

ITEM:

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**REPORT TO: SPECIAL MEETING OF PLANNING AND REGULATORY SERVICES COMMITTEE 5 NOVEMBER 2008**

**SUBJECT: MORAY LOCAL PLAN REVIEW: OBJECTIONS TO POST INQUIRY MODIFICATIONS**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 To consider the objections received in response to the post Inquiry Modifications agreed by this Committee on 12 August 2008, and to proceed towards formal adoption of the Moray Local Plan 2008.
- 1.2 This report is submitted to Committee in terms of Section D(2) of the Council's Administrative Scheme relating to the Review and Preparation of Strategic and Local Plans.

**2. RECOMMENDATION**

**It is recommended that the Committee:**

**2.1**

- i) Agrees to the recommendations made on each objection, as contained in Appendix 1.**
- ii) Make no further formal modifications, those changes agreed to in (i) above being regarded as minor matters which do not materially affect the policies or proposals.**
- iii) Now proceeds to formally advertise "Notice of Intention to Adopt", and**
- iv) Sets a charge of £50 per hard copy, and £20 per CD copy of the plan, once it is reprinted.**

**3. BACKGROUND**

- 3.1 At its meeting on 12 August 2008, this Committee considered the recommendations of the Reporter, following the Local Plan Public Inquiry (paragraph 6 refers). A number of changes to the Emerging Local Plan were agreed, and these were advertised as modifications, with the opportunity for objections to be submitted. Objections at this stage should be made on new grounds and not simply repeat matters already considered by the Public Inquiry process.

- 3.2 The closing date for objections was Friday 3<sup>rd</sup> October. Over 50 objections were received, and details of these are contained in the report at **Appendix 1**. These objections do not bring forward any substantive new evidence and they mostly relate to aspects that have already been considered at the Inquiry and then subsequently by this Committee. Accordingly, the recommendation is to make no further changes to the text and proposals of the Emerging Plan, with the exception of some minor changes to wording, these being matters which do not materially affect the intent of either policies or proposals and do not warrant re-advertisement as further modifications.
- 3.3 The final content of the Emerging Local Plan was agreed at Committee on 12 August 2008. In terms of Standing Order 73, no resolution of the Council shall be amended or revoked within six months of its adoption, except by the Suspension of Standing Orders. Given that it is less than 6 months since the Emerging Plan was agreed, then should the Committee determine, following further consideration, that there has been a material change in circumstances to justify a change to the Plan as a result of the objections received, it will be necessary to suspend Standing Order 73. In doing so, the relevant and material change in circumstances must be specified within the motion proposing the suspension, in terms of Standing Order 74.
- 3.4 The Emerging Plan is now (since 1 September 2008) being used as a "material consideration", but the Moray Local Plan 2000 remains the statutory adopted plan. The next stage of the process is for the Council to proceed to advertise a "Notice of Intention to Adopt" and four weeks following this, the Emerging Plan can be formally adopted as a replacement for the 2000 plan. This should be achieved by mid December 2008.
- 3.5 The Committee is asked to accept the recommendations on the objections contained in Appendix 1, and to agree to advertise "Notice of Intention to Adopt".

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

**None**

**(b) Policy and Legal**

**The Local Plan is a statutory requirement of the Council and the maintenance of an up to date Development Plan is encouraged by the Scottish Government.**

**(c) Resources (Financial, Risks, Staffing and Property)**

**At this stage of the process the only resource implications are financial, for the costs of re-printing the new Local Plan, which**

**will be approximately £12 – 13,000. There is no budget for this unavoidable cost, some of which can be re-couped through the sale of copies to agents, developers etc. The impact of the resultant over-spend has been reflected in the budget monitoring report to the Policy and Resources Committee of 21 October 2008.**

**(d) Consultations**

**Aileen Scott, Principal Solicitor (Commercial and Conveyancing) and Lorraine Paisey, Principal Accountant have been consulted and their comments incorporated into the report.**

**5. CONCLUSION**

- 5.1 The objections submitted do not bring forward any new evidence, and thus no further modifications are required. The Council is now in a position to move to adoption of the new plan.**

Author of Report: Mark Cross, Principal Planning Officer  
Background Papers:  
Ref: MC/KT

Signature:  \_\_\_\_\_ Date: \_\_\_\_\_

Designation: Director of Environmental Services Name: Robert A Stewart



**RESIDENTIAL DEVELOPMENT**

**Policy H8 New Housing In The Open Countryside**

**Name/Organisation:** Ms Angela Mitchell

**Ref 189 Response** Do not accept

**Comment Summary**

HOUSING IN THE COUNTRYSIDE

**(i) BOUNDARY TREATMENT**

In the 2007 local plan the policy read: 'new proposed boundary treatments should be sympathetic to the local rural character (for example beech hedging, post and wire fencing, natural stone dykes). The modifications would allow for any boundary style if the builder could prove that boundary styles integrate well in their rural setting. Fencing panels should not be permitted just because the site does not have boundary demarcations of an established character.  
To Resolve Objection  
Use the 2007 local plan guidelines. The minor differences in wording between the 2007 plan, and the modifications, have been negotiated by people with an interest in housing development and could have a great impact on the nature of the open countryside.

**(ii) RIDGE HEIGHT**

The 2007 local plan houses were restricted to a maximum ridge height of 7 m (measured from finished floor level).  
A house with a ridge height of 7 m is usually a traditional 'one-and-a-half' storey home. If there are no restrictions on ridge height we will see the proliferation of large 'building estate' style houses in the countryside. At the very least we should ensure that a new house is of a similar style to its neighbour.  
To Resolve Objection  
Implement a 7 m ridge height restriction.

**(iii) PROMINENCE**

The 2007 local plan read 'It is not prominent (such as on a skyline; in the central area of a field; has no backdrop; is not in an elevated or open setting'.  
I feel that if a site is described as not 'overtly prominent' we may be able to describe it as 'prominent'. We simply cannot allow housing to be built in prominent locations in our countryside. There must be a great difference between 'overtly prominent' and 'prominent' if the objectors went to such lengths to ensure its insertion.  
To Resolve Objection  
Use the wording in the original 2007 local plan to ensure that housing is not built in prominent locations.

**(iv) RIBBON DEVELOPMENT**

The 2007 local plan document read 'it does not extend 'ribbon development' and it would not create or contribute to a cluster of dwellings that would be detrimental to the character of an area'.  
I feel it is essential to guard against ribbon developments, and large clusters of housing, in the open countryside. Such groups of housing should be restricted to settlements. By removing the restrictions on ribbon developments we are paving the way to have housing along every country lane and cul-de-sacs in every field.  
To Resolve Objection  
Re-introduce the 2007 wording. The modifications were negotiated by property developers, not people who live and love the countryside.

**Recommendation**

No further action.

**Reason for Response**

The modified wording for Policy H8 was submitted to the Reporter for his consideration at the Inquiry. Even though this was presented as an 'agreed position' with some of the objectors, there remained outstanding objections, on which he was invited to make recommendations.

The Reporter agreed with the submitted text for H8 and recommended it be modified as per the advertised wording. The Reporter has therefore already considered all the matters raised in these latest objections (to the modifications) and there is consequently no justification for re-opening the debate.



# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Buckie

#### SITE BP1

Name/Organisation Mr Jake Robertson Moravian Motors

Ref 676 Site BP1 Response Not accepted

#### Comment Summary

No objection to former RET site being incorporated into the Business Park Site. However, opposed to the clause allowing retail on site BP1, and seeks to prohibit planning consent being granted for a filling station, for the following reasons:

- The "flexibility" this provides to the Council is not defined in any way, nor are there limitations on size or number of retail units. This would seem as if it is to open the door for Tesco to submit another planning application.
- There was local press reporting that the site in High Street was put forward for change so that Buckie could get a Tesco.
- This may be premature, as other retailers may submit applications.
- The Reporter found the prospect of a supermarket unacceptable. Nothing has changed. How does this latest proposal answer previous concerns, and is not contrary to Policy R3.
- What demand is there for Business Park uses, and what research has been done in to potential occupiers - it has increased from 9 acres to 21 acres.
- The classification of Business Parks as a "key resource" is queried - on what basis, and how is this measured.
- What policy criteria will be used to assess the acceptability of "sui generis" activities on business parks, particularly petrol filling stations.
- Filling stations associated to retail should be refused. There is no case for adjoining filling stations as has been established in Forres and Huntly.

#### Recommendation

No change to plan: BP1 site to retain reference to possible retail use, but amend wording of modification "Retail use WILL also be considered" to "Retail use MAY also be considered", to avoid any inference of a presumption in favour.

#### Reason for Response

The Business Park allocation was extended (into what had previously been retail) in order to allow retail proposals to be CONSIDERED, but there is no longer the presumption in favour that comes from a formal retail designation. This objection relates more to the prospect of a petrol filling station on site, which as a "sui generis" activity, would require to be considered on its merits (either in connection with a retail application, or independently). There are no grounds for excluding such a possibility at this stage. Para 7 of Scottish Planning Policy 8 (Town Centres and Retailing) states that the planning systems should not be used to protect the competitive interests of individual retailers or other businesses.

Name/Organisation Mr James Johnston

Ref 691 Site BP1 Response Not accepted.

#### Comment Summary

Object to the increase in size of the Business Park Allocation (BP1), which had originally been based on research carried out as part of the Donaldson study. The proposed extension to incorporate the former 'RET1' (retail) site is not based on identified need shown by market research or studies. There is no justification for a business park of this scale.

The proposal to consider retail uses on BP1 is felt to be contrary to policy ED4 (Business Park).

A business park next to a nursing home (Parklands) is felt to be contrary to policy H10.

The enlarged BP1 should be withdrawn and the former RET1 area designated for housing.

#### Recommendation

No change: retain BP1 in its increased extent, and possible retail use, but amend wording of modification "Retail use WILL also be considered" to "Retail use MAY be considered" to avoid any inference of a presumption in favour.

#### Reason for Response

Whilst the size of BP1 may now exceed that originally proposed, this is to allow a "contingency" for retail proposals which comply with sequential and impact criteria. There is no scope for large, modern retail developments (with car parking) within the town centre, and thus the terms of the BP1 designation would allow such uses to be CONSIDERED. The deletion of the RET1 designation removes the presumption in favour that comes with a formal designation and such proposals must comply with retail policy criteria, in order to proceed.

Business park uses are generally of a nature that would be compatible with residential areas, and there is not considered to be an "in principle" conflict with the nursing home. Specific proposals can be considered on their merits. There is no requirement for further housing land to be allocated in Buckie. The Structure Plan housing land supply figure is met by the current allocations.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Cummingston

SITE R2

Name/Organisation Mr Gordon Grant Swain

Ref 655 Site R2 Response Not accepted.

#### Comment Summary

Reporter concluded that outstanding concerns and associated requirements to be imposed should be explicitly stated in the text of R2. Reporter specifies text to be added in respect of the contamination issue and recommends that there should be some additional text inserted in R2 to reflect the outstanding concerns to be addressed when any planning application is being considered.

Objection could be resolved by the addition of suitable text covering all of the outstanding concerns, including:

1. access shall not be permitted in any way via the track to the east but only through a no through extension to Seaview Road.
2. foul drainage shall be through the main sewer and not septic tanks.
3. that existing properties be guaranteed protection from any impact, current or future, of any changes in gas flow as a result of development – with the professional representatives of existing property holders being party to agreeing to any remediation strategy.
4. that the reference to "houses" be change to "single-storey dwellings", which is the form of the two adjacent properties in Seaview Road and existing properties to the south.

#### Recommendation

No further action.

