

Moray Local Development Plan - Rural Groupings

Site A

ARRADOUL

Name / Organisation Emma Marandola

Comment Ref 000510/2/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Development would have a substantial impact there is potential for numerous dwellings which does not fit the character of the community. Changes in Arradoul should be compatible with the existing settlement in terms of size and impact. Development would follow the established pattern of building one home at a time on a case by case basis. Previous planning application 11/00672/PPP was refused on the basis of suburban form of development that would detract from the character and appearance of the area. Site A would not create a new access but would increase the use of the existing junction, creating interference with the safety and free flow of traffic. It is not safe to encourage additional entering/leaving the traffic at this location on a NESCAMP red route. There are existing drainage problems existing properties all have septic tanks which are often affected when the water table is high. Development of site A would exacerbate this. Existing buildings that border site A have been designed to best use of the properties and would be overlooked and result in a loss of privacy. Site A delete and designation text to continue to restrict development on a replacement basis

Recommendation

Accept in part.

This site was supported for inclusion at Main Issues Report (MIR) stage on the basis of taking a more holistic approach to the long term expansion of Arradoul. It was envisaged that a masterplan for the whole of the site would be developed and that a small number of houses would be built over a number of years as opposed to all at once.

The representations received have raised issues in terms of drainage and surface water flooding that warrant further investigation prior to agreeing to take the site forward for inclusion within the Moray Local Development Plan. Many of the representations relate to road safety concerns. The current Local Plan for Arradoul states, 'The introduction of a 50 mph limit may have improved road safety, but additional accesses onto the A98 will not be permitted.' Although Site A would not create new access, following further consultation the Transportation Section has advised that the provision of additional accesses on the A98 in Arradoul remains a road safety concern and it has been requested that the text within the 2008 Moray Local Plan is reinstated.

On the basis of these technical constraints it is proposed to delete the site and for Arradoul to remain as is in the Moray Local Plan 2008.

The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Name / Organisation Peter Marandola

Comment Ref 000728/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Development would have substantial impact on Arradoul. The site does not fit the character of the community and the site seems much larger than would be necessary for 17 houses which may set a precedent for more units. Site A would lead to a suburban form of development that would detract from the character and appearance of the surrounding area. This is a greenfield site. Although site A does not create a new access it is not safe to encourage additional entering and leaving the traffic stream at this location on a NESCAMP red route. Arradoul has drainage issues and the Moray Council's measures to combat these issues has been delayed. Existing properties septic tanks are often affected when the water table is high, development would exacerbate this. Introducing dwellings or a road on the site will result in existing properties being overlooked and result in a loss of privacy. Expansion of Arradoul should be minimised to ensure that it doesn't affect the delivery of allocated sites and should be appropriate for local needs. If allocated Arradoul would have a large allocation than many tier2 and tier 3 settlements which is contrary to the spatial strategy. Given the third party land issues, drainage and flooding there is uncertainty over delivery of the site. Buckie has an effective land supply so why an additional site in a small grouping so close to Buckie needed. Arradoul to remain as Moray Local Plan 2008.

Recommendation

Accept in part.

This site was supported for inclusion at Main Issues Report (MIR) stage on the basis of taking a more holistic approach to the long term expansion of Arradoul. It was envisaged that a masterplan for the whole of the site would be developed and that a small number of houses would be built over a number of years as opposed to all at once.

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The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Name / Organisation Chris Thornton

Comment Ref 000734/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

There are existing drainage problems. The field that is proposed for development is always waterlogged after rain. Many homes already suffer from flooding problems that will only be exacerbated by building new properties. Increase in water from 17 homes will likely move water down into existing homes. Who is liable if the drainage system fails, it seems unfair to refuse a single house and then open up land for 17 homes. Developing the site would drastically increase the traffic entering the single track road. The 50 mph limit is not adhered to and there have been many fatalities on this road over the years. Many existing houses will lose significant privacy. The building of 17 homes seems an extreme amount to add to a small hamlet even on a phased development. 17 is too much to add.

Recommendation

Accept in part.

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Name / Organisation **Mr and Mrs A and C Imlach**

Comment Ref 000704/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Cannot keep the character of the rural community when developing site A will almost be the same amount of houses again. Arradoul lies on bedrock. Drainage is impossible for that amount of housing without running the overspill to a ditch which SEPA do not favour. There is not bus route and safety for children by the volume of traffic increasing. Live in a rural community for privacy not to be developed into a housing estate. Not against a few houses but not a housing scheme.

Recommendation

Accept in part.

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Name / Organisation **Mr Dennis Elves**

Comment Ref 000869/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Building 17 dwellings is not in keeping with the already built cottages and houses and will result in more traffic joining the A98. There is no mains drainage and none planned for these houses in an area notorious for flooding. All residents of Arradoul have had septic tanks overflowing into houses and gardens in heavy or prolonged rain. If mains drainage was laid perhaps objections to plans could be worked out.

Recommendation

Accept in part.

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Comment Summary

Drainage problems in Arradoul. The proposed area of ground is always waterlogged after rain. An additional 17 homes would have a huge impact on the amount of dirty water that the new houses will produce as new residents are unlikely to use water in a conservative way. Many homes already suffer from flooding problems that will be made worse by building 17 new properties. There are already ongoing flood alleviation measure and plans to put in more. Who is liable if the drainage arrangements fail. Previous planning application on other side of the road from this site was refused planning permission. The site is greenfield land and the Council is promoting the development of brownfield land. There have been a lot of accidents and fatalities on the road making this part of the A98 a NESCAMP red route. Developing the site would drastically increase the traffic entering and exiting. The single track road that leads up to the site is not fit for purpose for 17 houses. The houses bordering Site A will lose significant privacy and have been built to enjoy the outlook. Doubling the amount of homes in Arradoul is extreme and does not fit with the character of the community.

Recommendation

Accept in part.

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Comment Summary

Would impact on the dwellings adjoining the site, some of which have been built to take in views over the countryside. Conditions on the A98 could become dangerous to residents and their families. Traffic does not always obey the speed limits and there is no bus services to this area meaning more than one car per house is needed. There is a history of flooding affecting most residents which all have septic tanks. If houses are to be built, surely there is enough property in Arradoul to warrant mains sewage.

Recommendation

Accept in part.

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be permitted.’ Although Site A would not create new access, following further consultation the Transportation Section has advised that the provision of additional accesses on the A98 in Arradoul remains a road safety concern and it has been requested that the text within the 2008 Moray Local Plan is reinstated.

