SNH confirm that an EIA is not required for this development.

- **Drainage**

Reference is made in the representation letters to drainage for the scheme, and the fact that the public treatment works is presently at capacity. It is also stated that a septic tank and reedbed system is not appropriate in this location to deal with foul effluent.

Comment: As detailed in the report above, the applicants have amended their scheme and now propose that it be served by public drainage. This has the support of SEPA. As the objectors have correctly noted, the public foul drainage system is presently at capacity and there is an embargo on new development as a result. It has, however, been confirmed with Scottish Water that they have no objection in principle to the connection, albeit that this will be dependant on improvements to the drainage infrastructure, and that connection to this will not be accepted in the meantime.

- **Impact on landscape and open space**

Letter of representation makes various objections to the potential impact of the development on the natural environment, the landscape, and the recreational facility afforded by the area. It is also suggested in different letters that the development should be concentrated either to the east or the west of the site.

Comment: As has already been noted, SNH have raised no objection to the scheme, although they have noted that care should be taken to avoid disturbing breeding birds, and to ensure that no badger setts are disturbed. Also as already described, the outline layout for the scheme distributes the various new development elements throughout the site, but retains large areas of mature Scots Pine and areas of the duneland. These will help to retain the open rural nature of the site and provide havens for wildlife, while also affording a degree of shelter for any new building. It is accepted that new development is going to have an impact on the natural and built environment, although this may be mitigated against through the use of planning conditions to ensure that appropriate landscaping forms an integral part of the overall scheme.

- **Development density**

Reference is made to the density of the proposed development, suggesting that it is too great, and that the number of houses proposed should be reduced.

Comment: There is no specific local plan allocation for this site to suggest the maximum number of houses which should be developed. Equally, this Council does not have any specific policy to guide levels of development in terms of house numbers per hectare. As this is an outline application, there is no detail provided to show the types of houses to be built on the site, and therefore to determine whether the density of development is acceptable or not. The indicative layouts provided do, however, suggest that the development areas will be divided into three, with two medium and one high density area. The higher density area is indicated as having 10 dwellings on an area of 0.23 hectares (equates to 43 dwellings per hectare), whereas the two 'medium' density areas of 15 dwellings each equate to 35 and 37 dwellings per hectare.

- **New development is not needed**

It is stated that no further development is needed within the Findhorn Foundation area, and that the objectives of policies R3 and RC of the plan will not be met by this proposal.

Comment: It is outwith the remit of this Council to consider this application on the basis of 'need', and this cannot be a factor in either refusal or approval of the proposals. The R3 designation within the plan is in place to allow for redevelopment of existing uses within the park, including the replacement of caravans. Similarly, policy RC states that the Council will allow for the replacement of mobile homes and caravans with more permanent dwellings. It is considered that approval of this application will actively support these two policies.

- **Pet nuisance**

One of the letters of representation suggests that approval of the application will result in an increase in the number of domestic pets roaming in the area, with a resulting detrimental impact on the wildlife in the area.

Comment: It is supposition to suggest that there will be an increase in the number of domestic animals as a result of this development. This may be likely, but is not certain, and cannot be considered in determination of this application.

- **Betrayal of trust**

One of the letters of representation states that this application represents a 'betrayal of trust' between the Foundation and the local community, and that there was no prior consultation about the proposals.

Comment: This is not a planning matter, and cannot be taken into account in the determination of this application.

- **Support**

Two of the representations received are in support of the proposed development.

CONSULTATIONS

Environmental Health Manager, Development Services - No objections to the scheme, although a condition of planning consent is recommended with regard to Noise Impact Assessments.

Contaminated Land, Development Services - No objection to the proposal, subject to one planning condition with regard to unsuspected contamination.

Scottish Natural Heritage - No objections to the proposal.

SEPA - No objection to the scheme, but it is requested that a condition be attached to any consent in respect of SUDs proposals, and that another condition be attached relating to foul drainage connection to the public mains system.

Findhorn and Kinloss Community Council - No objections.

Scottish Water - No objections to the scheme are noted, although it is noted that there is currently insufficient capacity within the Kinloss wastewater treatment works to serve the development.

Defence Estates - No objections. It is however, noted that details of heights of any buildings and the materials to be used will be required for consideration as part of any reserved matters/detailed application.

Environmental Protection Manager, Direct Services - No objections.

Regional Archaeologist - No objection, subject to a suspensive planning condition regarding implementation of a programme of archaeological works.

Transportation Manager, Direct Services - No objections, subject to planning conditions. In a further note at the foot of the consultation response, the Transportation Manager has made the following observation:

'Access roads serving the site from the junction with the B9011 are all private roads and it is understood that the applicant intends this to be an extension of this private road system. This is deemed acceptable in view of the nature and history of this development.'