#### Reason for Response

The Council considers that these detailed planning and environmental issues are more appropriately dealt with through the development management process. The Reporter and the Council have already considered all the matters raised in this objection and there is no justification for re-opening the debate.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Elgin

**SITE**      **OPP1**

**Name/Organisation**    *Decora of Elgin Hewden Stuart, Decora, Spean Bridge Properties Ltd*

**Ref**    670      **Site**    OPP1      **Response**    Not accepted.

#### **Comment Summary**

Objects to the text relating to OPP1 designation, in that it should state that "This site is considered suitable for business uses AND RETAIL USES SUBJECT TO POLICY R3 ..." (PROPOSED insertion in capitals).

#### **Recommendation**

No change.

#### **Reason for Response**

In the 3rd Schedule of Modifications, the wording in relation to possible consent for retail uses within site OPP1 - and at the Auction Mart and Paddock site immediately to the south, - is highlighted in a separate sentence which reads: "Consent for retail uses will be subject to Local Plan Policy R3."  
It is considered that this move adequately reflects the Reporter's finding that an expectation from potential developers that a case for retail use has already been agreed in principle should be avoided, - than the wording proposed in this objection. Furthermore, the wording in the 3rd Schedule of Modifications is compatible and consistent with that to be applied to the designation of the Auction Mart/Paddock site, opposite.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Elgin

**SITE** R10

**Name/Organisation** Ms Alison Irvine Transport Scotland

**Ref** 660 **Site** R10 **Response** Not accepted.

#### Comment Summary

Conditions have been attached to planning consents for residential developments to the east, requiring completion of a roundabout at the junction of Ashgrove Road and the A96. Given that these conditions have not been discharged, Transport Scotland object to "further planning applications coming forward prior to the completion of this roundabout". Transport Scotland would accept inclusion of this site if (in addition to the provision for junction improvements already attached to this designation proposed by The Council), the text included a statement that, *inter alia*, a planning application "cannot come forward for determination in advance of the discharge of the condition for the construction of a roundabout at the A96/Ashgrove Road Junction ...."

#### Recommendation

No change.

#### Reason for Response

The wording of the additional text proposed by Transport Scotland referred to above is not legally competent, and would lay the Council open to legal challenge. Moreover, Transport Scotland have been made aware that the appropriate means by which the provision of the roundabout at the junction of Ashgrove Road and the A96 should be advanced is in the context of consideration of a planning application currently before the Council (Ref: 06/02502/FUL).

**Ref** 661 **Site** R10 **Response** No change.

#### Comment Summary

In addition to the objection submitted in relation to the proposed designation R10 Transport Scotland have submitted a representation to the effect that its inclusion compromises the potential Elgin Bypass southern routes (TSP2), its inclusion creating the potential to overly influence future route choice and alignment and to potentially compromise future junction strategy. It is argued that it is therefore considered inappropriate to designate the site for residential development within this local plan period.

#### Recommendation

No change.

#### Reason for Response

It will be noted that one of the conditions attached to the proposed designation of this site by The Council explicitly states that development would be subject to, *inter alia*, reservation of land for the potential bypass corridor (south option) identified as TSP2 in so far as it relates to the land identified as sites R9 and R10. Furthermore, Transport Scotland's stated concern in this representation that designation would be inappropriate within the period of the emerging Local Plan period is logically inconsistent with their stance in relation to their objections to that designation, whereby they would accept designation, subject to measures to ensure provision of a roundabout, as discussed elsewhere in this report.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Elgin

**SITE** R9

**Name/Organisation** Ms Alison Irvine Transport Scotland

**Ref** 659 **Site** R9 **Response** Not accepted.

#### Comment Summary

Conditions have been attached to planning consents for residential developments to the east, requiring completion of a roundabout at the junction of Ashgrove Road and the A96. Given that these conditions have not been discharged, Transport Scotland object to "further planning applications coming forward prior to the completion of this roundabout". Transport Scotland would accept inclusion of this site if (in addition to the provision for junction improvements already attached to this designation proposed by The Council), the text included a statement that, inter alia, a planning application "cannot come forward for determination in advance of the discharge of the condition for the construction of a roundabout at the A96/Ashgrove Road Junction ....."

#### Recommendation

No change.

#### Reason for Response

The wording of the additional text proposed by Transport Scotland referred to above is not legally competent, and would lay the Council open to legal challenge. Moreover, Transport Scotland have been made aware that the appropriate means by which the provision of the roundabout at the junction of Ashgrove Road and the A96 should be advanced is in the context of consideration of a planning application currently before the Council (Ref: 06/02502/FUL).

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

SITE LONG

Name/Organisation	Ms Kristine Filer	
Ref 681	Site LONG	Response Not accepted.

#### Comment Summary

Delete 'L'ONG as recommended by the Reporter after the public inquiry last year. Having lived in and travelled all over Scotland in my 48 years of life, I have never before seen such a landscape of outstanding and unique natural beauty. The prolific gorse and lichens in full bloom are SO RARE, I've not seen anything like it anywhere else - EVER! Moray Council Environmental Charter Points 2, 10 and 12 are particularly relevant to this little piece of precious land. It is too sad/unthinkable to lose this Jewel in Moray's crown to houses/buildings. It is vital that an Environmental Impact Assessment is carried out on the basis that R2 is accepted. Clearly, the Findhorn Dunes are quite remarkable. In my opinion Findhorn Dunes certainly merit SSSI status, and a more intensive lichenological survey will reveal the presence of many more notable species. As for management, particular attention should be paid to deterring recreational activities (especially use of 4 x 4 vehicles and bikes) from the E side, the removal of invasive conifers, and the control (but not total eradication) of gorse.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

**SITE** R1

**Name/Organisation** Novar Estate

**Ref** 665 **Site** R1 **Response** Not accepted

#### **Comment Summary**

Concern that a low capacity is proposed despite the size of the site which extends to 0.9 ha (2.22 acres). Supplementary Planning Guidance on housing layout was issued in the Consultative Draft stage of the local plan which recommended development should have a density of 12 to 30 houses per hectare. The proposed allocation of 5 houses is less than half the capacity that would arise when using even the lowest recommended density figure of 12 houses per hectare.

The Local Plan 2000 used an average housing density of 20 houses per hectare.

It is understood the site capacity of 5 houses has been proposed based on access concerns and the density of surrounding development.

The roads department have stated they are concerned about visibility to the B9011 and any significant increase in turning traffic using this access. It is understood the Road's Officer verbally advised the Planning Officer that a significant increase would be over 5 houses.

In the event that it was possible to resolve visibility issues to the reasonable satisfaction of the Roads Department this would remove their concerns and an increase in site capacity in line with the densities recommended in the Supplementary Guidance on Housing Layout would be appropriate. This possibility should be reflected in the R1 - Heathneuk policy text.

#### **Recommendation**

No further action.

#### **Reason for Response**

The low capacity figure proposed for the R1 site reflects the surrounding low density developing on the south side of the Beach access road and the constraints on the road access. The proposed capacity provides an average plot size of 1,800 m<sup>2</sup>, which compares with the three adjacent plots which average 2,085 m<sup>2</sup>. The site capacity figure represents the maximum number, which the Council will consider before "Departure" procedures come into effect. The allocation of this site was recommended by the Reporter and the Council considers that a suitable low density has been identified to respect the access constraints and surrounding character of the area.

**Name/Organisation** Mr David A Bell

**Ref** 653 **Site** R1 **Response** Not accepted.

#### **Comment Summary**

Object to new site R1 at Heathneuk and the extension of the settlement boundary. New site R1 is not within the settlement boundary for the current local development (2000) and to include it is contrary to the Reporter's findings and recommendations.

Plan should include text stating, "any new developments on the edge of the current settlement boundary should include ecological studies not only of the direct effect on the land developed but also on the impact that the increased population may have on the adjacent ecologically sensitive dunelands."

#### **Recommendation**

No further action.

#### **Reason for Response**

Site R1 Heathneuk was included as a direct recommendation from the Reporter's findings. Page 2.91 of the Reporter's findings recommends, "allocation of the objection site at East Beach Road within the local plan when it is adopted".

The Plan already requires detailed ecological studies on the areas highlighted with an asterix. The studies will fully examine all ecological issues raised at the Public Inquiry. The studies will include a survey of rare or endangered habitats and vascular plants and UK or European protected species. The studies will examine potential on-site impacts of any proposed development and the potential for off-site impacts, including increased pressure on sensitive areas of the dunes and potential for any mitigation.

# Moray Local Plan Objections to Schedule Of Modifications - Local Plan Settlement Comments

## Findhorn

### SITE R1 Heathneuk

<b>Name/Organisation</b>	<b>Mr &amp; Mrs Stewart</b>
<b>Ref</b>	<b>658</b>
<b>Site</b>	<b>R1 Heathneuk</b>
<b>Response</b>	<b>Not accepted.</b>

#### Comment Summary

Probably 2-3 maximum is satisfactory. The area in question is used by deer and pheasants and other wildlife as a regularly used route from our gardens to this wild area, pheasants nest in the whins so a scrub area must be left at the entrance of heathneuk for safe passage of wildlife.

#### Recommendation

No further action.

#### Reason for Response

The Reporter recommended allocation of the site at East Beach Road. The Council has identified a capacity of 5 houses to reflect the adjacent low density development and access constraints.

# Moray Local Plan Objections to Schedule Of Modifications - Local Plan Settlement Comments

## Findhorn

### SITE R1 R2 And LONG

Name/Organisation Mr & Mrs W Barber

Ref 690 Site R1 R2 And LONG Response Not accepted

#### Comment Summary

For our Local Authority to completely ignore the Reporter's finding after a costly and lengthy process does not seem to us to be responsible local government. Secondly, to retain the R2 Masterplan for expansion into the Coastal Protection Zone is setting a precedent for future development within an area designated for protection in this sensitive dune area (CPZ, AGLV, SINS). Thirdly, any more expansion at the Park is allowing the present village of Findhorn to be completely swamped by too much development, 40 houses have already been approved (R2). We hope that you will take our comments into account in what is an area designated as a Coastal Protection Zone.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

Name/Organisation Mr A V Miller

Ref 689 Site R1 R2 And LONG Response Not accepted.

#### Comment Summary

Strongly urge that the Reporter's recommendations be adhered to and that the settlement boundary of Findhorn be restored to its former 2000 line and also that the Coastal Protection Zone is kept intact as originally planned.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

SITE R1 R2 And LONG

Name/Organisation Mr Claude Lind

Ref 672 Site R1 R2 And LONG Response Not accepted.

#### Comment Summary

The Reporter clearly stated that the R1 and LONG sites were inappropriate and unnecessary and should be deleted. Council has already accepted these recommendations.

The R1 site has been re-allocated to Heathneuk, but is still included in the settlement boundary.

The R2 masterplan is still included although it involves the LONG site that has been rejected. This site is in the Coastal Protection Zone and allowing the possibility of future development here will set a precedent and open the gates for other applications.

Object to the settlement boundary being expanded to include LONG after the Reporter's recommendation to exclude it.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications - Local Plan Settlement Comments

## Findhorn

**SITE** R1 R2 And LONG

**Name/Organisation** Mr H S Grigor

**Ref** 671 **Site** R1 R2 And LONG **Response** Not accepted.

### Comment Summary

The sections covering R1, R2 and LONG beggar belief and the Settlement Boundary being extended into area ENV8 under the guise of protecting the traditional village and its environs seems to me as bringing more of the dunes area into the development range. The decision to classify land as CPZ, AGLV and SINS has been taken previously to prevent just such actions as these being taken in the future, i.e. now. The studies undertaken by Mrs Knight's advisers referred to in the Reporter's conclusions were more detailed than any other referred to. They should surely be given the weight to which they are entitled in any further decision making.

1. LONG: the recommendation to remove this area did not refer to the name alone, to be substituted as 'white land', but to the area itself.

Under Policy H2, there is no justification for having a long term housing development area in any part of Findhorn.

2. Site R1: this allocation has been transferred to the south of the village at Heathneuk as New Site R1.

The Reporter stated that the R1 site was an unjustified extension to the settlement boundary. Why is it still included in the settlement of Findhorn as 'white land'?