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Name / Organisation	Helen Turner
Comment Ref	001004/1/001
	Site Ref LDP2014_PPLAN_AD_SITE A
Comment Summary	
The site is good agricultural land. With all the building going on in Buckie there is no need to build in Arradoul. There are flooding problems that should be enough reason to stop.	
Recommendation	
Accept in part.	

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Name / Organisation	Sam Turner
Comment Ref	001005/1/001
	Site Ref LDP2014_PPLAN_AD_SITE A
Comment Summary	
17 houses would double the size of this settlement and significantly change the character of the settlement. The area would accommodate considerably more than 17 proposed and have a bigger impact. This would constitute a major change to the character of the settlement. There are already significant flooding problems in Arradoul. The impact of house building and road infrastructure on a field which itself has flooding issues would exacerbate this. Individual householders have taken substantial measures to improve drainage and minimise flood risk to their own properties, efforts should not be compromised by later developments. There are problems with existing properties septic tanks giving rise to smells. Installation of septic tanks have proved difficult due to ground conditions and similar problems could be encountered together with flooding, problems for existing properties could be increased. Existing properties adjoining the site could be overlooked. New roads required to access Walkerdale road could increase flood risk. There would be a considerable increase in traffic using the existing junction which would intensify the problems of users of the A98 which is already a dangerous stretch of roadway. There is no public transport available which makes the area unsuitable for affordable housing. This is a greenfield site and would entail the loss of valuable agricultural land with a consequent effect on wildlife. The area is currently free of light pollution if the proposed development were to proceed street lighting and private lighting would be required.	
Recommendation	
Accept in part.	

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The representations received have raised issues in terms of drainage and surface water flooding that warrant further investigation prior to agreeing to take the site forward for inclusion within the Moray Local Development Plan. Many of the representations relate to road safety concerns. The current Local Plan for Arradoul states, 'The introduction of a 50 mph limit may have improved road safety, but additional accesses onto the A98 will not be permitted.' Although Site A would not create new access., following further consultation the Transportation Section has advised that the provision of additional accesses on the A98 in Arradoul remains a road safety concern and it has been requested that the text within the 2008 Moray Local Plan is reinstated.

On the basis of these technical constraints it is proposed to delete the site and for Arradoul to remain as is in the Moray Local Plan 2008.

The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Name / Organisation Isobel Turner

Comment Ref	001003/1/002	Site Ref	LDP2014	PPLAN	AD	SITE A

Comment Summary

17 houses would double the size of this settlement and significantly change the character of the settlement. The area would accommodate considerably more than 17 proposed and have a bigger impact. This would constitute a major change to the character of the settlement. There are already significant flooding problems in Arradoul. The impact of house building and road infrastructure on a field which itself has flooding issues would exacerbate this. Individual householders have taken substantial measures to improve drainage and minimise flood risk to their own properties, efforts should not be compromised by later developments. There are problems with existing properties septic tanks giving rise to smells. Installation of septic tanks have proved difficult due to ground conditions and similar problems could be encountered together with flooding, problems for existing properties could be increased. Existing properties adjoining the site could be overlooked. New roads required to access Walkerdale road could increase flood risk. There would be a considerable increase in traffic using the existing junction which would intensify the problems of users of the A98 which is already a dangerous stretch of roadway. There is no public transport available which makes the area unsuitable for affordable housing. This is a greenfield site and would entail the loss of valuable agricultural land with a consequent effect on wildlife. The area is currently free of light pollution if the proposed development were to proceed street lighting and private lighting would be required.

Recommendation

Accept in part.

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On the basis of these technical constraints it is proposed to delete the site and for Arradoul to remain as is in the Moray Local Plan 2008.

The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Name / Organisation
Allan Mitchell

Comment Ref 000515/2/001

Comment Summary

No way housing can be allowed at Arradoul by moving the boundary until drainage issues have been addressed. The existing drains cannot cope at all and water flows out of the drain in the front of the four house development on the Arradoul estate road. There must be new drains to supplement the existing or larger replacement of the existing drain, failure to address this will create a far more serious problem.

Recommendation

Accept in part.

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Name / Organisation Carol Thornton

Comment Ref 000901/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Development would have a massive impact on Arradoul. It would change the hamlet from ribbon development to a housing estate and does not fit with the character of the village. Site A would detract from the existing buildings in Arradoul by blocking views of the beautiful countryside destroying the setting and vastly changing the character. The site is much larger than would be necessary for 17 houses and may set a precedent to allow more units. Development in the village should follow the established template of one home at a time on a case by case basis. This stretch of the A98 remains on the NESCAMP red route. Total number of accidents is 18, there are two dangerous bends making it difficult to access safely onto the A98. Site A does not create a new access but considerably increase the number of vehicles using this single track road. There is a long history of flooding and no mains sewers. Existing properties with septic tanks are often affected by high water table and poor drainage. Site A would exacerbate already existing problems and place more hardship on existing dwellings. Restricting building to a replacement basis is practical in order to use standing septic tanks and soakaways and to use existing access. Site A promotes the development of greenfield land whilst the Council is promoting the development of housing on brownfield land. There is a previous refusal on a nearby site on the basis of suburban development and character and appearance. There are no amenities and no bus service. Access to work will be by private car increasing a reliance on cars. Buckie has an effective housing supply for the next 10 years, question the need for additional site in a small grouping which is so close to Buckie. Arradoul has a larger allocation than many tier 2 and tier 3 settlements.

Recommendation

Accept in part.

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Name / Organisation **James Thornton**

Comment Ref 000902/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

This stretch of the A98 remains on a NESCAM red route despite the 50 mph speed limit. There are two dangerous bends on which makes access onto the A98 for the single track road to the west difficult. Site A would considerably increase the number of vehicles using this dangerous junction. The proposal does not fit with the character and appearance of the village. Site A would detract from and have a big effect on existing buildings, blocking views and destroying the setting of the village changing the character from ribbon settlement to housing estate. Allowing site A would set a precedent for more housing turning it into a suburban region. This is development of a greenfield site and the Council is promoting development of housing on brownfield land. Site A exacerbate existing drainage problems, there is no mains sewer and septic tanks are often affected by the high water table and poor drainage. There is an ongoing history of flooding problems and pools of stagnant water are often seen on site A. Site a will result in loss of privacy for many of the existing houses and roads will be built very close to properties leading to increase noise by traffic and light pollution. There are no amenities and no bus service. Access to work and shops will be private car and increase the reliance on cars. Buckie has an effective housing land supply for the next 10 years; question the need for an additional site in a small grouping so close to Buckie.

Recommendation

Accept in part.

