

**APPENDIX 1** : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry

<b>TOPIC</b>	<b>REPORTERS RECOMMENDATIONS</b>	<b>RECOMMENDATION TO COMMITTEE</b>
<b>POLICIES</b>		
ED2 New Employment Land	No change to plan	Accept
ED8 Rural Business Operations	No change to plan	Accept
Policy H1 Housing Land Allocations	<p>Endorse the terms of Policy H1 and Table 1, subject to the following:-</p> <ul style="list-style-type: none"> <li>• Inclusion of a new statement in the Context section on page 14 justifying the approach taken to include 2 policies, H1 and H2 on the delivery of housing land allocations, in order to comply with the requirements of the approved Structure Plan and to meet the terms of SPP3 and the national policy guidance provided in PAN38. Statement should outline and clarify the different purposes of these two policies in that context.</li> <li>• Justification section following the wording of Policy H1 should be expanded to include the points from paragraph 6.1 of the Housing Land Issues Background Paper concerning the basis of the allocations made for the different settlements in Table 1.</li> <li>• Reference should be made in the Justification section of Policy H1 to the role of the annual Housing Land Audit process to monitor progress to ensure that sufficient effective housing land is made available to provide a five year supply at all times during</li> </ul>	<p>Accept. Modify Context and Justification text and modify Table 1.</p>

**APPENDIX 1 : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

	<p>the 5 year plan period 2008-2012.</p> <ul style="list-style-type: none"> <li>• Deletion of reference to "long" sites in the last column of Table 1.</li> </ul>	
<p>Policy H2 Indicative Long Term Housing Allocations</p>	<p>Policy H2 and the Justification text should be amended to clarify the status and primary role of the long term sites, by reinstating the second sentence of the version proposed by the Council in August 2007 or a redrafting, which better describes the purpose of the policy and the circumstances in which early release might be considered, but only on an exceptional basis.</p> <p>Justification section should also make clear that even if the triggers are agreed with stakeholders and reference made to the HLA process- any cases for possible early release of H2 sites will still need to be finally justified to the satisfaction of the Council.</p>	<p>Accept. Modify policy and Justification wording.</p>
<p>H6 Rural Communities</p>	<p>Accept proposed wording changes as put forward by Council regarding consultation on Supplementary Guidance</p>	<p>Accept. Modify text accordingly</p>
<p>H7 Re-use replacement of existing buildings in countryside</p>	<p>Accept proposed wording changes as put forward by Council Officers regarding :</p> <ul style="list-style-type: none"> <li>• reference to new build in association with re-use</li> <li>• re-use of salvaged materials;</li> <li>• retention of substantially intact buildings;</li> <li>• preparation of supplementary guidance.</li> </ul> <p><b>The full text of the revised policy follows</b></p>	<p>Accept. Modify text accordingly</p>

**APPENDIX 1** : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry

<p>H8 New housing in open countryside</p>	<p><b>this table</b>          Accept proposed wording changes as put forward by Council Officers regarding :</p> <p>Siting</p> <ul style="list-style-type: none"> <li>• replacement of “ribbon development” and “clusters” with alternative wording</li> <li>• expanded definition of “prominent”</li> </ul> <p>Design</p> <ul style="list-style-type: none"> <li>• removal of maximum 7metre ridge height</li> <li>• preparation of supplementary guidance</li> </ul> <p><b>The full text of the revised policy follows this table</b></p>	<p>Accept. Modify text accordingly</p>
<p>H9 Affordable Housing</p>	<p>Accept proposed wording changes as put forward by Council on reference to</p> <ul style="list-style-type: none"> <li>• preparation of supplementary guidance and</li> <li>• the different forms that affordable housing can take.</li> </ul>	<p>Accept. Modify text accordingly</p>
<p>Policy H11 Residential Caravans and Sites and Mundole Rural Community</p>	<p>Add the following points of clarification at the start of the Justification section,-</p> <ul style="list-style-type: none"> <li>• The Council aims to reduce the area’s dependency on residential caravans for low cost housing and to retain tourist facilities.</li> <li>• That there is scope for some infill opportunities within the defined boundary of the Mundole rural community;and</li> <li>• That the required masterplan for Mundole should take full account of the need to address local constraints, such as contamination and flooding, as well as</li> </ul>	<p>Accept. Modify Justification section.</p>

**APPENDIX 1 : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

	opportunities offered by its landscape setting and the recreation potential offered by the woodlands and the River Findhorn nearby.	
R1-R4 Retail	Accept proposed wording put forward by Council, regarding correct reference to SPP8, as opposed to NPPG8	Accept. Modify text accordingly
T1 Transport infrastructure improvements	No changes to plan	Accept
T2 Provision of access roads	Accept proposed wording put forward by Council to make policy consistent with T1	Accept. Modify text accordingly
T6 Traffic Management	No change to plan	Accept
CF Community Facilities General	No change to plan other than some additional wording restricting the policy to properties in community use, and re-ordering of text.	Accept. Modify text accordingly
CF1 Safeguarding community facilities	No change to plan other than some additional wording restricting the policy to properties in community use, and re-ordering of text.	Accept. Modify text accordingly
Policy CF2 Providing Recreational Land and Open Space	Accept proposed wording changes as put forward by the Council and amend the Justification section to state <ul style="list-style-type: none"> <li>“the first stage of work leading to the preparation of an open space strategy is already underway with an audit being undertaken of existing open space provision and its quality as a basis for the identification of current and future recreation land and open space needs in Moray. The key stages of this process leading to the Open Space Strategy (OSS) will all be undertaken in consultation with the stakeholders.”</li> </ul>	Accept. Modify Policies CF2 and E4 and their Justifications.

**APPENDIX 1: Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

	<ul style="list-style-type: none"> <li>Reference to SPP11 and PAN65.</li> </ul>	
Policy E3 TPO's and Controls on Trees	<p>Reference to Supplementary Planning Guidance to be amended to read, "The Council will prepare supplementary planning guidance in support of this policy, and this will be subject to consultation with Stakeholders prior to adoption."</p>	Accept. Modify Justification section.
Policy E7 Areas of Great Landscape Value	<p>No change, except for the following proposed additions and clarifications to the Justification section:-</p> <ul style="list-style-type: none"> <li>reference to be made to the SNH guidance on local landscape designations</li> <li>clarification that the terms of Policy E7 do not apply in defined settlements, including Rural Communities, of the local plan area.</li> </ul>	Accept. Modify Justification section.
Policy E9 Settlement Boundaries	No change	Accept
Policy E10 Countryside Around Towns	No change	Accept
EP General	Accept proposed wording as put forward by Council regarding the context of the National Waste Strategy	Accept. Modify text accordingly
EP2 Recycling Facilities	No change to plan	Accept
EP6 Development in Flood Risk Areas	Delete sites R5 and Thornhill LONG in Forres; Alter extent of designations at BP1 and I6 Elgin; delete Strategic Reserve, Kinloss; all due to SEPA concerns over flood risk	Negotiations with SEPA continuing regarding extent of flood risk to Forres sites. New information from Flood Risk Appraisals may result in objection being withdrawn. Should this not happen then "loss" of 45 houses at R5 to be made up by bringing forward some of Lochyhill Long allocation. An update on the position to be given at the Committee meeting.