3. Site R2: the text still refers to a 'masterplan' which includes the former LONG site, now designated 'white land'. There is an obvious intention here to have this land available for future development, in contradiction to the Reporter's statement that it was unsuitable even as a long-term development site.

There is no need for additional land at the Park (Ecovillage). Outline Planning Permission has been given for 40 houses on R2 and additional housing land is available in the RC designated areas. The Reporter pointed out that continued development at the Park will unbalance the population mix at Findhorn and swamp the village.

4. ENV8: The above points refer mainly to areas R1, R2 and LONG, there is also the consideration of the moving of the settlement boundary of the traditional village eastwards to Beach Road and north to the shoreline of the Moray Firth.

By bringing the area ENV8 inside the settlement boundary, it will encourage developers to apply for planning consents thereby completely negating the aim of the above statement? By maintaining the 2000 Plan settlement boundary this possibility will be avoided.

In summary, Moray County Council and its Planning Department have betrayed the democratic process in their continued dismissal of the careful consideration that Dr Bowden gave to his findings contained within his Report. Or is there a hidden agenda of which MCC are not informing the residents of Findhorn?

### Recommendation

No further action.

### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

#### SITE R1 R2 And LONG

Name/Organisation Mrs Auriol De Smidt

Ref 650 Site R1 R2 And LONG Response Not accepted.

#### Comment Summary

During the Public Inquiry it was revealed that the settlement boundary had been mysteriously changed for future settlement without public consultation. The Reporter rejected this and there has been no subsequent proper examination of this extension. Area falls within the AGLV and Coastal Protection Zone. The objections lodged by Mrs Frances Knight were upheld by the Reporter. The Council continues as if the Public Inquiry had never been held. Is this good governance?

#### Recommendation

No further action.

#### Reason for Response

The settlement boundary has not been "mysteriously changed". Boundary changes to any settlement have been advertised and subject to extensive public consultation throughout the Local Plan Review process.

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

#### SITE R1 R2 And LONG

Name/Organisation Mrs Frances Knight

Ref 647 Site R1 R2 And LONG Response Not accepted.

#### Comment Summary

Following the Public Inquiry in 2007, the objection to R1 and LONG was upheld. The Planning and Regulatory Services Committee (12 August 2008) accepted the Reporter's recommendation to delete these sites from the Local Plan. The current Modified Local Plan has retained these sites and the presumption in favour of future development there, in opposition to the Reporter's careful consideration of the issues and multiple reasons for rejecting these sites for development. This appears to be undemocratic and unreasonable.

1. R1: the text under R1 refers to deleting the 'residential designation' but retains the land.

Why does the settlement boundary still include this site, although the allocation has been transferred to the south end of the village at Healthneuk and the settlement boundary altered there to accommodate it.

2. LONG: the proposed text under LONG and R2 simply restates the original 'masterplan' proposal for a two-phase development of these sites which led to the Objection in the first place. Renaming the LONG site as 'white land' makes little difference. The wording indicates the likelihood that after 2012 the availability of the LONG site for development will be regarded as a fait accompli. The Reporter specifically referred to this masterplan (which includes 35 houses on the LONG site) and unequivocally rejected further expansion beyond the R2 site, even as a long term proposal.

Under the terms of Policy H2, there is no justification for including longer term development land at Findhorn. The site is not accessible from public roads and housing here cannot be regarded as contributing to local housing stock (see Reporter's comments). This allocation from the 2006 finalised version has now been transferred to Urquhart in the Modified Plan.

The boundary change to include the LONG site was not included in any earlier version of the current Local Plan. This is surely a procedural anomaly since the public was not given the opportunity to comment on such a change during the consultative process.

The LONG site is within the Coastal Protection Zone (see Policy E8). No proposal to alter this zone (established under national requirements) has been advertised. The Reporter commented critically on the planners' proposals to alter the CPZ boundary in order to accommodate the LONG site for housing development.

3. R2: the text does not reflect the Reporter's recommendations that the R2 site should mark the northern limit of Ecovillage expansion at the Park, or actions taken since the Public Inquiry (award of Outline Planning Permission).

A masterplan to include land outwith the settlement boundary is contrary to Policy E9 – Settlement Boundaries. The land to the north was never included in the settlement boundary.

The inclusion of 'ecological studies' commits nobody to anything. These studies have been on-going for several years, were extensively referred to during the Public Inquiry process, and have not so far made any difference to any planning decisions.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

**SITE** R1 R2 And LONG

**Name/Organisation** Mrs Jo Harris

**Ref** 649 **Site** R1 R2 And LONG **Response** Not accepted.

#### **Comment Summary**

The Public Inquiry Reporter recommended, on environmental grounds, no further expansion into the Coastal Protection Zone. The land variously marked as LONG or 'white land' reaching beyond current development site R2, should be removed as possible future development site.

To Resolve Objection

Return to settlement boundary of R2 on the Moray Council Findhorn Map No 100023422 of 2008.

#### **Recommendation**

No further action.

#### **Reason for Response**

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

**Name/Organisation** Ms Debbie Raymont

**Ref** 686 **Site** R1 R2 And LONG **Response** Not accepted.

#### **Comment Summary**

Object to what appears to be a possible change in the settlement boundary of Findhorn in 2012 when 'LONG' will then be enclosed in the settlement boundary and therefore eligible for further housing.

The Reporter specifically recommended/gave permission for 40 houses on R2 with the understanding that 'LONG' was outside the boundary. What is the point of trying to have a democratic process, i.e., the Reporter if it can be so easily overturned?

#### **Recommendation**

No further action.

#### **Reason for Response**

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications - Local Plan Settlement Comments

## Findhorn

**SITE** R1 R2 And LONG

**Name/Organisation** Ms Frances Robbe

**Ref** 677 **Site** R1 R2 And LONG **Response** Not accepted

### Comment Summary

It seems that some of the Reporters recommendations in respect of the sites R1 and LONG, have not been adopted in the Schedule. Specifically: The Reporter recommends deleting the LONG designation from the map. Yet the Council in the Post Public Inquiry modifications designates this as "white land" and includes this within the settlement boundary. Understanding is that a 'white land' designation will allow building on this land in the future. It seems to give the Dunelands Development Co 'carte blanche' to build on this 'white land' in the future - as originally planned. Concern is that the delicate eco-environment of the dunelands, area cannot support a settlement of more than 40 dwellings (with the supporting infrastructures). Also not clear whether an environmental impact assessment and biodiversity study has been done of this rich environmental area which has many rare lichen species. Delete the designation of "white land" from the Post Public Inquiry modifications schedule. Order a biodiversity assessment of the R1, R2 and LONG areas.

### Recommendation

No further action.

### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

SITE R1 R2 And LONG

Name/Organisation Ms Gelda MacGregor

Ref 657 Site R1 R2 And LONG Response Not accepted.

#### Comment Summary

Object to the "LONG" site remaining as white land within the settlement boundary. This should be deleted. Ecological studies do not have the legal authority of a full Environmental Impact Assessment required for a large wilderness such as LONG. This planning decision is falling in the local authorities' duty of care under the Nature Conservation (Scotland) Act 2004 which placed a duty of biodiversity care on public bodies. We know there are red list bird species on the site but we do not know that there are red list invertebrate. LONG is an extreme fire risk due to the gorse. Private gardens with cultivated plants in the dunes area is completely inimical to the Nature 2004 Biodiversity duties. The green corridor on the west outline is far too narrow. Essential for LONG to commission a full professional Environmental Impact Assessment to assess a) edge habitat and species. Findhorn PFI was attended by more concerned members of the public than any other hearing in Moray. 98 people signed a petition of concern and asked for more time, research and public debate to arrive at a solution which both upheld and protected biodiversity and accepted some of the housing needs of the Ecovillage. The whole development as proposed is totally unsustainable on a small peninsula and will do nothing to solve the Scottish affordable housing problem.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

Name/Organisation Ms Heather Glaisyer

Ref 687 Site R1 R2 And LONG Response Not accepted.

#### Comment Summary

R2 is sufficient ground for 40 houses. Extension to this area is unnecessary and will unnecessarily ruin conservation land. Renaming the area white land is not protecting it from building after a 4 year period. I have no objection to building on R1 and see no reason not to follow the Reporters recommendation for the LONG site.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

**SITE** R1 R2 And LONG

**Name/Organisation** Ms Jo Darling

**Ref** 645 **Site** R1 R2 And LONG **Response** Not accepted.

#### Comment Summary

The so-called 'white land' was not previously included within a development limit. Object to the moving of the settlement boundary from where it was set in the 2000 Plan. No new land has been allocated by the Reporter and you have no right to go into the Coastal Protection Zone. Any encroachment into the CPZ would set a precedent for other developers. To retain the 'possibility of use', and use the designation 'white land', is not sufficient protection for the land (with or without ecological surveys) because in 4 years time at the end of the Plan period, it could be built on. A masterplan including this 'white land' could be construed as a presumption in favour of later development. But the CPZ is supposed to protect against development.

It would be, as the Reporter said (p2, 84-85) for R1, "an inappropriate extension to the settlement boundary, and, for 'LONG', "A further encroachment northwards into the dunes area, noting that the site is within a designated AGLV, and also part of a SINS designation. It is also within the Coastal Protection Zone ... [and] I conclude that there is insufficient need or justification to allocate the area to the north of R2 even as a long term designation".

He completely rejected these sites for the Local Plan and made no conditions regarding ecological studies.

Duneland's masterplan was objected to by Mrs Knight. The Reporter upheld her objection. Therefore, the settlement boundary should not change. Resolve Objection

Retain the settlement boundary as 2000 Plan.

Take out reference to a masterplan inclusive of the previous R1 and 'LONG' designations, and the term 'white land'. Take out \* from R1 and LONG and delete ecological studies, though these are a step in the right direction for R2. The Reporter did not have much good to say about SNH, calling their work 'superficial', and suggest a proper Environmental Impact Survey for R2.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications - Local Plan Settlement Comments

## Findhorn

### SITE R1 R2 And LONG

**Name/Organisation** Ms Lorian Pauli  
**Ref** 656 **Site** R1 R2 And LONG **Response** Not accepted.

#### Comment Summary

The latest version of the Local Plan still includes the LONG site (the northern section of the so called Magic Triangle) and the R1 site (Barrels East) which were both condemned by the Reporter as unsuitable for development. Obviously this land wants to be kept for future development by Duneland Ltd in line with the masterplan (for 40 houses now on R2 and 35" houses later on the northern site. I object against this manipulation, especially as LONG site is in the CPZ (Coastal Protection Zone)!!  
 Astonished and extremely disappointed to see the democratic process of this Public Inquiry as being ignored and also discovering that the LONG site and R1 are being kept for future development despite all the Reporters reasons for rejecting them (from my understanding the Reporter clearly stated that the settlement boundary should not be expanded to include R1).

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

**Name/Organisation** Ms Margaret Smith

**Ref** 654 **Site** R1 R2 And LONG **Response** Not accepted.

#### Comment Summary

Object to map change to include the area of previous LONG designation as white land and expand the settlement boundary. Object to retention of R1 Pineridge as white land. Object to any change in the Coastal Protection Zone to include LONG and unwillingness to implement acceptance of the Reporters recommendations. Object to any development proposals on the areas identified with an asterisk.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

**SITE** R1 R2 And LONG

**Name/Organisation** Ms Marion Leigh

**Ref** 648 **Site** R1 R2 And LONG **Response** Not accepted.

#### Comment Summary

The Planning and Regulatory Services Committee meeting of 12 August 2008 states that the Council Officer's recommendation is "remove R1 and LONG designations but retain these within the Findhorn settlement boundary" etc. However, LONG designation (and R1) was never within the original settlement boundary. The settlement boundary goes back to the 2000 Plan because no new land has been allocated in this local plan. The Council has specifically said that it accepts the Scottish Reporter's recommendations, "delete R1 and LONG allocations which are seen as inappropriate extensions to the settlement...."