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Name / Organisation **Matthew Thornton**

Comment Ref 000903/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Arradoul A98 is a NESCAM red route and has two dangerous bends on a busy main road. Development of site would considerably increase the number of vehicles using a notoriously dangerous junction and it is not sage to encourage additional traffic entering and exiting it. Development would not fit with the character of the village and would detract from and impact on existing buildings, blocking views and changing the character of the whole settlement. It would change the hamlet from ribbon settlement into a suburban housing estate. Development should follow the established principle of one for one. Development will result in a loss of privacy and uninterrupted views, there will be noise from traffic, light pollution. There are no amenities in Arradoul including no bus services, shops or surgeries. Buckie has an effective housing land supply is there a need for an additional site so close to Buckie. There is a long history of flooding and development of this site would add to existing problems. Development on Greenfield land is against the plan.

Recommendation

Accept in part.

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Name / Organisation **Steve Thornton**

Comment Ref 000904/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Arradoul A98 is a NESCAM red route and has two dangerous bends on a busy main road. Development of site would considerably increase the number of vehicles using a notoriously dangerous junction and it is not sage to encourage additional traffic entering and exiting it. Development would not fit with the character of the village and would detract from and impact on existing buildings, blocking views and changing the character of the whole settlement. It would change the hamlet from ribbon settlement into a suburban housing estate. Development should follow the established principle of one for one. Development will result in a loss of privacy and uninterrupted views, there will be noise from traffic, light pollution. There are no amenities in Arradoul including no bus services, shops or surgeries. Buckie has an effective housing land supply is there a need for an additional site so close to Buckie. There is a long history of flooding and development of this site would add to existing problems. Development on Greenfield land is against the plan. There is a previous planning refusal opposite the site based on suburban development and detracting from the character and appearance of the area.

Recommendation

Accept in part.

This site was supported for inclusion at Main Issues Report (MIR) stage on the basis of taking a more holistic approach to the long term expansion of Arradoul. It was envisaged that a masterplan for the whole of the site would be developed and that a small number of houses would be built over a number of years as opposed to all at once.

The representations received have raised issues in terms of drainage and surface water flooding that warrant further investigation prior to agreeing to take the site forward for inclusion within the Moray Local Development Plan. Many of the representations relate to road safety concerns. The current Local Plan for Arradoul states, 'The introduction of a 50 mph limit may have improved road safety, but additional accesses onto the A98 will not be permitted.' Although Site A would not create new access, following further consultation the Transportation Section has advised that the provision of additional accesses on the A98 in Arradoul remains a road safety concern and it has been requested that the text within the 2008 Moray Local Plan is reinstated.

On the basis of these technical constraints it is proposed to delete the site and for Arradoul to remain as is in the Moray Local Plan 2008.

The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Name / Organisation **Irene Farquhar**

Comment Ref 000905/1/001 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Proposed development is hugely disproportionate to the existing settlement and would have a huge detrimental impact. Arradoul continues to have drainage problems. This development involves greenfield land.

Recommendation

Accept in part.

This site was supported for inclusion at Main Issues Report (MIR) stage on the basis of taking a more holistic approach to the long term expansion of Arradoul. It was envisaged that a masterplan for the whole of the site

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would be developed and that a small number of houses would be built over a number of years as opposed to all at once.

The representations received have raised issues in terms of drainage and surface water flooding that warrant further investigation prior to agreeing to take the site forward for inclusion within the Moray Local Development Plan. Many of the representations relate to road safety concerns. The current Local Plan for Arradoul states, 'The introduction of a 50 mph limit may have improved road safety, but additional accesses onto the A98 will not be permitted.' Although Site A would not create new access, following further consultation the Transportation Section has advised that the provision of additional accesses on the A98 in Arradoul remains a road safety concern and it has been requested that the text within the 2008 Moray Local Plan is reinstated.

On the basis of these technical constraints it is proposed to delete the site and for Arradoul to remain as is in the Moray Local Plan 2008.

The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Name / Organisation **S D Thornton (Secretary)** **Buckie and District Community Council**

Comment Ref 000981/2/002 Site Ref LDP2014_PPLAN_AD_SITE A

Comment Summary

Development would have a substantial impact on Arradoul. The scale of the site and number of dwellings does not fit the character of the community. The current local plan states the no additional accesses will be permitted onto the A98, although Site A would not create a new access the logical implication of the Local Plan is that it is not safe to encourage additional entering/leaving the traffic stream at this location on a NESCAMP red route. Development of the site would increase use of the existing junction. Arradoul has drainage issues and Moray Council's measures to combat these issues have been delayed. Existing properties all have septic tanks which are often affected when the water table is high. Development of site A would exacerbate this. Changes in Arradoul should be compatible with the existing settlement in terms of size and impact. Development should follow the established pattern of building one home at a time on a case by case basis. This will create precedent for more of the same. Previous planning application nearby was refused as it would detract from the character and appearance of the surrounding area. The existing restrictions within the Moray Local Plan 2008 are sensible and should not be changed. Existing homes that border the site would be significantly affected as they will be overlooked and introducing dwellings or a road will result in loss of privacy to all properties bordering Site A.

Recommendation

Accept in part.

This site was supported for inclusion at Main Issues Report (MIR) stage on the basis of taking a more holistic approach to the long term expansion of Arradoul. It was envisaged that a masterplan for the whole of the site would be developed and that a small number of houses would be built over a number of years as opposed to all at once.

The representations received have raised issues in terms of drainage and surface water flooding that warrant further investigation prior to agreeing to take the site forward for inclusion within the Moray Local Development Plan. Many of the representations relate to road safety concerns. The current Local Plan for Arradoul states, 'The introduction of a 50 mph limit may have improved road safety, but additional accesses onto the A98 will not be permitted.' Although Site A would not create new access, following further consultation the Transportation Section has advised that the provision of additional accesses on the A98 in Arradoul remains a road safety concern and it has been requested that the text within the 2008 Moray Local Plan is reinstated.

On the basis of these technical constraints it is proposed to delete the site and for Arradoul to remain as is in the Moray Local Plan 2008.

The other issues raised in terms of character, design and privacy would be dealt with as part of any planning application submitted on the site.

The landowner will be given the opportunity to investigate and address the technical issues raised. Should development within Arradoul prove feasible further consideration can be given to potential expansion of Arradoul as part of the Rural Groupings Review that will be undertaken in 2015.

Moray Local Development Plan - Rural Groupings

Site C

AULTMORE

Name / Organisation Mr Ian Murdoch and Miss Deborah Murdoch

Comment Ref 000975/1/001 Site Ref LDP2014_PPLAN_AM_SITE C

Comment Summary

The land is full of water springs and has always flooded and water runs down the slope into our property. It is inappropriate to building housing here. There is no mains sewage in Aultmore and septic tanks will fail. My land is the third party land referred to in the text and it will not happen. There are no amenities so cars are essential, road widening will destroy the village and ancient field boundaries.