# APPENDIX 1: Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry

		Accept other recommendations and alter Plan accordingly.
Policy EP8 Contaminated Land	No change	Accept
ER2 Renewable energy requirements in new development	<ul style="list-style-type: none"> <li>• Insertion of new additional wording either at the end of Policy ER2 or in its Justification section to state that, "Applications should only be exempt from the above targets where developers are able to demonstrate that technical constraints exist- and in those cases equivalent carbon savings elsewhere in the area would require to be secured from the applicant, by agreement.", and</li> <li>• An updated cross reference to SPP6 should be inserted at the end of the Justification section of Policy ER2.</li> </ul>	Accept. Modify text accordingly. In addition, include reference to Planning Advice Note 84 as the guidance for the implementation of this policy, until localised guidance is prepared.
ER3 Developments in woodlands	<p>Amend wording to read, "Development proposals within woodlands will be refused where this development would adversely affect the biodiversity or recreational value of the woodland or prejudice the management of the forest."</p> <p>The Justification section (2<sup>nd</sup> para) to be reworded to "The Forestry Commission Scotland will be consulted on issues arising from proposals, in relation to the management of the forest. Scottish Natural Heritage will be consulted on the biodiversity value of the woodland. The Moray Access Manager and Forestry Commission Scotland will be consulted on the recreational value of the woodland."</p>	Accept. Modify text accordingly
IMP1 Development requirements	No change to plan	Accept

**APPENDIX 1:** Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry

IMP2 Development Impact Assessments	Accept proposed wording put forward by Council regarding instances where <ul style="list-style-type: none"> <li>• Environmental Impact Assessments would be required, and</li> <li>• thresholds for when Transport Assessments would be sought.</li> <li>• Supplementary guidance being subject to stakeholder consultation</li> </ul>	Accept. Modify text accordingly
IMP3 Developer contributions	Amend wording of policy and justification, to clarify compliance with circular 12/96	Accept. Modify text accordingly
<b>TOWNS AND VILLAGES</b>		
Aberlour R1 Chivas Field	No change	Accept
Aberlour R2 Linn Braes and R4 Tombain	No change other than to consider deleting R2 as a local plan allocation, for the sole reason that this designated site has essentially been implemented in full prior to adoption of the local plan.	Accept. Delete site R2 as the site is now complete and renumber other residential sites accordingly.
Aberlour R3 Braes of Allachie and LONG	No change	Accept
Buckie R4 Portessie Station	Delete site due to loss of bio diversity and amenity. Amend settlement boundary to exclude the site.	Accept removal of housing designation, but retain site within settlement boundary with ENV 6 designation.
Buckie R8 Barhill Road	No change to plan	Accept
Buckie R10 High St	No change to plan	Accept
Buckie Mill of Buckie (new site)	No change to plan	Accept
Buckie I3 March Road	No change to plan	Accept
Buckie BP1 High St	No change to plan	Accept
Buckie RET1 High St	RET 1 site should be deleted due to impact on town centre and the potential for other more	Accept deletion of specific RET designation, but propose incorporation of area into enlarged BP

**APPENDIX 1 : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

	sustainable site options in or closer to the town centre.	(Business Park) designation, with retail use subject to, inter alia, criteria of policy R3.
Buckie Moravian Motors	Accept proposed revision to Settlement Boundary to include all of garage site	Accept; modify settlement boundary accordingly
Buckie OPP3 Baron St	Retain Opportunity site designation. Minor addition to text regarding need to safeguard amenity of surrounding properties from any redevelopment	Accept. Modify text accordingly
Buckie OPP5 Jones Shipyard	No change to plan	Accept
Buckie ENV2 Seafield Hospital	No change to plan	Accept
Burghhead R2 Redcraig Hotel South	No change	Accept
Craigellachie- New site industry	No change	Accept
Cummingston R2 Seaview Road	Strengthen the last section of the wording to read, "...and full implementation of any resultant remediation strategy agreed in writing with the Planning Authority, to satisfactorily mitigate the effects of any identified contamination." Additional text should be added to reflect the outstanding concerns that would need to be addressed satisfactorily when any planning application is being considered for this site.	Accept. Modify text accordingly
Dufftown OPP1 Mart Site	No change	Accept
Dyke Housing Site R1	No change	Accept
Elgin new housing sites for Springfield properties	No change to plan	Accept
Elgin R8 Hatton Hill	Retain designation but strengthen wording relating to the retention of part of the site for open space: amenity; community use	Accept. Modify text accordingly
Elgin Burnside of Birnie/BP1/2/3	No change to plan other than the identification of areas liable to flooding and a fuller and more explicit reference to industrial use, on site BP1/2	Accept. Modify plan and text accordingly

**APPENDIX 1:** Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry

<p>Elgin RET (Auction Mart) and OPP1 (Linkwood Road)</p>	<p>Remove retail designation from mart site, and re-designate as an opportunity site, to include possible retail use, subject to, inter alia, criteria of policy R3. Delete reference to need for flood alleviation scheme to be in place prior to development. Insert general text on flood risk to start of settlement statement.</p>	<p>Accept re-designation of RET to OPP. Accept removal of text relating to need for implementation of Flood Alleviation Scheme prior to development.</p>
<p>Elgin I6 Linkwood/A96</p>	<p>No change to plan</p>	<p>Accept</p>
<p>Elgin FA1 Linkwood</p>	<p>Amend northern boundary of site to correspond with flood alleviation works.</p>	<p>Accept. Modify plan accordingly</p>
<p>Elgin proposed site for nursing home Lesmurdie</p>	<p>No change to plan</p>	<p>Accept</p>
<p>Elgin TSP1/2 by pass corridors</p>	<p>No change to plan</p>	<p>Accept</p>
<p>Elgin TSP 7 &amp; 9 Birnie Rd/Glenmoray Dr/Edgar rd</p>	<p>No change to plan</p>	<p>Accept</p>
<p>Elgin TSP 10/11/12 Wittet Drive</p>	<p>No change to plan</p>	<p>Accept</p>
<p>Findhorn R1, R2 and LONG</p>	<p>R1 and LONG designations should be deleted from the local plan when it is adopted.</p>	<p>Accept. Delete R1 and LONG designations. The areas of R1 and LONG to remain within the settlement boundary as white land. Text to be added to designation R2 requiring the preparation of a longer term masterplan for R2 and the white land to the north, to include detailed ecological studies for the future development of the Ecovillage. The masterplan will inform future Local Plan Reviews.</p>
<p>Findhorn Proposal ENV8</p>	<p>Allocate the objection site at East Beach Road within the local plan. Initially allocate part of the objection site to the south of the East Beach Road for development within the plan period (2008-2012) and designate the part of the</p>	<p>Partially accept. Southern part of the site at Heathneuk to be designated as R1 with a capacity for 5 houses. A detailed ecological survey will be required. It is recommended that the northern part of the site should remain as ENV8</p>

**APPENDIX 1** : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry

	objection site to the north of East Beach Road as being LONG for development beyond the plan period.	due to road access concerns and to support the Local Plan objectives for Findhorn village.
Fochabers R1 Ordiquish Rd	No change to plan	Accept
Fochabers R1 OrdiquishRd and T1 By Pass	No change to plan	Accept
Forres R2 Knockomie North	No change	Accept.
Forres R3 Ferrylea	No change	Accept.
Forres R4 Lochyhill and LONG	No change recommended. However there are knock on implications from other recommendations	Accept. Bring forward some of the LONG site to make up for the 15 houses "lost" by the deletion of site R6. May need to bring forward further 45 if SEPA sustain objection to site R5.
Forres R5 Pilmuir Rd West	Delete site from plan due to flood risk	Negotiations with SEPA continuing regarding extent of flood risk to Forres sites. New information from Flood Risk Appraisals may result in objection being withdrawn. Should this not happen then "loss" of 45 houses at R5 to be made up by bringing forward some of Lochyhill Long allocation. An update on the position to be given at the Committee meeting.
Forres R6 Drumduan	Delete site	Accept. Replace 15 houses "lost" by bringing forward some of Lochyhill LONG. Site now to be designated ENV9.
Forres I7 Springfield Nursery	No change to plan	Accept
Forres OPP5 Cathay	Accept proposed wording changes as put	Accept. Modify Policy.

