

PLANNING AND REGULATORY SERVICES COMMITTEE 12
AUGUST 2008

Supplementary Note to item 5 : Moray Local Plan : Report of Public Inquiry

The Reporter had omitted one of the objection cases from his Inquiry Report to the Council. This was with regard to site ENV 6 Bishopmill Quarry in Elgin. A copy of his findings is attached.

In this instance he is recommending that no change be made to the Plan in response to this objection.

It is recommended that the Committee accepts this advice.

Subject:	Elgin – ENV6 Bishopmill Quarry
Objector:	Robertson Homes Ltd (392/519)
Procedure:	Written Submission

Background:

The sloping area of land designated as ENV6 Bishopmill (Green Corridor/Natural/Semi-Natural Greenspace) at Bishopmill within the finalised local plan is located to the north of residential property at Bishopmill, within Elgin. It is a mixture of open space, footpaths, gorse and trees. It is designated as ENV3 woodlands in the extant local plan of 2000.

The objector's case:

- It is argued that the ENV designation is inappropriate for the Bishopmill Quarry site, due to its physical characteristics.
- As the land concerned is predominantly brownfield and includes a former quarry, it is contended that this site should be re-designated as an "opportunity site" in the local plan - which would assist in remedying the existing low level of contamination on the site.
- Its designation as an opportunity site would also allow this largely brownfield site to be redeveloped, providing a wide range of alternative uses which may be more appropriate.

The Council's response:

- This former quarry site has been designated in the finalised plan as ENV 6 – natural/semi natural greenspaces which is classed in PAN65 page 10 as; *'areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife.'*
- It is pointed out that the area covered by this objection provides visual amenity, separating different neighbouring properties at Bishopmill and is used for a variety of informal social activities.
- The Council has previously resisted designating this site as an opportunity site, on the basis that the ENV designation provides an amenity area, open space and footpaths for the neighbouring properties, which should be retained.
- This ENV 6 area is also required as greenspace and valuable amenity land in the context of a future planned growth area for Elgin to the north of ENV6, which has been identified within the finalised plan - with 465 houses planned there.

- Slightly elevated levels of landfill gases were identified here in June 2006 when a site investigation was carried out by the Environmental Health (Contaminated Land) Section, as part of its duties under the Environmental Protection Act 1990, Part IIA. In order to establish the impacts, if any, from the landfill material further intrusive investigations are required - including groundwater and gas monitoring over a period of approximately 6 months. The Council has been in communication with the owners of the site regarding these supplementary investigations, in order to encourage voluntary action by them in this regard and prior to determining an agreed strategy, incorporating recommendations for remedial action, if necessary.
- PAN 65, Para 41 states that *“development plans have a key role to play in protecting and promoting high quality open space. Development plans should safeguard important open spaces from development in the long term and identify spaces that require improvement.”*
- Similarly, NPPG11, para 55 states that *“On the urban fringe the protection or creation of open space, including linear features for amenity, wildlife, landscape and heritage conservation or recreational purposes is no less important than in inner urban areas. The Local Plan should identify where sites for recreational use may act as an important buffer between urban and agricultural uses to help protect crops and animals from damage.”*
- In summary, the Council regards that land concerned as a natural break in development and a valuable area of open space for neighbouring residents – as well as a buffer for the proposed new long term housing development to the north. For all these reasons it should be protected against further development, in the Council’s view.

Conclusions

Whilst I note that much of the objection site was formerly used as a working quarry, that was some considerable time ago and the land concerned is now covered in vegetation with mature trees and shrubs as well as having other, more open parkland areas. As such it has become established as an area of amenity open space with informal footpaths used by neighbouring residents and acting as a landscape buffer between adjoining housing areas and the hospital complex immediately to the north. I also note that its role in this regard would be strengthened if the long term plans for further major housing immediately to the north of the hospital are implemented. In this context, I endorse the decision taken by the Council to safeguard this important amenity area from future development – noting that this approach is consistent with national planning policy and associated guidance regarding the protection of open spaces on the fringe of urban areas – as cited by the Council. I conclude that these considerations outweigh the case put forward by the objector for the site to be released as an opportunity site, for the reasons outlined below.

In my view, the fact that much of the land concerned has been previously used as a quarry is not sufficient reason to justify its release for housing or other uses. Whilst I acknowledge that the area is mixed in terms of quality and some parts of

it are currently the subject of investigations with a view to addressing the low levels of contamination that have been found, again these are not sufficient reasons in my view to re-designate this area as an opportunity site. I come to this conclusion because the land concerned has become well established as a valuable open space, in strategic and local terms, and because it continues to have an important amenity role – used and apparently valued by the local community today and in the context of planned new housing growth in the vicinity. Based on all of these considerations, I conclude that there is not sufficient justification for the site concerned to be re-designated as an opportunity site that would encourage or at least provide scope for its redevelopment, which in my view would be detrimental in the local and wider contexts.

RECOMMENDATION

No change to the finalised plan.