If the LONG designation is inserted into the modified plan now, the development company will be guaranteed a successful application in the future. Unless Council removes LONG designation, the result will be that it is accepting the Reporter's recommendations while, at the same time, accepting the master plan of the developer as presented. This is hypocrisy. The development company can always apply for more land in the future.

To resolve objection LONG designation should be deleted from the local plan when it is adopted. Delete all reference to "white land".

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

SITE R2

Name/Organisation **Bill Henderson Duneland Ltd**

Ref 664 Site R2 Response Not accepted.

#### Comment Summary

The amended wording of the 3rd Modifications is not clear. It is understood that it is the intention of the modification to leave the R2 designation unchanged apart from the small boundary change as recommended by the Reporter. However any development of the former "LONG" site should be subject to detailed ecological studies as and when development proposals come forward. The wording of the 3rd modification could be taken to mean that any development of the R2 land be the subject of "detailed ecological studies". As stated above it is understood that this was not the intention of the modification and in any case Outline Planning Permission has already been granted for almost all of this land, SNH already having inputted into that decision.

#### Recommendation

No further action.

#### Reason for Response

Although the text may appear unclear, the Proposals Map clearly shows the two areas of white land within the settlement boundary where ecological surveys will be required. These are the sites previously identified for residential development. There is no requirement for detailed ecological studies on R2, which has been granted outline planning consent. However, ecological studies are required for the white land to the north of R2 (and "off-site" areas to be agreed with SNH) and these will influence the future land use of this area. This objection seeks clarification of the modified text as there is consequently no justification for re-opening the debate.

Name/Organisation **Mr David Steel**

Ref 673 Site R2 Response Not accepted.

#### Comment Summary

Object to Council's apparent overturning of this Reporter's recommended deletion of the sites R1 and LONG from this modification schedule.

This Committee report first hand accepts the Reporters recommendation then in a complete contradiction to its own acceptance overturns this by stating to "expand the boundary to include both R2 and the white land north".

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

<b>SITE</b>	R2
<b>Name/Organisation</b>	Mrs Auriol De Smidt
<b>Ref</b>	651
<b>Site</b>	R2
<b>Response</b>	Not accepted.

#### Comment Summary

Object to the building of 40 houses on this area without a legal updated Environmental Assessment Plan. The impact on wildlife in the area will be considerable and no plan can be acceptable until this has been properly studied.

#### Recommendation

No further action.

#### Reason for Response

Site R2 was included in the Moray Local Plan 2000 and was granted outline planning consent in February 2008 for the development of 40 housing units (with associated infrastructure and commercial, educational and community facilities). The Local Plan review has been through a rigorous Strategic Environmental Assessment and Natura Assessment. The need for an Environmental Assessment to accompany development proposals on site R2 depends upon the nature, scale and significance of the proposed development and will be assessed against the Environmental Impact Assessment (Scotland) Regulations 1999.

### SITE R2 & LONG

<b>Name/Organisation</b>	Mr David A Bell
<b>Ref</b>	652
<b>Site</b>	R2 & LONG
<b>Response</b>	Not accepted.

#### Comment Summary

Agree with intention to "delete LONG". However, object to the expansion of the settlement boundary to include the area as white land and the requirement for a masterplan to include white land to the north of R2. The LONG area is not within the settlement boundary for the current local development plan (2000) and to expand it is contrary to the Reporters finding and recommendations. The Council contradicts itself by deleting LONG then reinstating it for future development.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal heath habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Findhorn

SITE R2 And LONG

Name/Organisation Ms Imogen A Masters

Ref 678 Site R2 And LONG Response Not accepted.

#### Comment Summary

1. Moray Council Planning Department has not accepted the recommendation that the Reporter has put before the department. His recommendations are to "delete LONG designation. The Planning Department, it seems, suggest that 'LONG' remains as 'White Land' within the settlement boundary. However 'White Land' under the Planning Department reply, (under R2) states, "should be included in a detailed long term masterplan for the future development of the Ecovillage". This should be deleted, as it seems that this area is not 'white' but clearly scheduled for further housing development.
2. The term 'Ecological Studies' does not carry the import of a Full Legal Authority of an Environmental Impact Assessment and this is a vital necessity for such a large wilderness area as LONG.
3. This planning decision is failing in that it should be the duty of the Local Authority in the nature conservation Act 2004 (Scotland) which "placed a duty on every Public Body to further the conservation and biodiversity) and to promote strategies for biodiversity".
4. Objection that 'LONG' is an extreme fire risk.
5. To clear the gorse for dwellings would mean a serious decline in wildlife habitat.

#### Recommendation

No further action.

#### Reason for Response

The Planning and Regulatory Services Committee on 12 August 2008 agreed to accept the Reporter's recommendation in so far as it related to the deletion of designations (R1 and LONG) from the two areas of ground.

The Committee also decided to retain both areas within the settlement boundary, since the dispute at Inquiry had been over the potential of these two areas to accommodate development, in the light of their alleged "ecological value". No evidence had been submitted to the Inquiry regarding any particular biodiversity value for the sites, and the Council had founded its case on Scottish Natural Heritage's submission that "the loss of these areas of gorse scrub would not impact on the less common coastal health habitats that are found to the north". The Council has accepted the Reporter's recommendation in removing the presumption of development which these designations (R1 and LONG) imply, and has inserted by way of the Modification a precondition that ecological studies will be required, to establish if development can be acceptably accommodated, before determining any application for planning permission. The Modification has added a statement to the text of the existing designation R2 to the effect that any future development of the Ecovillage, including land to the north and east within the settlement, is to be the subject of a Master Plan, which must establish, through an Ecological Study that the biodiversity of the whole area would not be unduly compromised by development. This addresses the concerns of the objectors, by safeguarding such ecological value of these sites as may be established by the Study. The objections to the Modification only reiterate these issues and since they were previously considered by this Committee in August, no change is recommended.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Forres

**SITE** ENV9 (R6 in Finalised Plan)

**Name/Organisation** Robertson Homes Ltd

**Ref** 667 **Site** ENV9 (R6 in Final **Response** Not accepted.

#### Comment Summary

The Reporter acknowledges that the site has been previously developed and scored well in terms of the landscape study undertaken to support the proposals set out in the local plan. Furthermore, he agreed that the retention of trees along the southern boundary of the site would mitigate any visual impact. However, the Reporter chose to recommend that the site be deleted as a housing allocation, principally because he considered that a 15 unit housing allocation was relatively insignificant in terms of meeting the Structure Plan requirement. Furthermore, he voiced concerns as to the ability of the Victoria St/Drumduan junction to accommodate a housing development, although no evidence was led by objectors in this regard.

At the outset, it should be noted that it is open to the owner to clear the self seeded woodland on the site at any time subject to the receipt of the necessary felling licence. Any argument therefore that the woodland has some inherent value or assists in alleviating perceived local flooding concerns is specious in the extreme.

The Reporter does not set out how development of the site would, in principle, neither preserve nor enhance the character or appearance of the Conservation Area.

Nevertheless, it is acknowledged that a residential development is likely to have some visual impact on the surrounding area including the effects on amenity of the local residents.

Consequently, it is proposed that the site be developed for medical centre purposes and the site should be identified as such in the local plan or identified as an opportunity site to allow such a development to come forward.

There is a clear need for such a facility within Forres. This site is located within walking distance of the town centre and would create limited traffic movements accordingly. A sketch layout has been prepared to demonstrate how the site may be developed for these purposes. Such a use would address the two key concerns of the Reporter i.e. the visual impact on neighbouring residents (the unit is located towards the rear of the site) and the access issues raised by a housing development.

#### Recommendation

No further action.

#### Reason for Response

The Reporter concluded that the site's "value in amenity and landscape terms outweighs the limited benefits of developing houses at a low density on this particular site". The Reporter was also not persuaded that the site can be satisfactorily accessed. This alternative proposal does not address the Reporter's concerns, which were accepted by the Council. The Council has already made provision elsewhere in Forres for a new health centre facility.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

**Forres**

**SITE R4**

**Name/Organisation** Mr Ian Rhind  
**Ref** 688 **Site** R4 **Response** Not accepted

**Comment Summary**

The Reporter physically threw-out Robertson's attempt to extend the boundaries of R4, stunned to read they are getting their way -Why is this? Object strongly to the way private business can manipulate the Council as they both sat at the same table at the objectors meeting. This was a shock to all objectors who were invited to the meeting and very underhand the way both the Council and Robertson's tried to influence the Reporter.  
 Forres is a small town with no infrastructure to deal with any new housing development; the hospital, doctors surgery, dental practices, secondary and primary schools are all inadequate for current population levels.  
 At the Reporters meeting, it was also agreed that no safe access onto the A96 had been decided.

**Recommendation**

No further action.

**Reason for Response**

The seating arrangements at the Inquiry were made by the Reporter not the Council. The Local Plan contains land use proposals for a new health centre and the capacity of schools takes account of planned house building rates. The access to the site will be determined through a detailed STAG appraisal and this was accepted by the Reporter. The Reporter has therefore already considered all the matters raised in this objection and there is consequently no justification for re-opening the debate.

**Name/Organisation** Mr James Donnachie  
**Ref** 679 **Site** R4 **Response** Not accepted

**Comment Summary**

Object to Moray Council extending the R4 development area from 8.75 ha to 9.95 ha then up to 12 ha, by extending the southern boundary to increase the housing project from 150 to 215 units.  
 Object to any encroachment on the "LONG development" which is not scheduled for development until 2012.  
 Consider the early release of the "LONG Development" area to be unjust and totally unnecessary.  
 Draw to your attention the specific comments from the Recorder, who states  
 "Furthermore, I conclude that the overall housing figure of 150 units for R4 currently envisaged by the Council cannot be satisfactorily achieved within the boundary shown in the April 2007 changes to the authorised plan, the shortfall should be made up elsewhere rather than by simply extending the R4 boundary southwards, as suggested by the developers", the extra units are to replace the R5 and R6 developments due to 15 houses being "lost" by deletion of the R6 development as well as SEFAs objection to the R5 development site.  
 It is extremely interesting to read the Recorders comments on page 2, 108, which states "Inally, I note the Council states that removal of one or both of the R5 or Thornhill "LONG designations" from the Finalised Plan would not require further allocations for the Forres area within the Local Plan to meet Structure Plan and other strategic requirements based on the fact there is an in built 50% over application of housing land made in the Finalised Local Plan to allow for a degree of flexibility.  
 Having recently spent some considerable time looking into planning applications granted and in the process, at present being considered by Moray Council, is much greater that the 650 houses required by Regulatory Authorities.

**Recommendation**

No further action.

**Reason for Response**

The Planning and Regulatory Services Committee on 12th August 2008 agreed to extend site R4 to accommodate the loss of housing units at Drumduan and Pilmur Road West. This is required to ensure that the Moray Structure Plan 2007 housing land requirements are met and that there is a five year effective land supply available to conform with Scottish Planning Policy 3.  
 The Reporter has fully considered housing land issues in Forres and there is subsequently no justification for re-opening the debate.

## Moray Local Plan Objections to Schedule Of Modifications

### - Local Plan Settlement Comments

#### Forres

**SITE** R4

**Name/Organisation** Mrs Elizabeth A Donnachie

**Ref** 685 **Site** R4 **Response** Not accepted.

#### **Comment Summary**

Object to the proposed extension of the R4 boundaries from the original 8.75 hectares to 9.95 hectares and subsequent 12 hectares. The initial no. of houses proposed was 150 but this has now crept up to 215 with the possibility of even more on this short term site, against the recommendations of the Recorder.

#### **Recommendation**

No further action.

#### **Reason for Response**

The extent of site R4 was increased to accommodate the loss of housing sites at Drumduan (15 units) and Pilmuir Road West (45 units). This is required to ensure that the Moray Structure Plan 2007 housing land requirements are met and that there is a five year effective land supply available to conform with Scottish Planning Policy 3.