**APPENDIX 1: Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

	forward by the Council.	
Forres ENV10	No change	Accept.
Forres Thornhill LONG	Delete site from plan due to flood risk	Negotiations with SEPA continuing regarding extent of flood risk to Forres sites. New information from Flood Risk Appraisals may result in objection being withdrawn. An update on the position to be given at the Committee meeting.
Garmouth new housing site	No change to plan	Accept
Hopeman R1 Forsyth St and wider expansion	Delete R1 from plan, and no other allocation made.	Accept. Delete R1 designation. Hopeman to have no housing provision.
Keith R4 Alexandra Road	No change to plan	Accept
Keith R11 Corsairty	Delete site from plan	Accept. Replace 30 houses "lost" by bringing forward some of Edindiach Road LONG.
Keith Rosehall	Delete site from plan. Retain Bridge Street. No alternative sites designated.	Accept. Rosehall designation to be removed from plan.
Keith BP1 Mulben Road	Retain site as Business Park allocation, and expand on justification for the release of the site.	Accept. Modify text accordingly.
Keith ENV9 Alexandra Rd	No change to plan	Accept
Kinloss R5 Strategic Housing Reserve	Delete site from plan due to location within area at risk of flooding, in order to resolve SEPA objection to policy EP6	Accept. No requirement to find alternative as this was a strategic reserve only, and not part of Housing Land Supply
Lhanbryde R1 St Andrews Rd	No change to Plan	Accept
Lossiemouth noise contours	Insert additional new policy regarding development in areas considered to be at risk from noise. Explanatory text to be added to Lossiemouth and Kinloss settlement statements	Accept. Expand policy EP7 Pollution to cover aircraft noise, and cross reference to text for towns subject to noise from RAF air bases.
Lossiemouth suggested new	No change to plan	Accept

**APPENDIX 1 : Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

Industrial estate	No change to plan	Accept
Lossiemouth settlement boundary by golf course	No change to plan	Accept
Lossiemouth R1 Coulardbank	No change to plan	Accept
Lossiemouth R2 Canal Bank	Accept proposed wording put forward by Council regarding access to canal for maintenance purposes.	Accept: Modify text accordingly.
Lossiemouth R3 Stotfield Road	Whole area of site to be included in plan. Insert requirement to consult with MoD in respect of noise contours	Accept: Amend designation and text accordingly
Lossiemouth ENV8 Foreshore	Insert amended text regarding management, maintenance and potential for future development.	Accept: Amend text accordingly
Mossstodloch R1	No change to plan	Accept
Rafford R1 Brochloch	No change	Accept.
Rothes Site R2/ LONG	No change	Accept.
Rothes The Glebe/ LONG	No change	Accept.
Rothiemay R1 and R2	No change to plan	Accept
Urchhart	Identify site A, which has a capacity for 20 houses, at least in longer term	Accept: Designate new site A as LONG, its release to comply with policy H2.
<b>RURAL COMMUNITIES</b>		
Auchbreck	No change	Accept.
Craighead	No change to plan	Accept
Dailuaine	No change	Accept.
Darklands North	No change to plan	Accept
Drummuir	No change to plan	Accept
East Grange and Newton of Struthers	No change	Accept.
Enzie	No change to plan	Accept
Lintmill Nursery	Delete from plan as rural community	Accept
Longmorn	No change to plan	Accept

**APPENDIX 1: Report to Planning and Regulatory Services Committee 12 August 2008: Report of Local Plan Public Inquiry**

Mains of Moy	Replace the term "restoration or redevelopment" for the word "redevelopment" in the first and penultimate sentences of the first paragraph of the Mains of Moy settlement statement.	Accept. Modify text accordingly.
Mulben	Agrees to revised boundary for site B as put forward by the Council, for a maximum of 12 houses	Do not accept. The Reporters findings do not take account of the Planning Appeal that was upheld, on 29 May 2008, for 12 houses outwith the boundaries of the revised site B. Retaining site B would in theory provide for a further 12 houses. In order to restrict new housing in the Deanshaugh area to 12 houses, site B should now be deleted, allowing development to proceed on the appeal site only. The proposed rural community boundary should be retained.
Pluscarden	No change	Accept.
Nether Dallachy	No change to plan	Accept
Rathven	No change to plan	Accept
Thomshill	No change to plan	Accept
Tomnabent	No change	Accept.
Upper Dallachy	No change to plan	Accept



## H7 – Re-use and Replacement of Existing Buildings in the Countryside

The re-use or replacement of existing buildings in the countryside for housing will be acceptable if:

- (a) there is clear physical evidence of a previous building, using the equivalent of level 2 as depicted in diagram 1, where the full extent of the building is clearly established; *and*
- (b) the proposed house(s) sits on at least part of the footprint of the previous building(s). Exceptions will be made when development on the footprint is demonstrated as being unviable due to site characteristics such as flooding.

*Where new-build is proposed along with a re-use or rehabilitation scheme, it must:*

- (i) comprise only a limited number of new-build units, in proportion to the original extent of building on the site;*
- (ii) be contained within the curtilage of the existing building site and must not extend into previously undeveloped land; and*
- (iii) be in scale and in character with that which existed previously (e.g. a courtyard layout), and, where a rehabilitation is part of the scheme, be reflective of the original design characteristics.*

*In all cases, developments should incorporate stonework and salvaged material, wherever practicable.*

*Where complete replacement of substantially intact stone and slate buildings, such as churches, mills, farmhouses, granaries and schools, etc, is being proposed, the Council will require submission of evidence as to why conversion or renovation is not being pursued.*

[N.B. Where buildings are substantially intact, there may be a requirement to identify the presence of bats and assess any potential impact on their roosts.]

*This policy does not apply to the replacement of temporary structures such as wooden or corrugated-iron sheds or stores (unless as part of a rehabilitation scheme)*

*This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.*

The Guidance will include advice on maximising energy efficiency.

***The text in italics is new/changed text from the Finalised Local Plan version.***



## H8 – New Housing in the Countryside

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

### a. Siting

- *It does not detract from the character or setting of existing buildings, or their surrounding area, when added to an ; existing grouping, or linear extension*
- It is not *overtly* prominent (such as on a skyline or on *artificially* elevated ground; or in open settings such as central areas of fields). *Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.*
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example, dykes, hedgerows, watercourses, woodlands, *tracks* and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

### b. Design

- A roof pitch of between 40-55 degrees.
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 1);
- Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least *1.5m in height*;
- *Where there is an established character, or style, of boundary demarcation in the locality (eg beech hedges, dry stone dykes) new boundaries must be sympathetic.*