Recommendation

No change. A Flood Risk Assessment will be required through the planning application process on which the Scottish Environment Protection Agency and Council's Flood Alleviation Team will be consulted. The need for third party land will be addressed at the planning application stage. This will be a private matter between the landowner and developer. It is not considered that road widening will destroy the village given the road to site C is not the main thoroughfare. The provision of development opportunities within existing rural groupings is in accord with the Proposed Plan settlement strategy which seeks to guide housing in rural areas to groupings to assist in alleviating demand for housing in the open countryside.

Moray Local Development Plan - Rural Groupings
General

AUCHBRECK

Name / Organisation Scottish Natural Heritage Scottish Natural Heritage
Comment Ref 001027/1/040 Site Ref LDP2014_PPLAN_AU_GEN

Comment Summary

Auchbreck is screened as part of the Habitats Regulations Appraisal (HRA) but not considered within the HRA record. Suggested text for mitigation to safeguard River Spey SAC. "Development must safeguard the integrity of River Spey SAC. Sufficient information should be provided at application stage to ensure that adequate measures are implemented to protect the water environment."

Recommendation

Accept. Add suggested wording to Auchbreck text.

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA
Comment Ref 000569/1/096 Site Ref LDP2014_PPLAN_AU_SITE A

Comment Summary

The risk of flooding to parts of the site is unclear. Object to the inclusion of Auchbreck unless the text is amended to confirm the need for a Flood Risk Assessment (FRA) and development should avoid areas shown by the FRA to be at risk from flooding. Add text to Auchbreck "Proposals should be supported by a Flood Risk Assessment (FRA) the outcomes of which may affect the developable area of the site."

Recommendation

Accept. Auchbreck text will be amended to require suggested wording.

General

BROADLEY

Name / Organisation **The Crown Estates** **Smiths Gore**
Comment Ref 000861/1/009 Site Ref LDP2014_PPLAN_BA_GEN

Comment Summary

Support policy H5 which states that sites identified in the rural groupings Supplementary Planning Guidance will be acceptable for housing as long as technical and infrastructure requirements can be met. Support the proposed Supplementary Planning Guidance 'Rural Groupings' in relation to Broadley as it indicates a small extension to the grouping boundary to allow for approx 0.15ha of land to be developed. Acknowledge that the boundary as now shown allows for a further extension of the settlement beyond the boundary previously indicated at the Main Issues Report stage. Consider that the allocation of this site will contribute toward meeting the required supply of land in accordance with both SPP and the Vision for Moray set out in LDP Proposed Plan.

Recommendation

Support noted.

Site A

BRIDGEND OF GLENLIVET

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/097 Site Ref LDP2014_PPPLAN_BD_SITE A

Comment Summary

The risk of flooding of parts of the site is unclear. Object to the inclusion of Bridgend of Glenlivet unless the text is amended to confirm the need for a Flood Risk Assessment (FRA) and development should avoid areas shown by the FRA to be at risk from flooding. Add text to Bridgend of Glenlivet "Proposals should be supported by a Flood Risk Assessment (FRA) the outcomes of which may affect the developable area of the site."

Recommendation

Accept. Bridgend of Glenlivet text will be amended to add suggested text.

Amenity Land

BERRYHILLOCK

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/092 Site Ref LDP2014_PPPLAN_BH_AMENITY

Comment Summary

Object to site being included within the plan. The Old Mill site is shown to be entirely at risk of fluvial flooding on the SEPA flood map. A FRA would be required and the mill may not be suitable for redevelopment for a more vulnerable use e.g. Residential. Request that the site is removed from the SG, unless it is clearly stated that it may only be suitable for a less vulnerable development unless an FRA demonstrates otherwise. The FRA may only confirm the whole of the site is at flood risk. Remove site from SG.

Recommendation

Accept. Delete sentence within text referencing the Old Mill.

General

BIRNIE

Name / Organisation **Mr James Wiseman** **Elgin South Area Forum**

Comment Ref 000194/4/020 **Site Ref** LDP2014_PPLAN_BI_GEN

Comment Summary

Queries if consideration has been given to extending the cemetery at Birnie church yard. Lairs can no longer be pre-purchased at Elgin but can at Birnie suggesting there is more capacity. The rural setting may also lend itself to natural burial site.

Recommendation

No modification is proposed. The comments relate to search for cemetery provision in and around Elgin. It is noted that cemetery provision is referred to on page 164 of the Proposed Plan under the heading "Cemetery Search". The Council is actively seeking to identify future cemetery provision but many issues have to be taken into account most notably ground conditions and watercourses. There are also issues of finding landowners willing to sell for this purpose. To date a suitable site in and around Elgin has not been identified and planning officers will continue to work with other services to identify future provision. There are no proposals at present to extend the burial ground at Birnie. Birnie is not a rural grouping and the church yard and the area around it falls within the Countryside Around Towns where there is a presumption against most types of development. This is considered to give the area sufficient protection from development that should land be required in the future for cemetery extension this would be available.

Name / Organisation **Mr Gordon Methven** **Elgin Community Council**

Comment Ref 000122/1/020 **Site Ref** LDP2014_PPLAN_BI_GEN

Comment Summary

Queries if consideration has been given to extending the cemetery at Birnie church yard. Lairs can no longer be pre-purchased at Elgin but can at Birnie suggesting there is more capacity. The rural setting may also lend itself to natural burial site.

Recommendation

No modification is proposed. The comments relate to search for cemetery provision in and around Elgin. It is noted that cemetery provision is referred to on page 164 of the Proposed Plan under the heading "Cemetery Search". The Council is actively seeking to identify future cemetery provision but many issues have to be taken into account most notably ground conditions and watercourses. There are also issues of finding landowners willing to sell for this purpose. To date a suitable site in and around Elgin has not been identified and planning officers will continue to work with other services to identify future provision. There are no proposals at present to extend the burial ground at Birnie. Birnie is not a rural grouping and the church yard and the area around it falls within the Countryside Around Towns where there is a presumption against most types of development. This is considered to give the area sufficient protection from development that should land be required in the future for cemetery extension this would be available.

Amenity Land

BROOM OF MOY

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/093 Site Ref LDP2014_PPLAN_BO_AMENITY

Comment Summary

No specific site indicated, but there are requirements for new dwellings. Entire settlement is shown to be at risk of flooding both pre and post flood scheme and the area would not be suitable for additional dwelling houses. Object to site being included.

Recommendation

Accept. The sentence with reference to new dwellings etc will be deleted and a sentence added stating "Opportunities for new housing development are restricted to replacement and renovation only."