The Reporter has fully considered housing land supply issues in Forres and there is consequently no justification for re-opening the debate.

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**Name/Organisation** Mrs Evelyn Rhind

**Ref** 669 **Site** R4 **Response** Not accepted.

#### **Comment Summary**

Road access.

Lack of employment in Forres.

Infrastructure.

Lack of Schools, healthcare provisions

Lack of public transport (and cost)

Objection to R4 plans being changed without any information being passed on to us (as promised by the Reporter).

90-150 houses NOT acceptable.

#### **Recommendation**

No further action.

#### **Reason for Response**

The Structure and Local Plans contain land use proposals for improved infrastructure new industrial land and a new health centre. The capacity of schools takes account of planned house building rates. The access to this site will be determined through a detailed STAG appraisal and this was accepted by the Reporter. The Reporter has therefore already considered all the matters raised and there is consequently no justification for re-opening the debate.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

Forres

SITE R4

Name/Organisation Ms Alison Irvine Transport Scotland

Ref 662 Site R4 Response Not accepted.

### Comment Summary

The wording of the text to R4 does not reflect the appraisal process required to justify consideration of a new access onto the trunk road. Suggested amend wording to:

"The developer will be required to undertake an appraisal using STAG to examine the options for access to the development. The STAG appraisal must be undertaken in consultation with the Council, Transport Scotland and local community. It should include consideration of an emergency access".

### Recommendation

Do not accept.

### Reason for Response

The advertised modification relates only to the site size and capacity. The Local Plan Inquiry Reporter considered access issues to this site and concluded that, in terms of the STAG appraisal for the site:

"it is likely to lead to a shortlist of proposals to be put to the Council and if appropriate to Transport Scotland (where there are implications for the A96 trunk road) for detailed consideration. This work is all aimed at finding a practical and viable solution that would address all the various requirements and concerns related to access..."

The Reporter has therefore already considered the designation text regarding access to this site and there is consequently no justification for re-opening the debate.

**Keith**

**SITE** BP1

**Name/Organisation** Ms Alison Irvine Transport Scotland

**Ref** 663 **Site** BP1 **Response** Accepted.

**Comment Summary**

Transport Scotland are seeking additional wording to be inserted into the text in order to better reflect the National policy for new accesses onto Trunk Roads. As written the policy implies that a direct access from the site to the Trunk road would be permitted, which is not necessarily the case.

**Recommendation**

Amend text of policy "requires a trunk road access" to become "requires a trunk road location".

**Reason for Response**

To better reflect the national policy on trunk road access.

**SITE** R11

**Name/Organisation** GRDS Ltd

**Ref** 666 **Site** R11 **Response** Not accepted.

**Comment Summary**

The former R11 site at Corsairty Farm should be re-instated, on the following grounds:

- the perimeter of the site is defined by mature landscape features and buildings which would ensure it would not be at all prominent.
- landscaping and bunding could have been provided to satisfy the objector and ensure that there were no adverse affects on the amenity of Corsairty Farm.
- there is a strong demand for housing in Keith, and this can be met quickly and effectively by this allocation.
- the site offers the opportunity to add much needed affordable housing within this area.
- the R11 site is superior to the replacement allocation at R9.

**Recommendation**

No change. Site to remain excluded from Plan.

**Reason for Response**

Matters of the site's suitability and amenity have already formed part of the Reporters consideration and his recommendation that the site not be designated. This objection brings forward no new evidence that could be regarded as a material change in circumstances to warrant re-consideration.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

**Keith**

**SITE** Rosehall

**Name/Organisation** Mr James Mowat

**Ref** 683 **Site** Rosehall **Response** Not accepted.

### **Comment Summary**

Objects to deletion of Rosehall site and seeks re-statement into the Plan. This is on the basis that the Council has granted permission for the change of use of agricultural buildings to industrial use at Backmuir, which is further out from Keith than Rosehall. As distance from Keith and road access were factors in the Reporters recommendation, this represents new information which should be taken into account.

### **Recommendation**

No change: Rosehall to remain excluded from the Plan.

### **Reason for Response**

The Reporter was advised of the planning approval for Backmuir on 7th December 2007, and therefore had ample opportunity to take this into account in his recommendation. He also had an objection to consider seeking the designation of Backmuir as an industrial estate. This too was rejected.  
The planning application was for a change of use of existing buildings (which is supported by policy) and not the establishment of an industrial park. The road access arrangements were subject of consultation with Transport Scotland and found to be satisfactory.  
There is felt to be no new evidence which would be regarded as a material consideration to warrant re-consideration.

**Name/Organisation** Mr Michael Blake

**Ref** 684 **Site** Rosehall **Response** Not accepted.

### **Comment Summary**

Objects to deletion of Rosehall site and seeks re-statement into the Plan. This is on the basis that the Council has granted permission for the change of use of agricultural buildings to industrial use at Backmuir, which is further out from Keith than Rosehall. As distance from Keith and road access were factors in the Reporters recommendation, this represents new information which should be taken into account.

### **Recommendation**

No change: Rosehall to remain excluded from the Plan.

### **Reason for Response**

The Reporter was advised of the planning approval for Backmuir on 7th December 2007, and therefore had ample opportunity to take this into account in his recommendation. He also had an objection to consider seeking the designation of Backmuir as an industrial estate. This too was rejected.  
The planning application was for a change of use of existing buildings (which is supported by policy) and not the establishment of an industrial park. The road access arrangements were subject of consultation with Transport Scotland and found to be satisfactory.  
There is felt to be no new evidence which would be regarded as a material consideration to warrant re-consideration.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

### Keith

**SITE** Rosehall

**Name/Organisation** Mrs Jane Cotton Keith and Strathisla Regeneration Partnership

**Ref** 680 **Site** Rosehall **Response** Not accepted.

#### **Comment Summary**

Objection is to the deletion of Rosehall and seeks its re-instatement as an industrial site. Since the Inquiry, permission has been granted for the change of use of agricultural buildings to industrial use at Backmuir, which is further out from Keith than Rosehall. As distance and road access arrangements were factors of the Reporters recommendation, this represents new information that should be taken into account.

#### **Recommendation**

No change: Rosehall to remain excluded from the Plan.

#### **Reason for Response**

The Reporter was advised of the planning approval for Backmuir on 7th December 2007, and therefore had ample opportunity to take this into account in his recommendation. He also had an objection to consider seeking the designation of Backmuir as an industrial estate. This too was rejected.  
The planning application was for a change of use of existing buildings (which is supported by policy) and not the establishment of an industrial park. The road access arrangements were subject of consultation with Transport Scotland and found to be satisfactory.

There is felt to be no new evidence which would be regarded as a material consideration to warrant re-consideration.

**Name/Organisation** Mrs Linda Gorn

**Ref** 675 **Site** Rosehall **Response** Not accepted.

#### **Comment Summary**

The objector seeks the re-instatement of Rosehall as an industrial allocation for Keith. This is on the basis that the Council has (since the date of the Rosehall hearing) approved an application for the change of use of farm buildings to industrial use, at a site further out from Keith (Backmuir) than Rosehall. This is felt to be new material which would justify the inclusion of Rosehall, as distance from Keith was a factor in the Reporters recommendation that Rosehall be not included in the Plan.

#### **Recommendation**

No change: Rosehall to remain excluded from Plan.

#### **Reason for Response**

The Reporter was advised of the Backmuir approval on 7th December 2007, and therefore had ample opportunity to take this into account when making his recommendation on Rosehall. He also had an objection to consider from the applicant seeking Backmuir as an industrial designation in the Plan, and also recommended against this.

The objection brings forward no new evidence that could be regarded as a material change in circumstances to warrant re-consideration.

# Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Settlement Comments

Keith

SITE Rosehall

Name/Organisation Ms Alison Watt

Ref 682 Site Rosehall Response Not accepted.

### Comment Summary

The objection is to the deletion of Rosehall from the Plan, and seeks its re-instatement as an industrial site. Moray Council has approved an application for the change of use of agricultural buildings to industrial use at Backmuir, which is further from Keith than Rosehall. As distance from Keith, and access arrangements were factors in the Reporters recommendation, this represents new information that should be taken into account.

### Recommendation

No change: Rosehall to remain excluded from the Plan.

### Reason for Response

The Reporter was advised of the planning approval for Backmuir on 7th December 2007, and therefore had ample opportunity to take this into account in his recommendation. He also had an objection to consider seeking the designation of Backmuir as an industrial estate. This too was rejected. The planning application was for a change of use of existing buildings (which is supported by policy) and not the establishment of an industrial park. The road access arrangements were subject of consultation with Transport Scotland and found to be satisfactory. There is felt to be no new evidence which would be regarded as a material consideration to warrant re-consideration.

## Lintmill Nursery

**Name/Organisation** W J Gauld & Sons c/o Future Plans

**Ref** 122 **Response** Not accepted

### Comment Summary

It is requested that the site be re-instated in the Plan as a rural community. The new evidence for so doing is as follows.

- A further analysis of site conditions displays a significant amount of hardcore across the site, this evidence was not available to the Reporter. Accordingly it should be regarded as brownfield rather than greenfield. This provides a better basis for assessing compliance with SPP15 on Rural Development, which supports small scale rural housing clusters on brownfield sites.

- The Reporter did not consider the objectors willingness to consider funding a footpath from the site to the centre of Cullen, under the Moray Core Paths Plan. This would remove any doubt over easy pedestrian access to all facilities in Cullen.

- There is felt to be a doubt about the extent to which the Committee (at its meeting of 12 August 2008) was aware of its ability to query or reject the Reporter's recommendation. "The Council is not obliged to accept the Reporters recommendations" (Local Plan code of practice). There is no mention of new information having to be presented yet this appeared to be the background of advice and comment given to Committee.

- The Reporter's conclusions have misquoted para 21 of SPP17, and this would justify a re-examination of his Recommendation.

### Reason for Response

The presence of hardcore on site is not considered to be sufficient to classify it as "brownfield", and therefore justify reconsideration. Aspects such as access/distance from Cullen; sustainability; infrastructure were all part of the original consideration. The Reporter should have referred to para 21 of SPP15 not SPP17, but the quoted wording is correct for the circumstances.

The objection brings forward insufficient evidence that could be regarded as a material change in circumstances to warrant re-consideration.

### Recommendation

No change. Site to remain excluded from Plan.