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

*This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.*

*The Guidance will include advice on maximising energy efficiency.*

***The text in italics is new/changed text from the Finalised Local Plan version.***

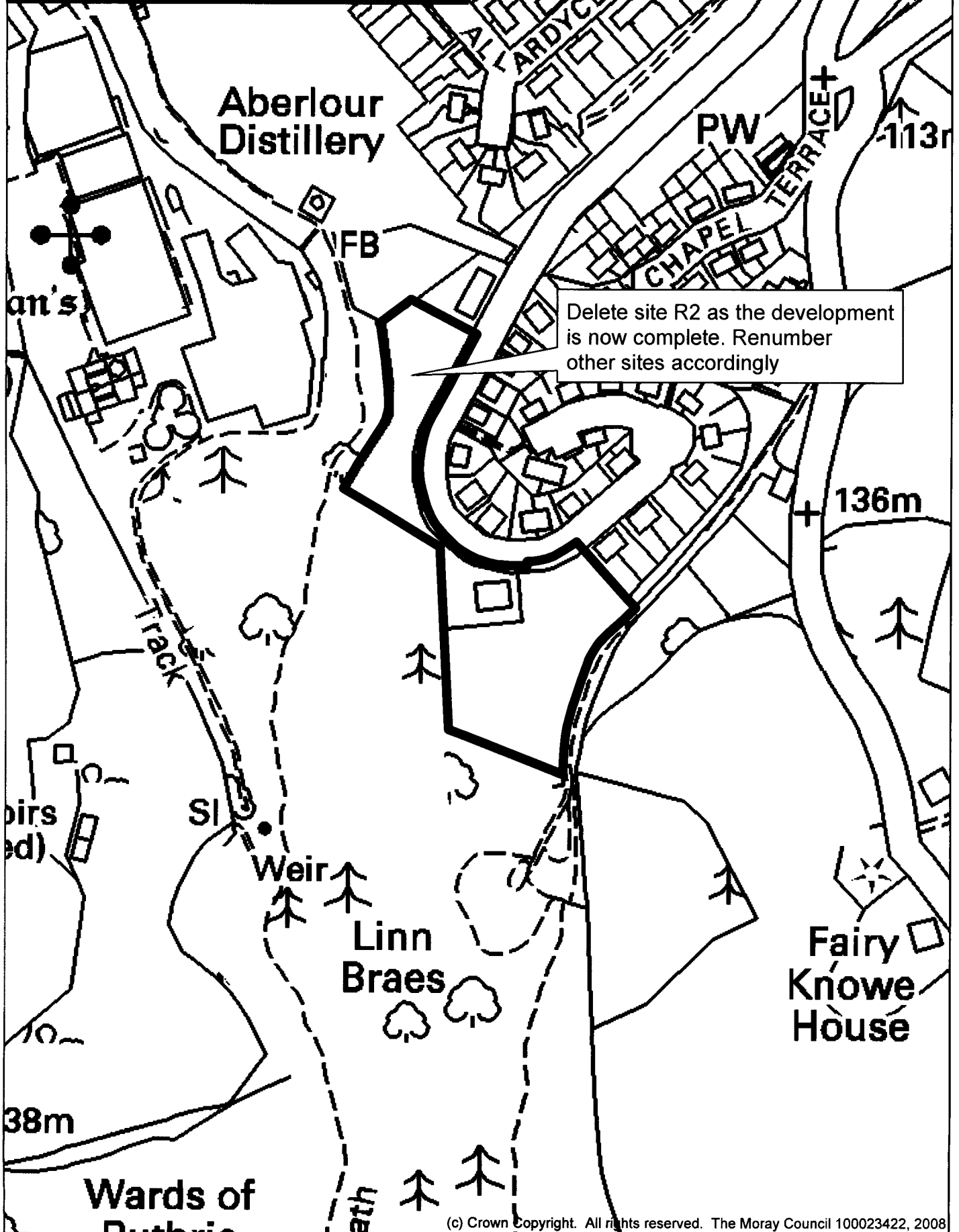


# ABERLOUR



Public Inquiry Report Maps

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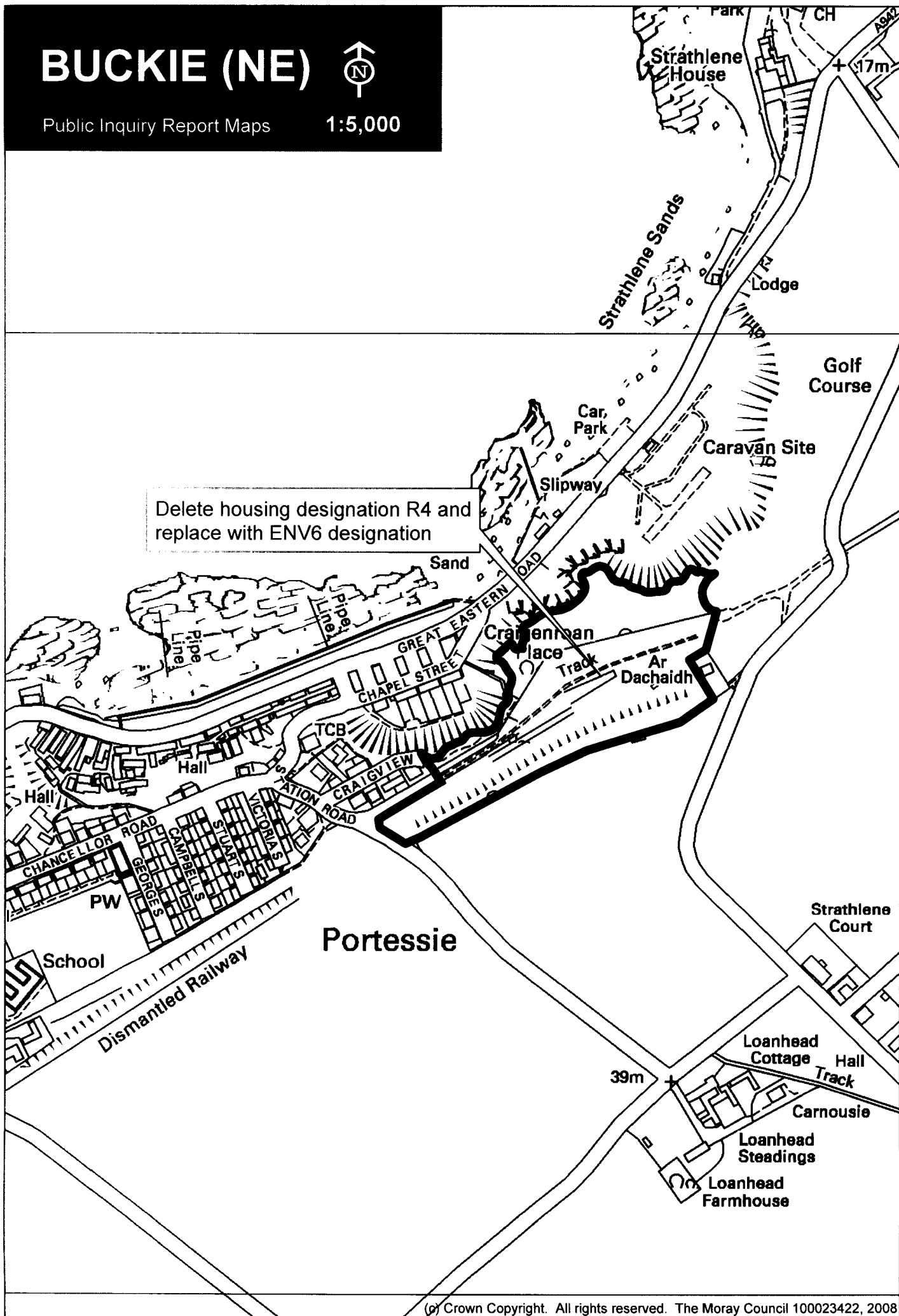