General

CABRACH

Name / Organisation **Mr Ian Kelly** **New Cabrach Developments Ltd**

Comment Ref 000495/1/001 Site Ref LDP2014_PPLAN_CB_GEN

Comment Summary

The Proposed Plan provides the requested planning policy flexibility for this regeneration process and is very much welcomed. No objection to what is in the Proposed Plan.

Recommendation

Noted.

Name / Organisation **Mrs Jean Oliver**

Comment Ref 000996/1/013 Site Ref LDP2014_PPLAN_CB_GEN

Comment Summary

The Cabrach is ignored. The approved windfarm and associated Access, Fisheries and Land Management Agreement and other community based development proposals that are in the pipeline should be planned for. The A941 Dufftown/Rhynie Road is unable to cope with present traffic. It is a single track road with few passing places. Because of its unique history, its ancient castle sites and battle sites, an archaeological evaluation should be carried out. The graveyard is filling up and there is insufficient car parking facility. The adjoining field could provide both an extended burial ground and suitable car parking. At The Cabrach it states " ..Lack of take up of sites etc. " but the owner refuses to release sites.

Recommendation

There is no rural community boundary identified at Cabrach in order to give the flexibility required to try and deliver the community proposals that are being planned. The accompanying text is also supportive. It is acknowledged that landownership issues within the previously identified communities at Upper and Lower Cabrach prevented development coming forward. A comprehensive review of the rural communities will be undertaken in 2015 where the other issues raised can be given further consideration.

Name / Organisation **Patti Nelson** **Cabrach Community Association**

Comment Ref 000674/1/013 Site Ref LDP2014_PPLAN_CB_GEN

Comment Summary

Comments as per Jean Oliver 000996

Recommendation

There is no rural community boundary identified at Cabrach in order to give the flexibility required to try and deliver the community proposals that are being planned. The accompanying text is also supportive. It is acknowledged that landownership issues within the previously identified communities at Upper and Lower Cabrach prevented development coming forward. A comprehensive review of the rural communities will be undertaken in 2015 where the other issues raised can be given further consideration.

Site A

CARRON

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/094 Site Ref LDP2014_PPLAN_CN_SITE A

Comment Summary

Have photographs of most of site A under water and surface water is thought to affect the whole site. Complex mitigation measures may be required which could compromise the feasibility of the site making it undevelopable. The site should not be included within the SG unless there is more certainty that the issues can be managed without increasing risk elsewhere. Remove site from SG.

Recommendation

Accept.

The site A designation promoting housing will be deleted and the site revert to white land within the Carron rural grouping boundary. This does not preclude the submission of a planning application on the site but the Council is no longer promoting the site for development. The landowner will be notified of the change and given the opportunity to investigate flooding issues and satisfy SEPA that these can be overcome. If this can be established there will be an opportunity to reintroduce the site when the Rural Groupings SG review is undertaken in 2015.

Amenity Land

Name / Organisation	Mr Alan Gall
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Comment Ref 000876/1/001

Include proposal for two houses and a proposed community amenity area at Dailuaine. The Council's Planning Officers supported the proposal at MIR stage on basis that there would only be two houses with the balance of the site being managed as a community amenity area. Officer also recommended that the houses would be positioned in natural clearings and reflect traditional forms, proportions and detailing and finished in wet dash harl and natural slate. The community area would be controlled by a Section 75 agreement. At committee the motion to delete the proposed designation was carried on the casting vote of the committee Chairman. The landowner is supportive of all the requirements the Planning Officers listed when the proposals were proposed for inclusion within the plan and considers that the proposal is fully consistent with Policy H5 - Development within Rural Groupings in the Proposed Plan. Land identified for two house plots with the balance of the land being retained as a community amenity area covered by a Section 75 agreement to protect and maintain the amenity land.

No change.

The Council's position at Main Issues Report (MIR) stage was to include the site for development. At the committee meeting on 6 June 2013 to consider responses to the Main Issues Report members voted to delete the designation on the grounds that it was not in keeping with the natural character of the area. The proposal put forward by the landowner is unchanged from the previous submission other than the landowner has stated support for the requirements relating to scale, design and materials set out when the site was recommended for inclusion.

Name / Organisation

Comment Ref 000569/1/098

Comment Summary

The risk of flooding of parts of the site is unclear. Object to the inclusion of Dailuaine unless the text is amended to confirm the need for a Flood Risk Assessment (FRA) and development should avoid areas shown by the FRA to be at risk from flooding. Add text to Dailuaine "Proposals should be supported by a Flood Risk Assessment (FRA) the outcomes of which may affect the developable area of the site."

Accept. Dailuaine text should be amended to suggested wording.

Site A

Name / Organisation Drummuir Estate Smiths Gore
Comment Ref 000909/1/001 Site Ref LDP2014_PPLAN_DM_SITE A

Comment Summary

Support the allocation of Drummuir as a rural grouping and the allocation of Site A and Site B.

Recommendation

Supportive comments noted.

Site B

Name / Organisation Drummuir Estate Smiths Gore
Comment Ref 000909/1/002 Site Ref LDP2014_PPLAN_DM_SITE B

Comment Summary

Support the allocation of Drummuir as a rural grouping and the allocation of Site A and Site B.

Recommendation

Support noted.

Name / Organisation Mr James Mark Drummuir and Botriphnie Community Trust

Comment Ref 000598/1/001 Site Ref LDP2014_PPLAN_DM_SITE B

Comment Summary

Change of wording to "a car park with picnic area for the community will be sought as a developer contribution".

Recommendation

Accept. Add text specifying provision of picnic area.

DRUMMUIR

Site A

DARKLANDS

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/095 **Site Ref** LDP2014_PPLAN_DN_SITE A

Comment Summary

SEPA have an outstanding objection to a planning application at Site A Darklands. The objection to the planning application is on the grounds that the development may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. They also objected to the planning application on the grounds of lack of information relating to foul drainage. SEPA object to the inclusion of the site at Darklands within the Supplementary Guidance.

Recommendation

Since receiving the response from the Scottish Environment Protection Agency a planning application has been submitted on Site A at Darklands for four houses (14/01032/APP). This application has not yet been determined. However it is noted from the consultation response to the application that SEPA do not object to the proposed development providing a condition is added stating no landraising shall take place within a certain area. It is noted this response follows submission of a Flood Risk Assessment by the applicant. Given the additional information available and SEPA's most recent response in relation to flood risk it is recommended the site is retained. No change to Site A.