## Moray Local Plan Objections to Schedule Of Modifications

## - Local Plan Rural Community Comments

### Mulben

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**Name/Organisation**

Mr Robert Robertson

**Ref** 123

**Response** Not accepted.

#### **Comment Summary**

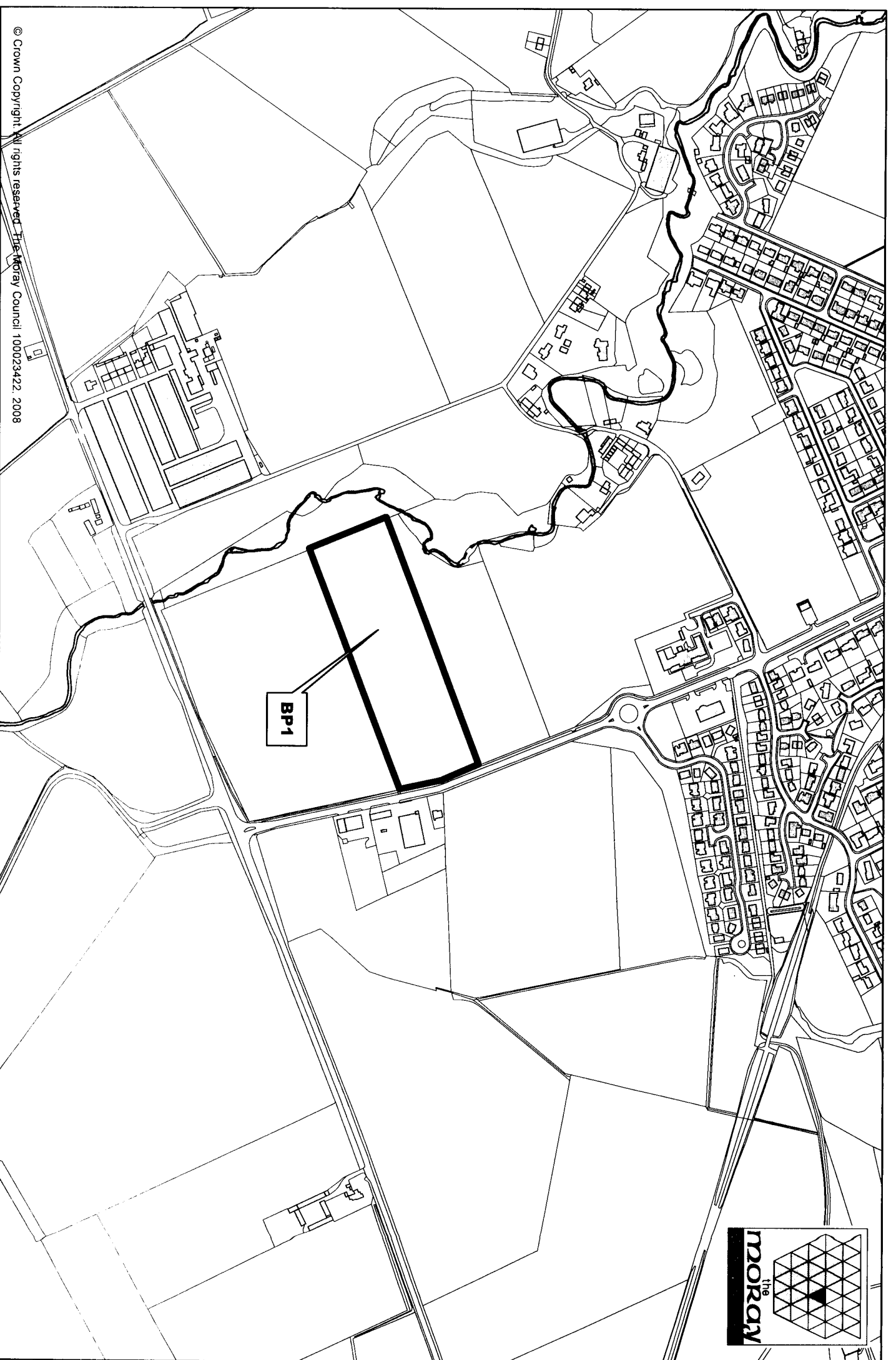
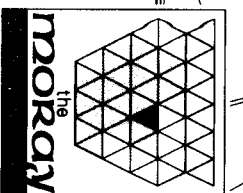
Objects to the modifications to the extent of site B, and would seek area as recommended by Reporter to be retained within the Plan. There have been a large number of enquiries for this site, and given the Scottish Executive's encouragement to increase housing stock, there are grounds for upholding the Reporter's position.

#### **Reason for Response**

Whilst the background to allocations/planning consents in Mulben is complex, it had never been intended to make provision for more than 12 houses at Smithy Croft/Deanshaugh. This is the position the Committee agreed to at its meeting of 12 August 2008, which took account of a recent appeal decision. This objection brings forward no new evidence that could be regarded as a material change in circumstances to warrant re-consideration.

#### **Recommendation**

No change.

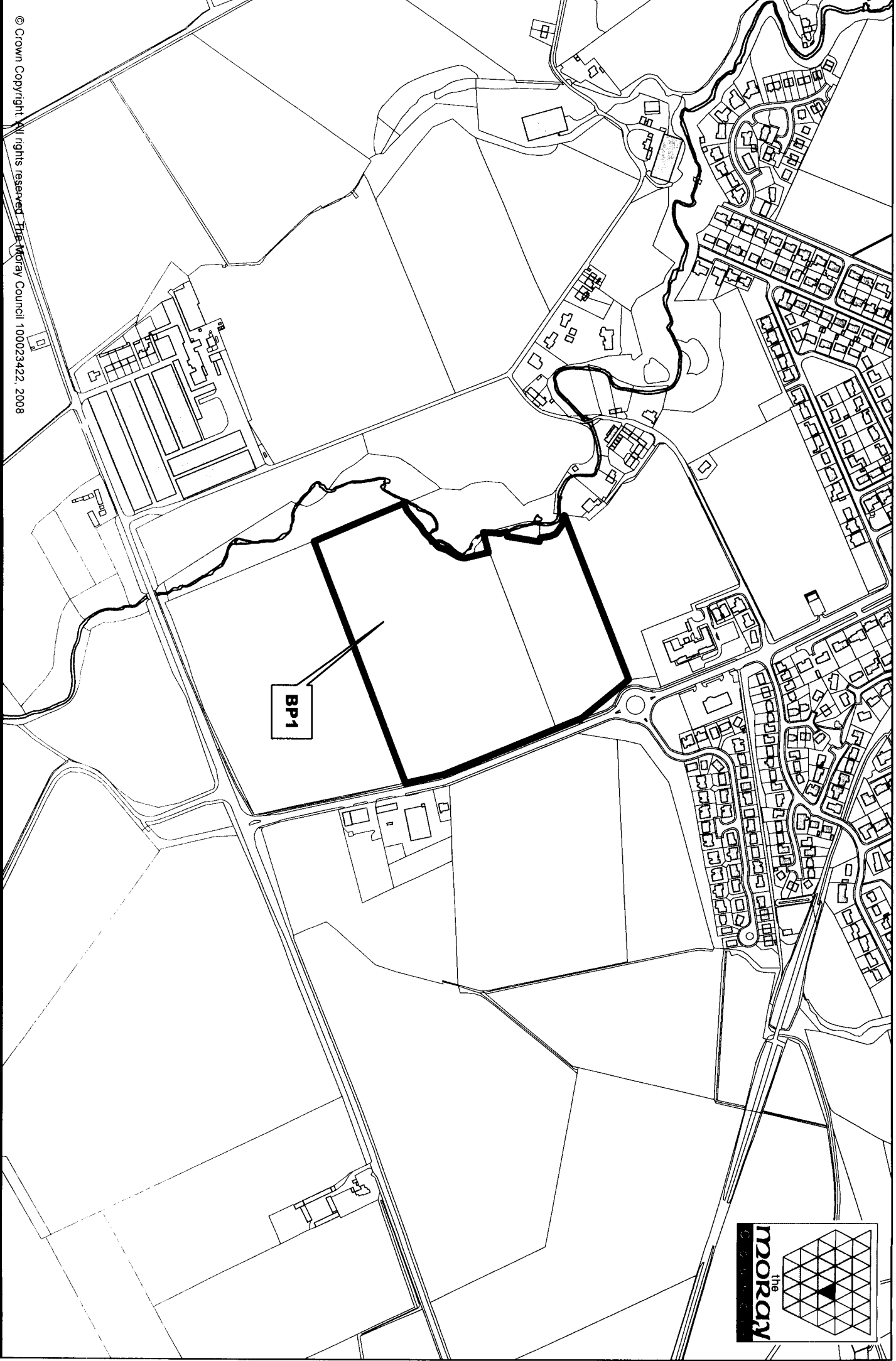
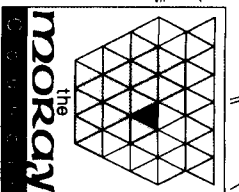


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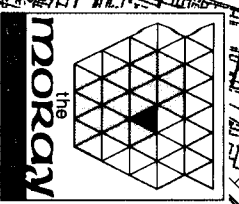
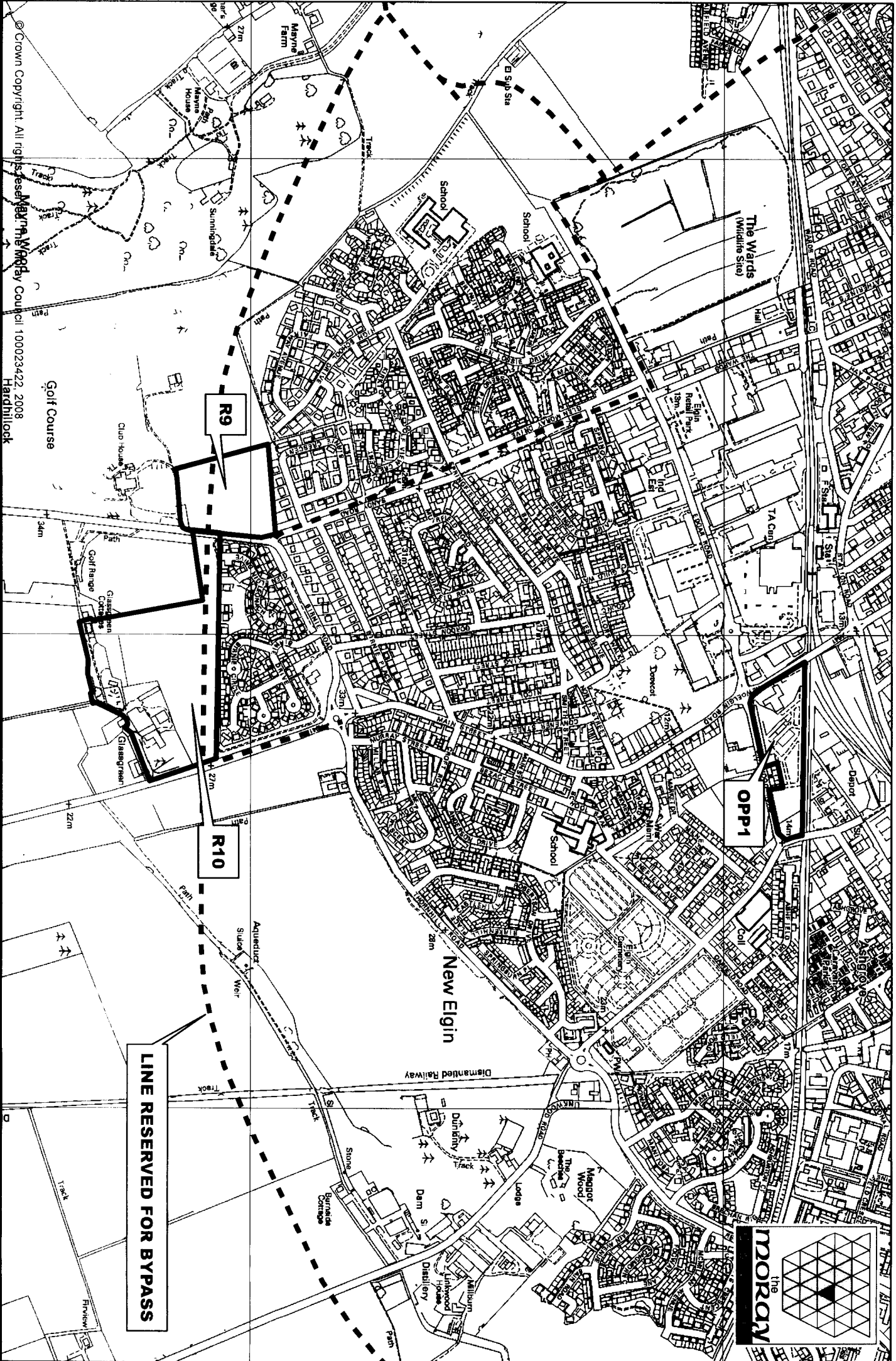
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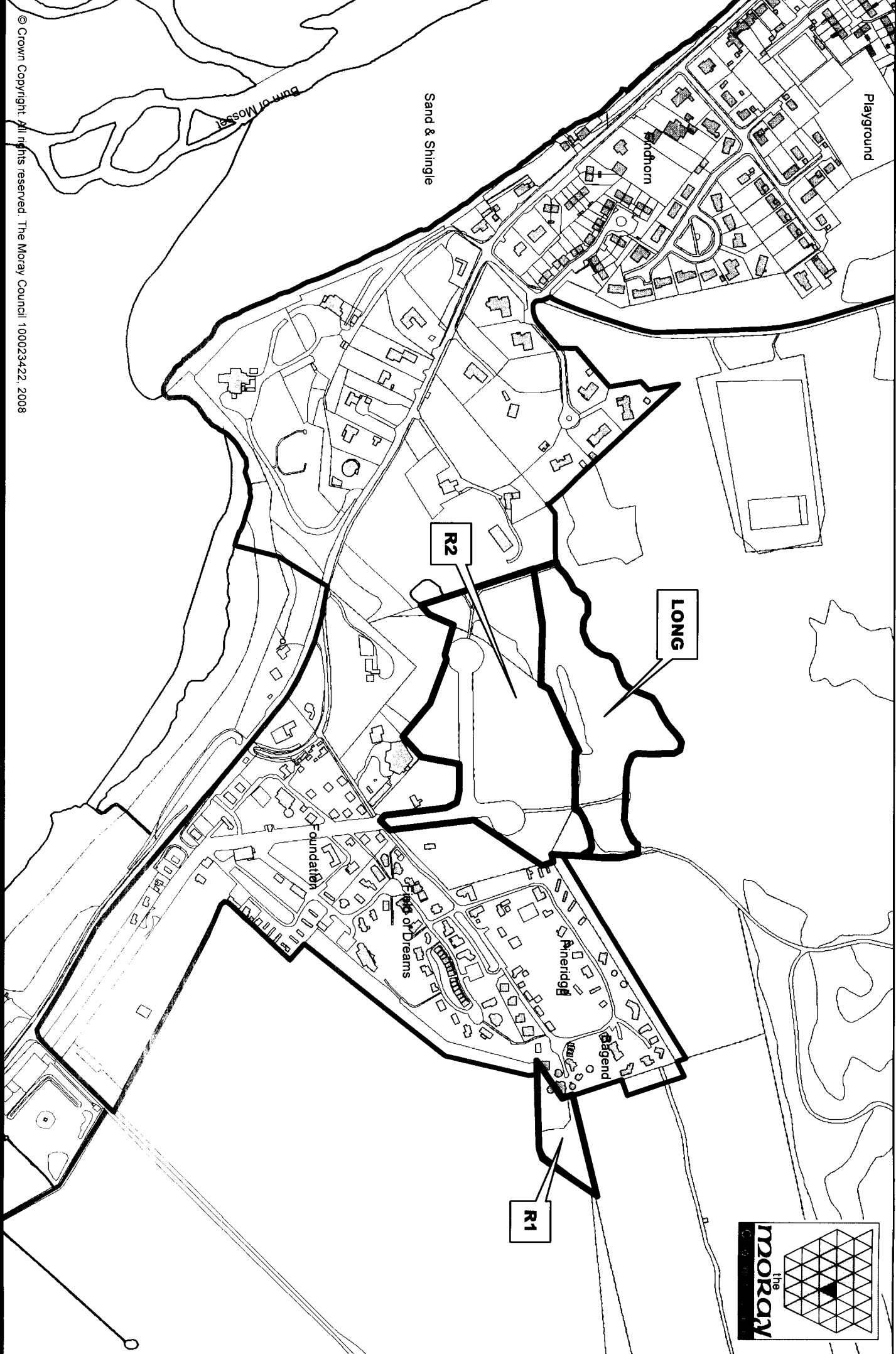
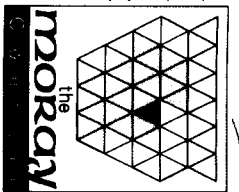