# BUCKIE (NE)



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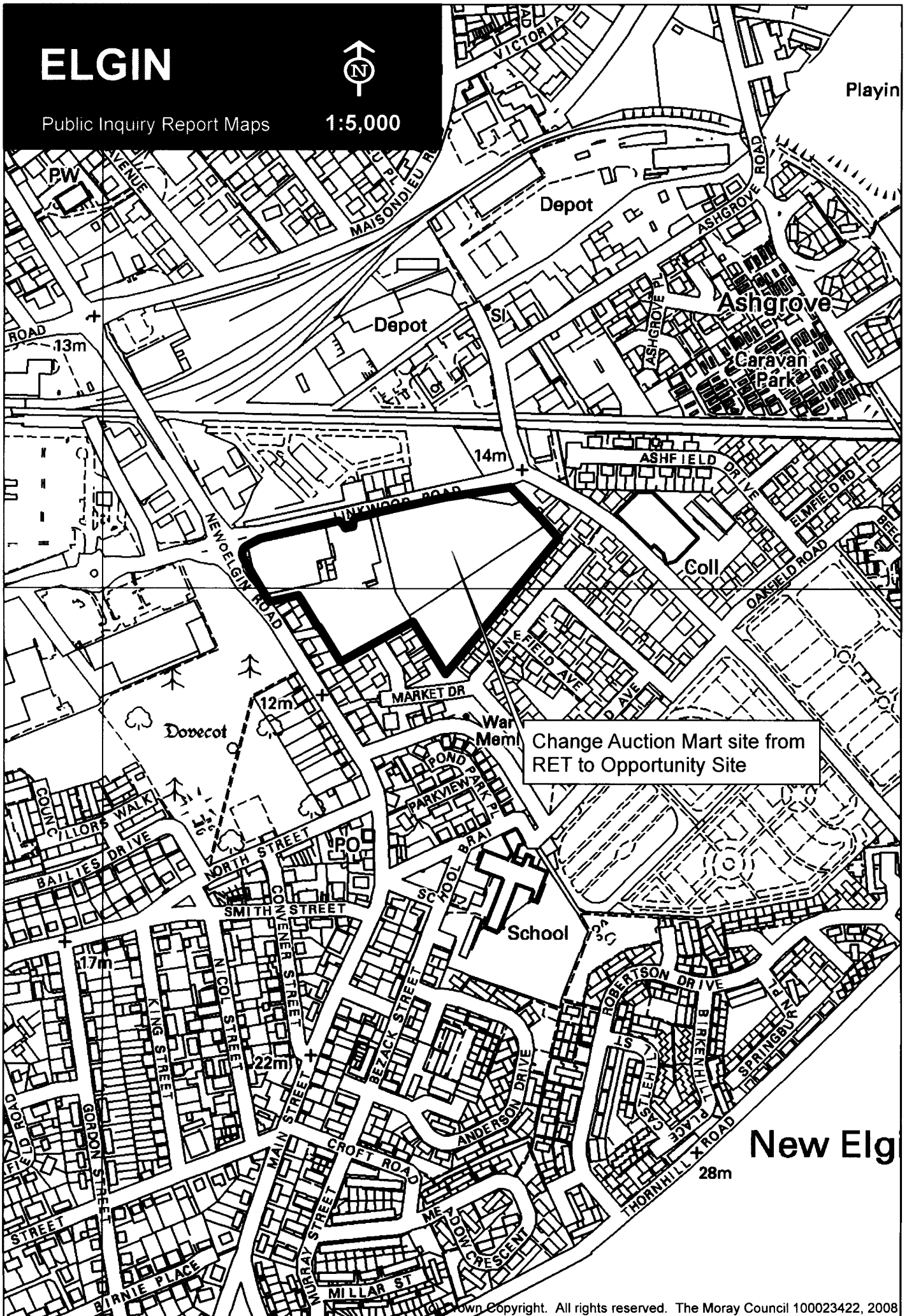


# ELGIN

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Change Auction Mart site from RET to Opportunity Site





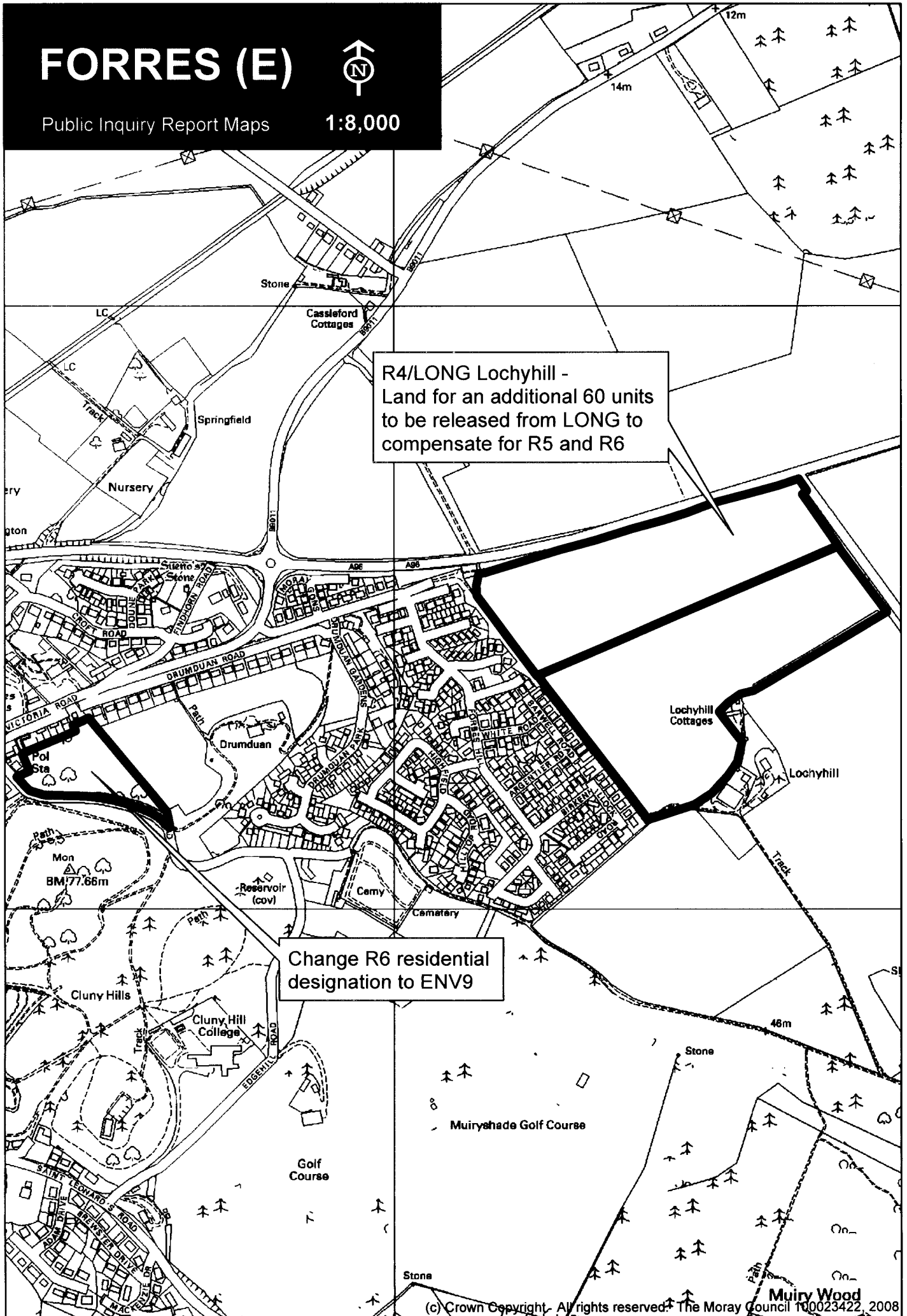


# FORRES (E)



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R4/LONG Lochyhill -  
Land for an additional 60 units  
to be released from LONG to  
compensate for R5 and R6

Change R6 residential  
designation to ENV9



# FORRES (SW)

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1:5,000

Delete Thornhill LONG designation.  
Site to remain as 'White Land'  
within settlement boundary.