Moray Local Development Plan - Rural Groupings

General

Name / Organisation **Strathdee Properties** **Halliday Fraser Munro Planning**

Comment Ref 001020/1/011 Site Ref LDP2014_PPLAN_DY_GEN

Comment Summary

Scope for additional opportunities for housing to be identified in Drybridge through the rural groupings approach. At MIR stage a bid was put forward for land at Groat Brae for up to 8 houses. The proposed Craigmillar cottages site is poorly related to the main cluster of development in Drybridge, being divided by a belt of amenity land and dense woodland. Groat Brae has established boundaries defined by roads, housing and the former railway line. At MIR stage, Groat Brae was not supported due to concerns regarding access and landscape impact. Various access options exist, from the public road near Hilton cottages and there may be scope to provide an access from the south of the site directly into the centre of the village. Client owns land north west of the former railway line adjacent to Hilton Cottages, presenting further access options. Development is only proposed on lower slopes, below the 100m contour, with the land sloping up to the policies of Letterfourie which provide a backdrop.

Recommendation

The site will be given further consideration through the full review of the Supplementary Guidance on Rural Groupings anticipated to take place in early 2015.

Site A

Name / Organisation **Douglas J Reid**

Comment Ref 000864/1/001 Site Ref LDP2014_PPLAN_DY_SITE A

Comment Summary

Support proposals. Does not want other development around existing boundaries. Condition of railway bridge which acts as gateway to village is a concern and a developer contribution may be sought to have it assessed. Bringing the bridge and railway embankments into shared community ownership may be an option.

Recommendation

Support noted. The appropriateness of further land for development purposes around the existing rural grouping boundary will be considered through the full review of Supplementary Guidance on Rural Groupings anticipated to take place in early 2015. Transportation Services will be consulted on any forthcoming planning application. Developer contributions will be sought in accord with the development plan and the five tests set out in Circular 3/2012 Planning Agreements.

Name / Organisation **Andrew Desouza**

Comment Ref 000933/1/001 Site Ref LDP2014_PPLAN_DY_SITE A

Comment Summary

Object to proposed development as sets a precedent for further development in this area as it will enable further development to take place. Loss of view. Increase in traffic - the road to Drybridge is already very narrow and may be unsuitable for increased traffic. There are also blind corners leading to the site and the road would need to be widened to accommodate parking for local residents. Parking provision for new residents is a concern as there is little parking for existing visitors.

Recommendation

Precedent and loss of private view are not material considerations. The suitability of land for development will be considered on its own merits. A number of road improvements will be required as outlined in the Drybridge Rural Groupings text. These will be further considered through the planning application process. As set out in Policy T5 parking provision for new development will be required to meet the Council's Parking Standards.

Name / Organisation **Alan G McDonald**

Comment Ref 000890/1/001 Site Ref LDP2014_PPLAN_DY_SITE A

Comment Summary

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Sensible and considerate to preserve areas to accommodate needs of people in the wider area to make use of the local open spaces for relaxation and recreation. Site at Drybridge should not be developed and excluded from the Plan until the developments planned are given due thoughtful and sympathetic consideration. Drybridge should be sustained as a hamlet/clachan. Development here is not in keeping with the aims of the LDP. The banking appears unstable and unsuitable for building on and there could be susceptibility for subsidence as the land has been undermined by badger setts. Sewerage investigations could incur significant costs particularly in light of flooding which causes the Council main septic tank to fill and back up so that raw sewerage and untreated effluent inundate the heart of Drybridge at time of spate and heavy runoff from the surrounding local areas into the Water of Buckie. Terms of SEA have not been met in respect of increasing public participation in decision making and facilitating openness and transparency of decision making. There has been little or no communication to local residents. What safety, health and environmental considerations have been made towards public safety during and after development. Development significantly increases risk of an accident, increase in noise, dust and air pollution. There are no pavements, single track access roads and a high level of agricultural vehicle movements year round. Has detailed environmental impact assessment been conducted, what consideration of local flora and fauna. No notification has been communicated to the local community.

Recommendation

The detail of the proposed development will be considered through the planning application process whereby all properties within 20 metres of the site boundary will be neighbour notified. The allocation of this site is in accord with the Proposed Moray Local Development Plan Spatial Strategy as it guides development to existing, established rural groupings to assist in reducing demand for houses in the open countryside. Scottish Natural Heritage, the Scottish Environment Protection Agency and the Council's Environmental Health Section have been consulted and raised no objection to the inclusion of this site for development within Drybridge. These organisations will be consulted on any forthcoming planning application. An Environmental Impact Assessment is not required for development of this site. A number of road improvements will be required as outlined in the Drybridge Rural Groupings text. These will be further considered through the planning application process. As outlined in the Council's Statement of Conformity with the Participation Statement which forms part of the Council's Development Plan Scheme January 2014, extensive community engagement has taken place at each stage in the preparation of the Moray Local Development Plan.

Name / Organisation **Jim Mackinnon**

Comment Ref 000915/1/001 Site Ref LDP2014_PPLAN_DY_SITE A

Comment Summary

Development of this area will set a precedent for more houses in the future.

Recommendation

Precedent is not a material consideration. The suitability of land for development will be considered on its own merits.

Name / Organisation **S D Thornton (Secretary)** **Buckie and District Community Council**

Comment Ref 000981/2/001 Site Ref LDP2014_PPLAN_DY_SITE A

Comment Summary

Concerned about road safety there is a narrow dangerous blind corner leading from centre of Drybridge to the site. Visibility from the site is limited. There are many ramblers, walkers, tourists and cyclists using the road, more houses with the traffic this would engender would not be beneficial. Due to the risk of flooding, multihouse development is neither practical or safe. This site has been denied planning permission on several occasions.

Recommendation

A number of road improvements will be required as outlined in the Drybridge Rural Groupings text. These will be further considered through the planning application process. As set out in Policy T5 parking provision for new development will be required to meet the Council's Parking Standards. A Flood Risk Assessment may be required through the planning application process.

Site A

GLENFARCLAS

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/099 Site Ref LDP2014_PPLAN_GF_SITE A

Comment Summary

The risk of flooding of parts of the site is unclear. Object to the inclusion of Glenfarclas unless the text is amended to confirm the need for a Flood Risk Assessment (FRA) and development should avoid areas shown by the FRA to be at risk from flooding. Add text to Glenfarclas "Proposals should be supported by a Flood Risk Assessment (FRA) the outcomes of which may affect the developable area of the site."

Recommendation

Accept. Amend Glenfarclas text to add suggested wording.