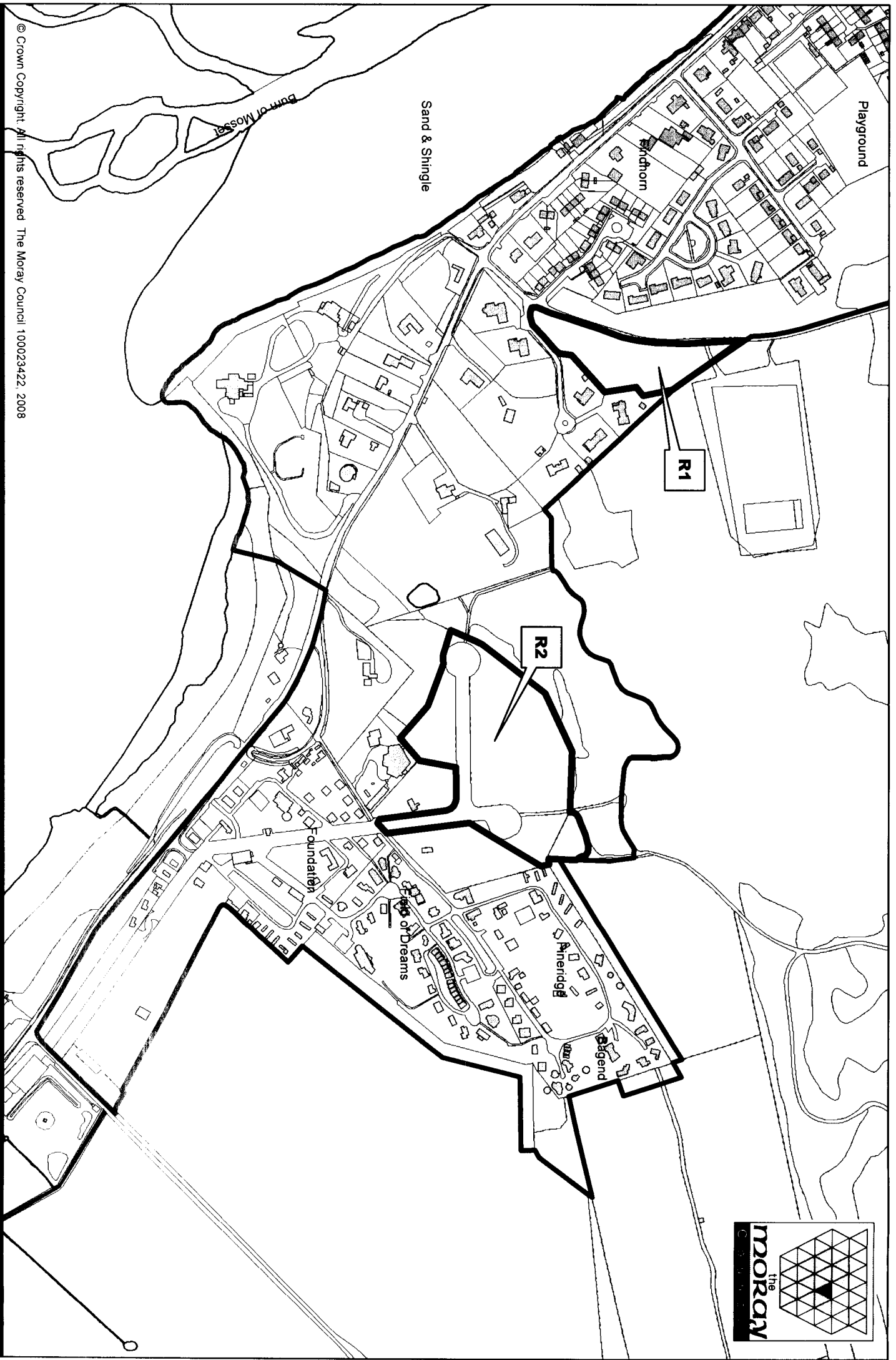
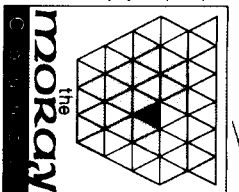


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**FINDHORN: BEFORE INQUIRY**

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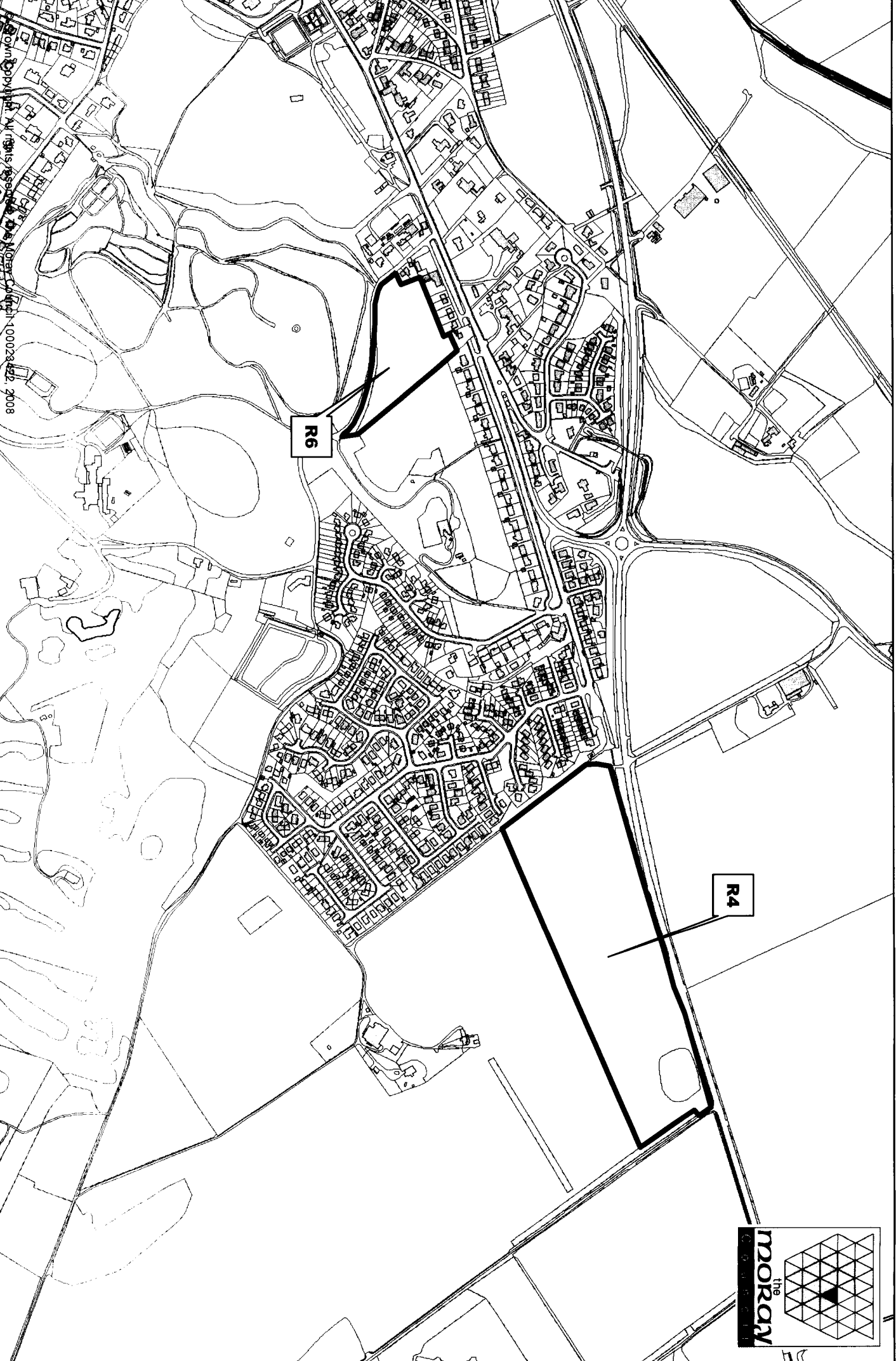


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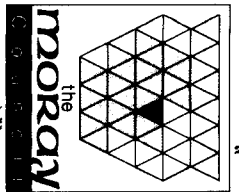
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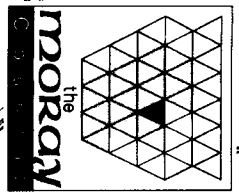