Delete R5 designation.  
Site to remain as 'White Land'  
within settlement boundary

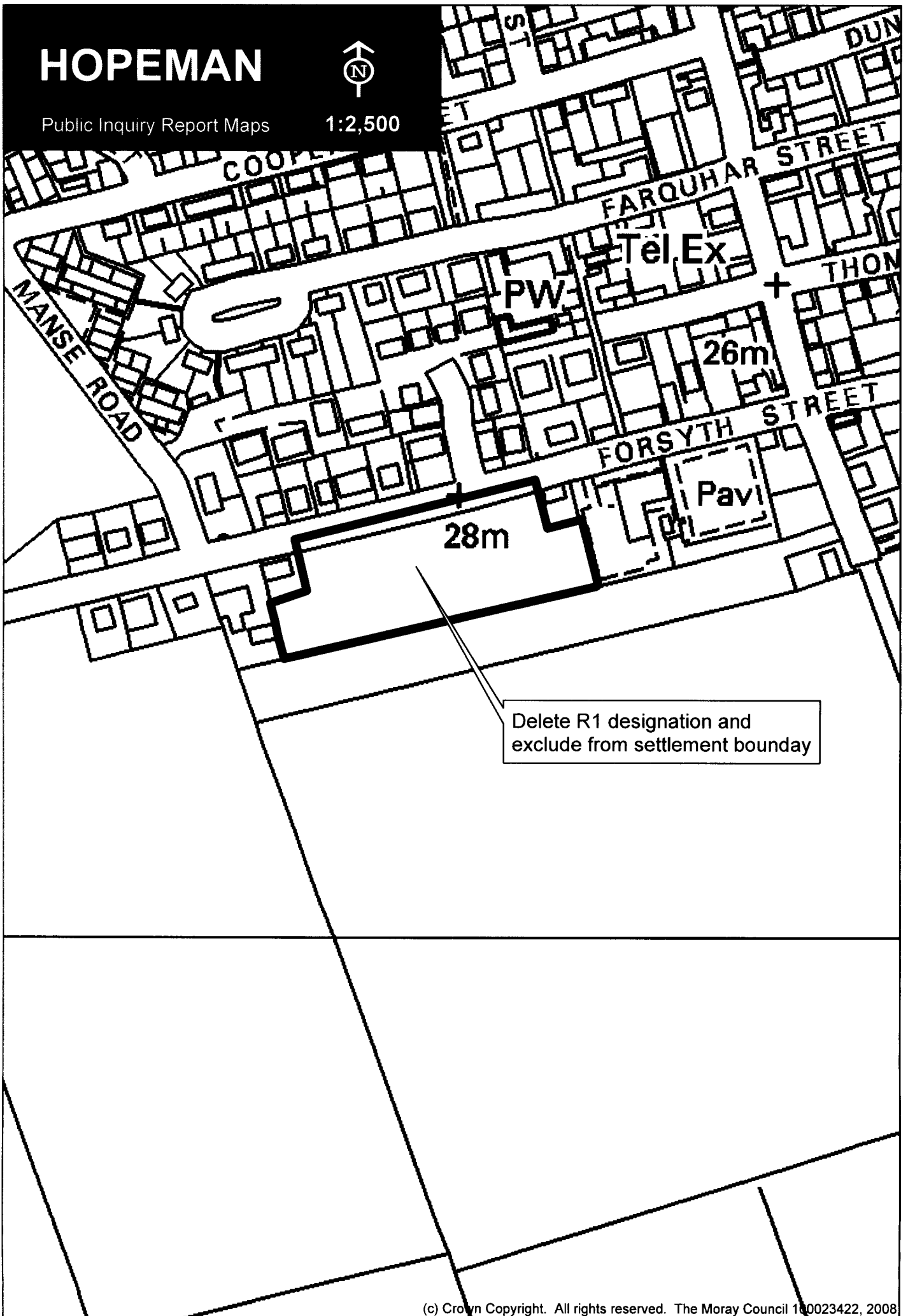


# HOPEMAN

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Delete R1 designation and  
exclude from settlement boundary