General

KINTESSACK

Name / Organisation Grant and Geoghegan

Comment Ref 000880/1/001 **Site Ref** LDP2014_PPLAN_KT_GEN

Comment Summary

Proposals put forward for three houses 1 on site A and 2 on site B at MIR stage. Proposals were not accepted by the Council. The proposal is now being put forward with a visually strong belt of structure planting to the east along with pockets of tree/shrub planting between the houses and a further belt of structure planting to the north. The planting proposed directly reflects the characteristics of the existing woodland/trees which define the character of the community. This will assimilate the proposed houses into the character of Kintessack and protect and enhance the landscape setting. The proposed layout overcomes ribbon development by realigning the houses consistent with the overall settlement pattern.

Two of the sites within the Proposed Plan are not considered effective Site A has been bought by neighbouring property to house septic tank and soakaway and has not been marketed for development by the owner. Site D is garden ground and the owner has no plans to sell. The sites are not free of ownership and infrastructure constraints. Three of the six plots proposed are not effective. The proposal for three houses is consistent with Policy H5.

Recommendation

Support in principle

The revised proposal is an improvement on the previous submission received at Main Issues Report Stage and is considered more in keeping with the character of Kintessack. The proposed site could accommodate a limited number of dwellings but this is very much dependent upon the provision of the structural landscaping accompanying the proposal. The Council would wish to see this planting provided in advance of housing being developed and would be keen to enter into discussions with the landowner as to how this could be achieved.

The Council proposes to undertake a comprehensive review of the role and function of existing and potential new Rural Groupings and this will be published in summer 2015. If agreement has been reached on the provision of advanced landscape planting then this site or part of this site may be considered for inclusion within the consultative draft of the supplementary guidance.

Site B

MILTONDUFF

Name / Organisation **Scottish Natural Heritage** **Scottish Natural Heritage**

Comment Ref 001027/1/034 **Site Ref** LDP2014_PPLAN_MD_SITE B

Comment Summary

Site B (6 houses) from a desk appraisal appears to affect woodland which is within the Ancient Woodland Inventory (Type 2b - long established, of plantation origin). It is noted that development here is subject to a legal agreement to secure the management and retention and regeneration of remaining woodland to the north, together with a car park and path network for the wood. Consideration should also be given to retention of trees as part of the site layout where possible, while a species survey and protection plan should be a requirement.

Recommendation

Accept. Amend text to require a species survey and tree protection plan, and retention of trees as part of the site layout where possible. Policy ER3 Development in Woodlands and the Trees and Development Supplementary Guidance would require a tree survey and protection plan to be produced. Therefore, the additional text does not add an additional burden. In line with Policy ER3 the Council would also require provision of compensatory planting to mitigate the effects of any woodland removal.

Moray Local Development Plan - Rural Groupings

Site A

MULBEN

Name / Organisation Raymond Mitchell

Comment Ref 000525/1/001 Site Ref LDP2014_PPLAN_MU_SITE A

Comment Summary

Move site A to the eastern side of the field as that side of the field would be better suited for housing for both flooding concerns and general access to the A95

Recommendation

Re-allocation of site will be given full consideration in forthcoming review of Supplementary Guidance on Rural Groupings. This will allow time for responses from Transport Scotland and the Scottish Environment Protection Agency to be received.

Name / Organisation

Rebecca Raine BA (Hons) MSc

SEPA

Comment Ref 000569/1/100

Site Ref LDP2014_PPLAN_MU_SITE A

Comment Summary

This comment refers to Site A identified in the Supplementary Guidance on Rural Groupings. It does not refer to the re-allocation of the Site A as proposed by Mr Raymond Mitchell above.

Half the site is identified at risk of flooding and a need for a FRA has been mentioned in the text. However, it refers to flood alleviation measures which would not be appropriate to facilitate development of a greenfield rural site. An FRA previously accepted, but 2007 so may need to be updated.

Recommendation

Remove reference to flood alleviation measures within Site A text and include "Given the risk of flooding the site may have less capacity than previously expected."

Moray Local Development Plan - Rural Groupings

General PLUSCARDEN

Name / Organisation Mr K S Bowlit Bowlits Chartered Surveyors

Comment Ref 000992/1/001 Site Ref LDP2014_PPLAN_PL_GEN

Comment Summary

Boundary line accepted at Main Issues stage ran along the woodland edge to the north of the steading building and westwards to meet the track whereas the proposed boundary line now shown cuts back to the south and excludes a section of level land previously included at Main Issues report stage. Existing trees could be retained to form natural boundaries. Area presents itself as a gap between the adjacent house called "Meadowbank" and the paddock to the rear of Barnhill steading.

Recommendation

Accepted. The boundary will be amended to include the small area to the west which was agreed to be included at the special meeting of the Planning and Regulatory Services Committee on 6th June 2013.

Moray Local Development Plan - Rural Groupings

Not Taken Forward

ROSEISLE

Name / Organisation Strathdee Properties Halliday Fraser Munro Planning

Comment Ref 001020/1/013 Site Ref LDP2014_PPLAN_RS_NTF

Comment Summary

Site is a flat agricultural field bounded by existing residential development and the unnamed road connecting to the B9013 to the north, an unnamed track to the west and an open field is located south and south east. MLP2008 allocated land to the north of Roseisle for 3 units. The PLDP allocates site A for residential development, although it has not progressed. As part of the bid process and in response to MIR consultation, Roseisle west was put forward as a bid for 10 units. Propose to reduce this to 6 units. A 3m wide exclusion zone either side of the gas pipeline prohibits any buildings or structures. Access roads can be built across it. There are no technical constraints that would preclude development on this site. Bus stop is adjacent to the site. Dense woodland to the north and west, providing strong boundaries, this provides the best opportunity for development in College of Roseisle over the plan period. Council's assessment of the Roseisle East site states that it is relatively open on the entrance to the settlement and that the development of the site could lead to pressure to extend on the northern side of the road. Site will be designed to integrate well with existing development. Any proposal for development to the north of the road would be subject to a separate land bid. Roseisle is characterised by development located adjacent to the crossroads. No proposal to link the two sites in Roseisle. Given the exclusion zone for the GPSS pipeline, propose that the number of units be reduced from six to 4. Site has good access from the B9013, public transport and walking links.

Recommendation

In terms of the western site, as indicated in response to the representation submitted at main issues stage, the Council considers that "site A could accommodate a limited number of dwellings, subject to further investigation regarding the fuel pipeline running across the site."

No additional detailed technical information has been supplied with the representation to the Proposed Plan and the size of the site and indicated capacity should be determined on the basis of this information. The Council proposes to undertake a comprehensive review of the role and function of existing and potential new Rural Groupings and this will be published in summer 2015. If the technical information requested is forthcoming then this site or part of this site may be considered for inclusion within the consultative draft of the supplementary guidance.