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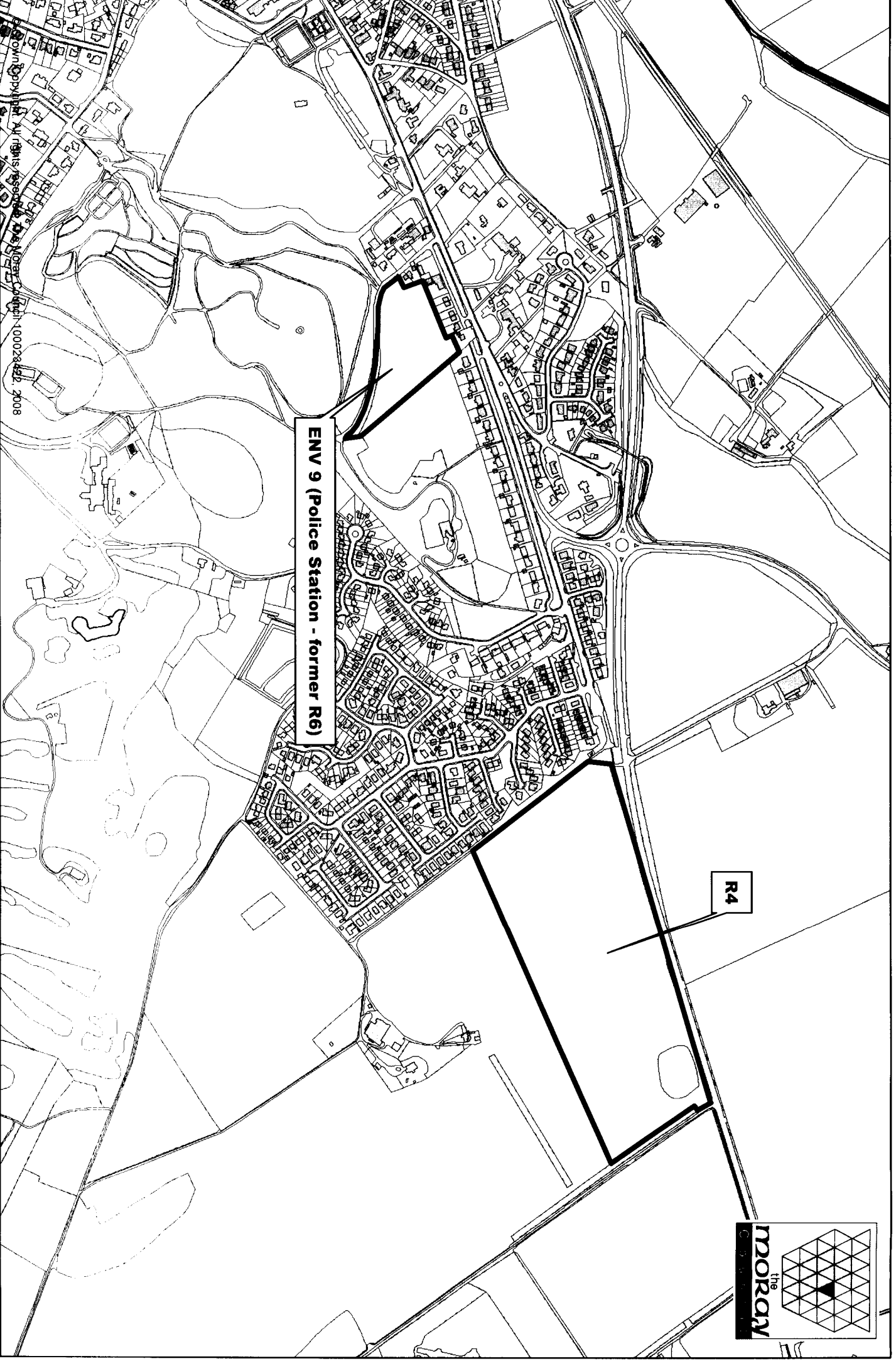






R4

ENV 9 (Police Station - former R6)

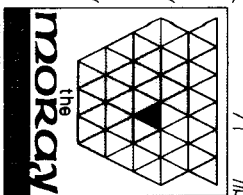


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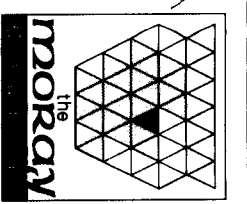
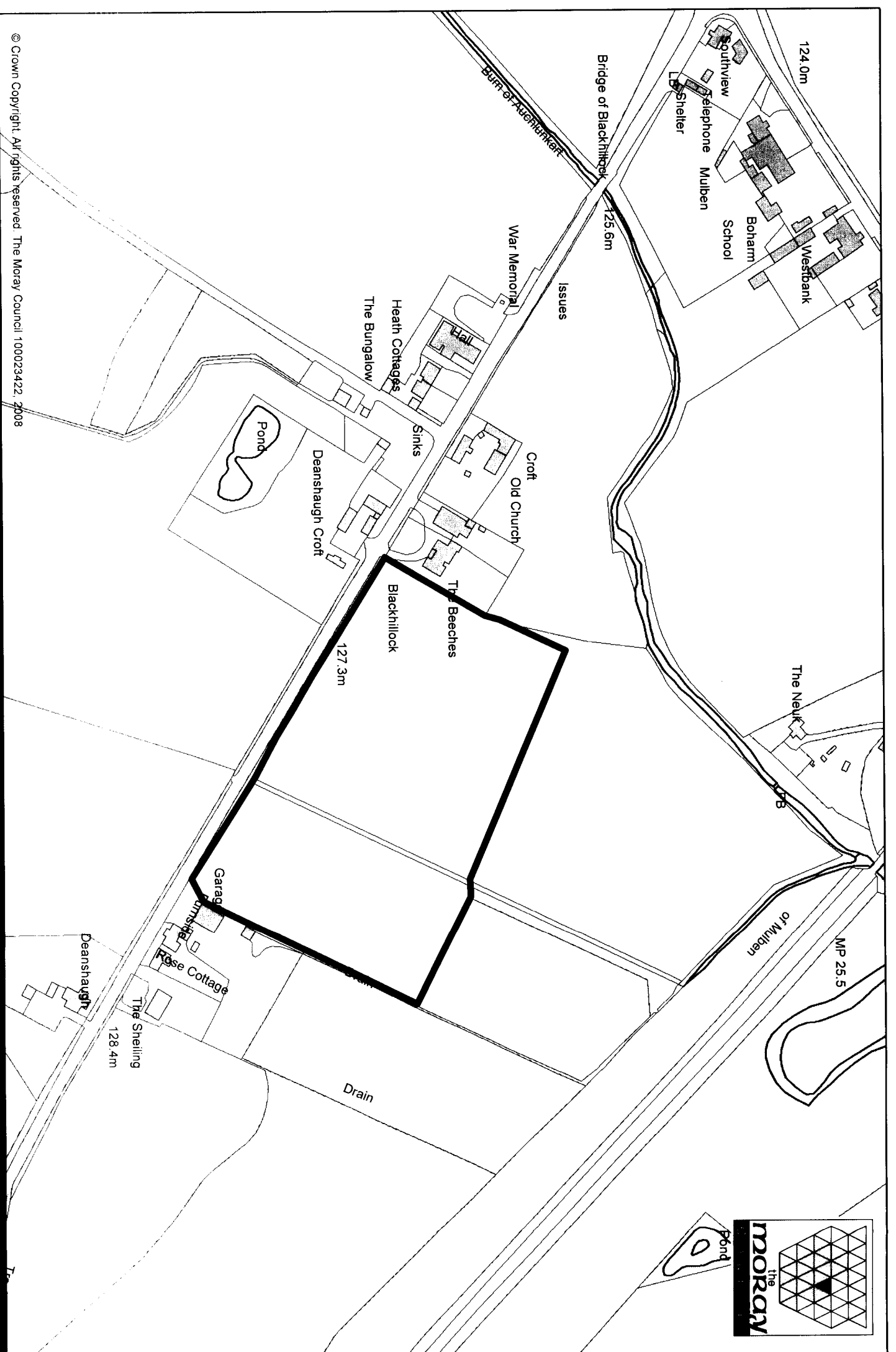


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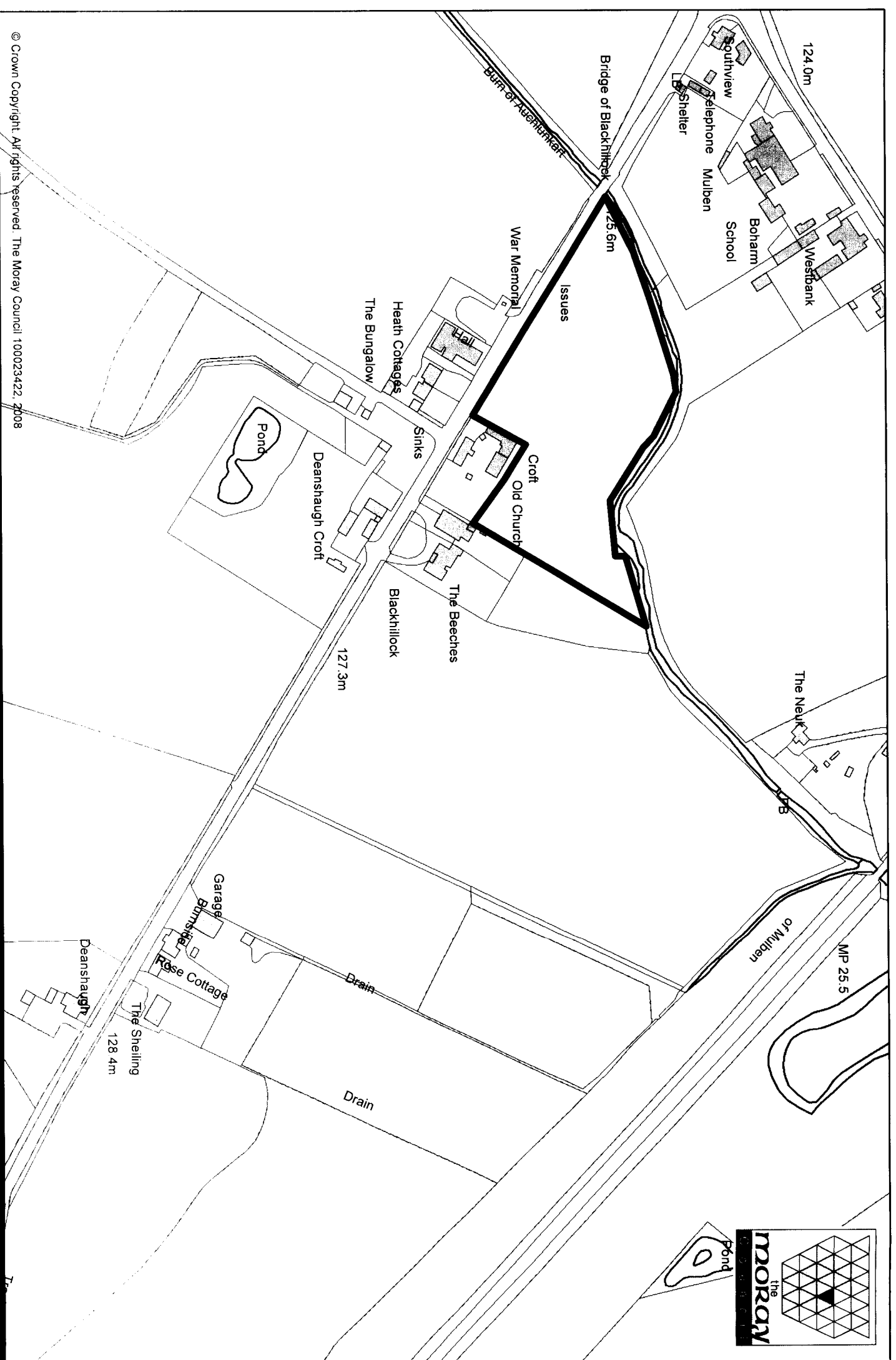




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