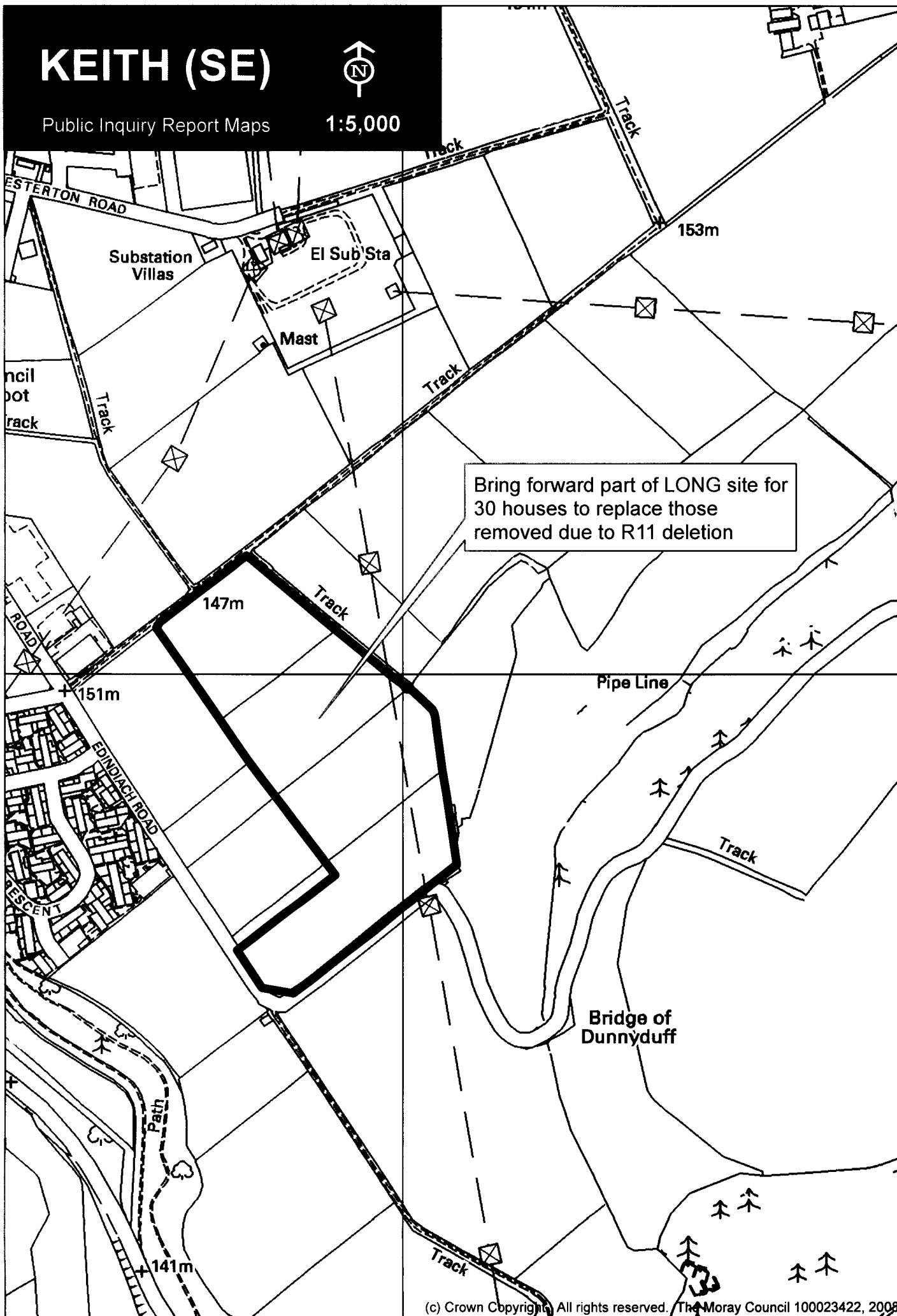


# KEITH (SE)



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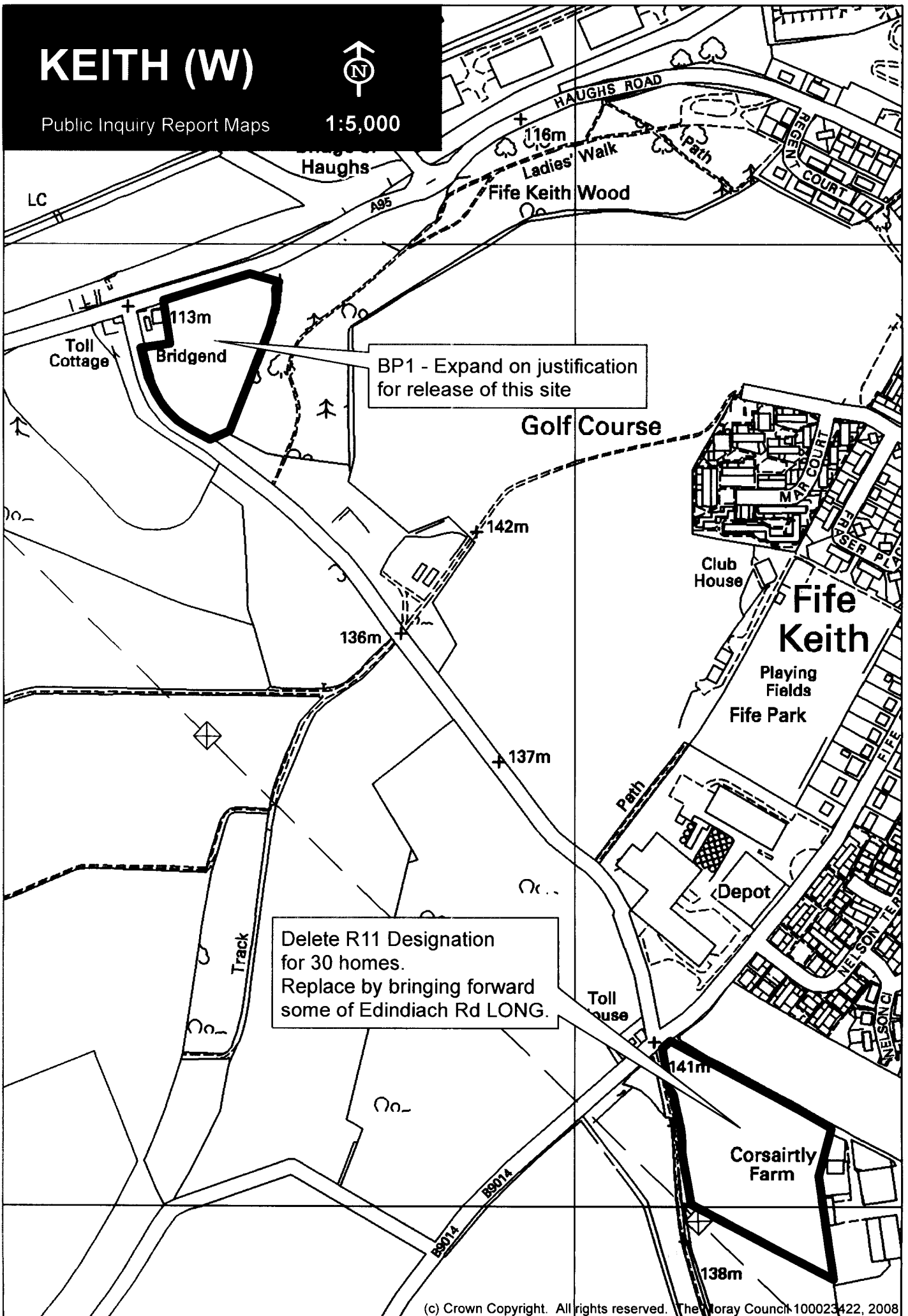


# KEITH (W)

Public Inquiry Report Maps



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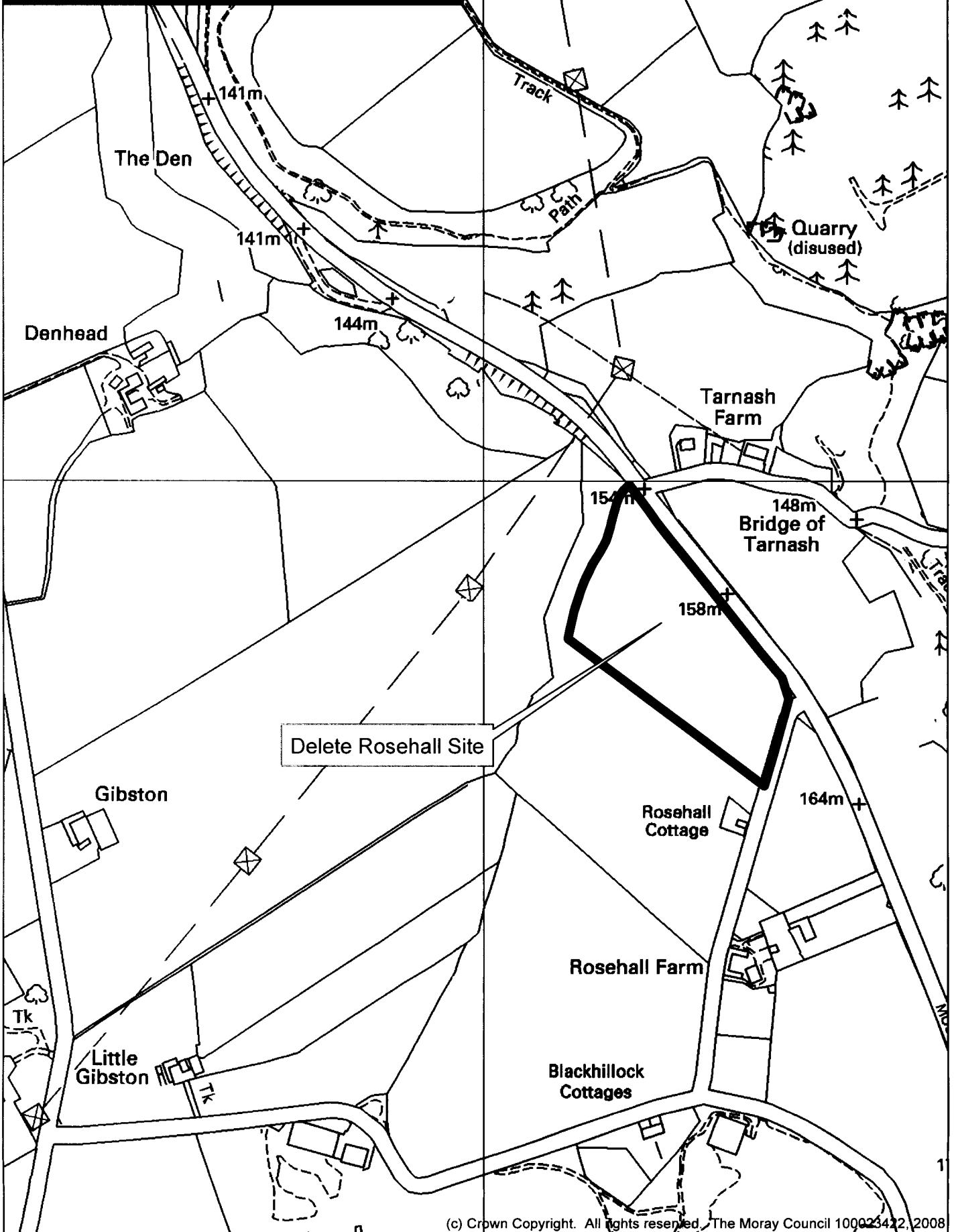


# KEITH ROSEHALL

Public Inquiry Report Maps



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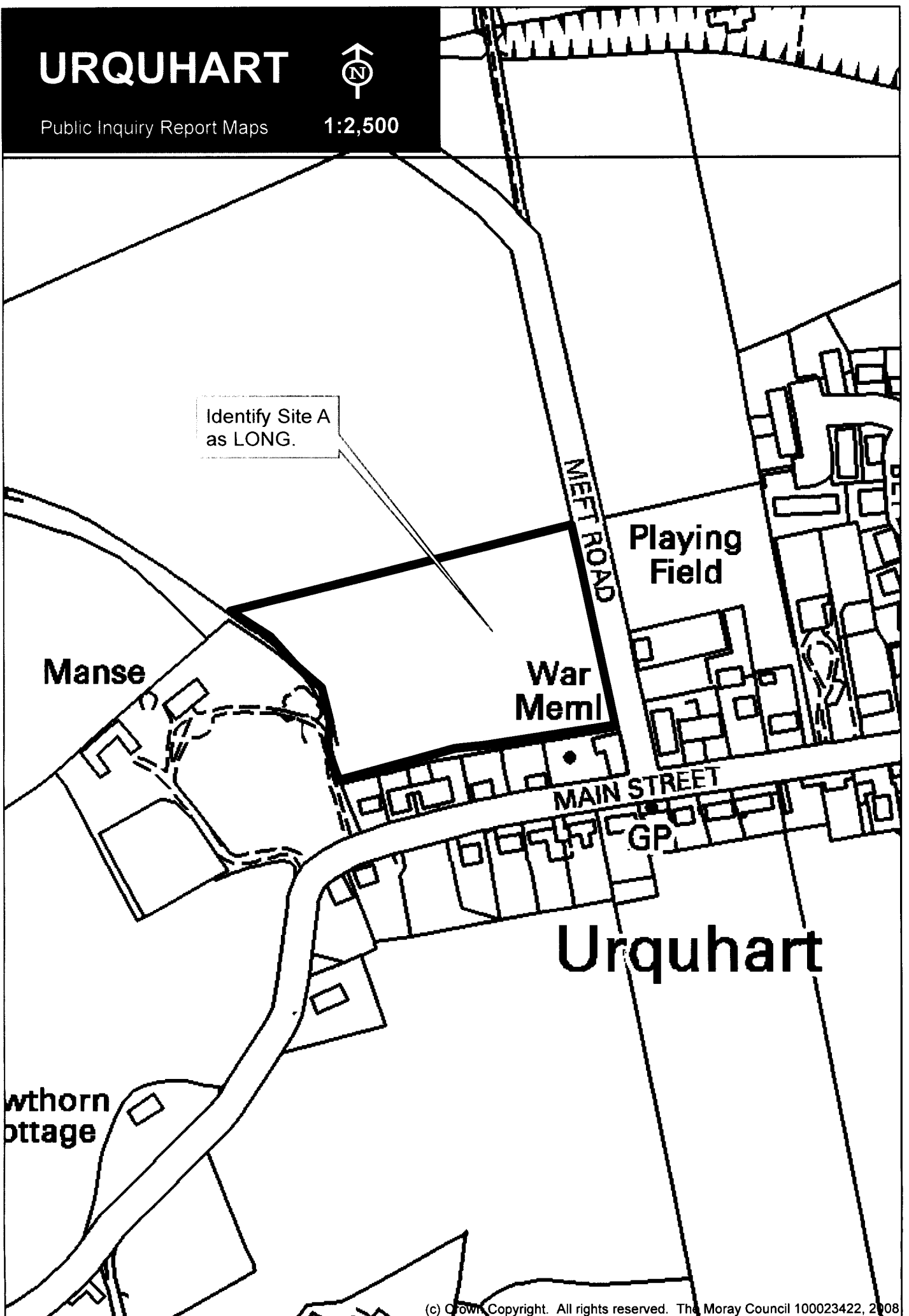
# URQUHART



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Identify Site A  
as LONG.



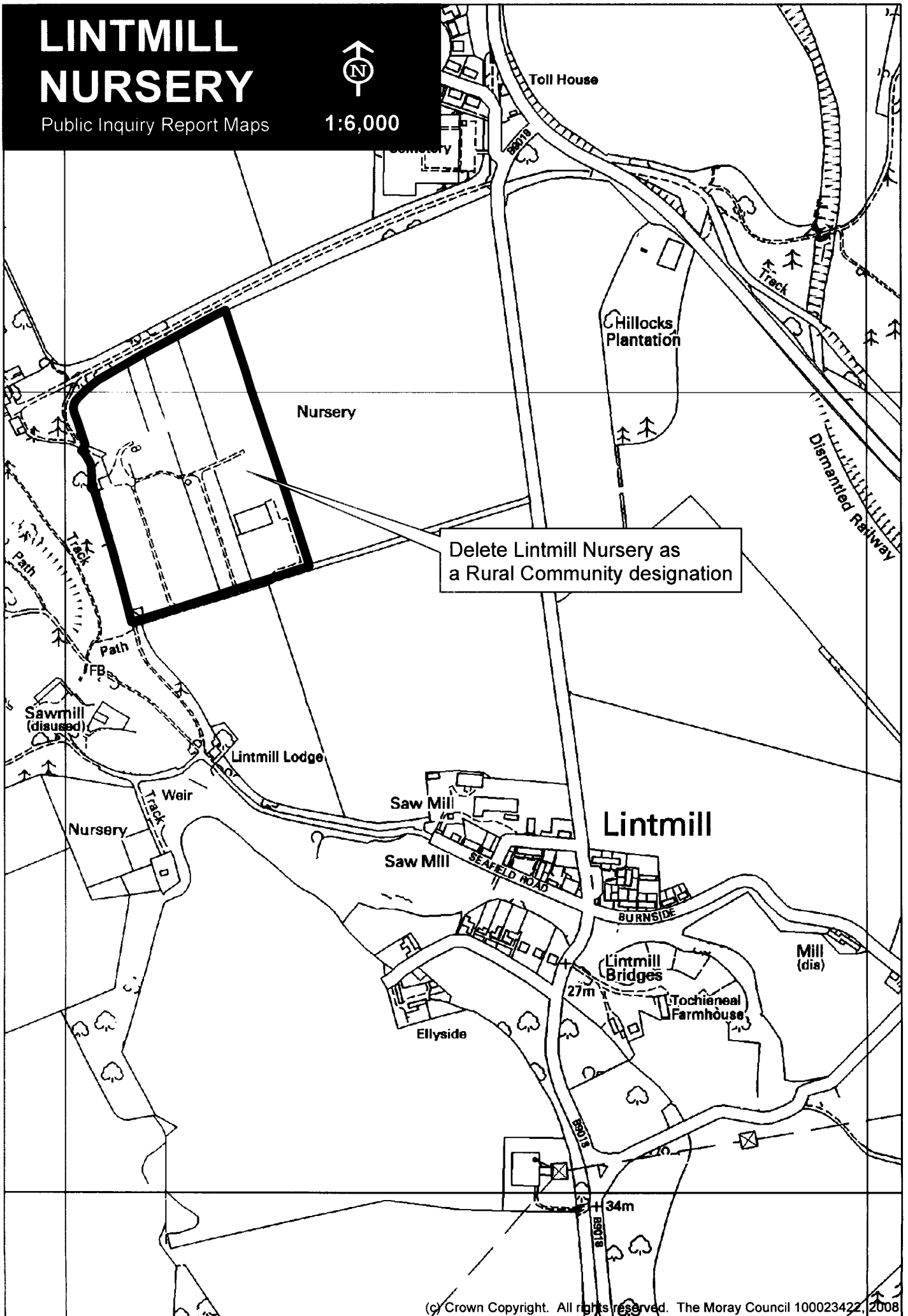


# LINTMILL NURSERY

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# MULBEN

Public Inquiry Report Maps



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