In terms of the eastern site, the Council considers that further expansion of the village on this site could lead to pressure on the northern side of the road. There is no clearly defined boundary on the western side and there may be further pressure to effectively develop the areas between the 2 bid sites put forward. The site on the west is considered to be more contained with woodland to the west and on the northern side of the road. The scale of development across the two sites is considered unsuitable for the scale of the community,

Site A

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/101 Site Ref LDP2014_PPLAN_RS_SITE A

Comment Summary

Part of site highlighted at risk of surface water flooding on the SEPA Flood Map and it is adjacent to a small watercourse. Text should highlight there may be a need for a FRA.

Recommendation

Accept. Text will be added to note that a flood risk assessment may be required for Site A Roseisle.

General

TUGNET

Name / Organisation **Scottish Natural Heritage** **Scottish Natural Heritage**

Comment Ref 001027/1/041 Site Ref LDP2014_PPLAN_TG_GEN

Comment Summary

The text for Tugnet refers to SSSI and SAC designations immediately outside the boundary, but so too is Moray and Nairn Coast SPA. While the HRA Record has not identified the need for any mitigation text, it would seem helpful for completeness to refer to the SPA here as well.

Recommendation

Accept. The text will be amended to refer to the SPA alongside the SSSI and SAC.

Name / Organisation **Rebecca Raine BA (Hons) MSc** **SEPA**

Comment Ref 000569/1/102 Site Ref LDP2014_PPLAN_TG_GEN

Comment Summary

The risk of flooding of parts of the site is unclear. Object to the inclusion of Tugnet unless the text is amended to confirm the need for a Flood Risk Assessment (FRA) and development should avoid areas shown by the FRA to be at risk from flooding.

Recommendation

Accept. Whilst no sites are identified at Tugnet if proposals were to come forward these should be supported by a Flood Risk Assessment. Text will be added to Tugnet stating that "Development Proposals should be supported by a Flood Risk Assessment (FRA) the outcomes of which may affect the developable area within the rural grouping boundary."

Site A

THOMSHILL

Name / Organisation Scottish Natural Heritage Scottish Natural Heritage

Comment Ref 001027/1/042 Site Ref LDP2014_PPLAN_TM_SITE A

Comment Summary

Site A at Thomshill from a desk appraisal appears to be located within woodland included in the Ancient Woodland Inventory (Type 2b - long established, of plantation origin). However we note from the text that planning permission for four houses has already been granted, subject to management, maintenance, retention and regeneration of remaining woodland to the south. Should this planning permission require renewal, we suggest a requirement could be added for an up-to-date species survey and protection plan.

Recommendation

Accept. Amend text to require a species survey and protection plan, and retention of trees as part of the site layout where possible. Policy ER3 Development in Woodlands and the Trees and Development Supplementary Guidance would require a tree survey and protection plan to be produced. Therefore, the additional text does not add an additional burden.

Name / Organisation **Strathdee Properties** **Halliday Fraser Munro Planning**

Comment Ref 001020/1/004 Site Ref LDP2014_PPLAN_TV_I1

Comment Summary

Supports positive approach taken in Rural Grouping Supplementary Guidance to identifying future development opportunities. Welcome and support identification of commercial development at Troves.

Recommendation

Supportive comment. No change required.

Name / Organisation **David Broadfoot**

Comment Ref 000982/1/001 Site Ref LDP2014_PPLAN_TV_I1

Comment Summary

Proposal does not re-use existing buildings. Residential property would be surrounded by sites and there would be increased heavy traffic. Industrial units are more suited to the town than the countryside and more accessible to users there. Proposal will spoil lovely area of countryside and will create noise and unsuitable traffic. No logic to proposal.

Recommendation

Do not accept.

The site is identified to help provide a range of sites across Moray as required by SPP paragraph 101. Whilst the majority of employment sites are identified in towns it recognised that opportunities are also required in rural areas. Proposals brought forward on the site will require to meet the criteria set out in the allocation and policies. These include providing woodland planting to provide a setting for the development and consolidating roadside planting to minimise visual impacts. These requirements will help minimise impacts on residential amenity. If proposals may cause noise issues these would require to be considered against Policy EP8 Pollution. Appropriate assessments would need to be carried out and it should also be demonstrated how the pollution can be appropriately mitigated. Proposals would also be assessed against Policy T2 Provision of Access which includes criteria to ensure that impacts of new development on the transport network are appropriately mitigated to ensure the safety and efficiency of the network.

Site A

Name / Organisation **Strathdee Properties** **Halliday Fraser Munro Planning**

Comment Ref 001020/1/002 Site Ref LDP2014_PPLAN_TV_SITE A

Comment Summary

Support identification of site A and B as development opportunities.

Recommendation

Supportive comments. No change required.

Site B

Name / Organisation **Strathdee Properties** **Halliday Fraser Munro Planning**

Comment Ref 001020/1/001 Site Ref LDP2014_PPLAN_TV_SITE B

Comment Summary

Support identification of site A and B as development opportunities.

Recommendation

Supportive comments. No change required.

Site C

Name / Organisation Strathdee Properties Halliday Fraser Munro Planning

Comment Ref 001020/1/003 Site Ref LDP2014_PPLAN_TV_SITE C

Comment Summary

Supports positive approach taken in Rural Grouping Supplementary Guidance to identifying future development opportunities. Welcomes identification of site C at Troves for up to five houses. Request that the north western boundary of the grouping is enlarged to accommodate necessary access road. Plan provided to illustrate requested amendment.

Recommendation

Partially accept. Within the landscape study for the site it was noted that the proposed access route to the site is along the edge of a field. The landscape study advised that the access road should be sited close to the change in gradient, tucked against the field edge to maintain the association between the settlement and the sandy knoll. It is noted that the rural grouping boundary is already offset from the edge of the field to allow for a road however it is acknowledged the depth of this could be increased. The rural community boundary will be amended to reflect the landscape study, and include an offset of approximately 20m from the field edge. A line of trees should be provided along this edge to provide a setting for the road.

Site A

WOODSIDE OF BALLINTOMB

Name / Organisation Patricia North

Comment Ref 000165/1/001 Site Ref LDP2014_PPLAN_WB_SITE A

Comment Summary

There is stony clay at Woodside of Ballintomb which does not let water drain as a result 4 existing properties have had problems with soakaways for septic tanks. Soakaways do not work here and there have also been problems with the two newest properties built. In terms of any additional development the proposed systems to deal with water from septic tanks and surface water pose problems in that drains would pass across land that not in the ownership of the developer. In very wet weather surface water builds up quickly causing local flooding. This would be greatly exacerbated by any removal of trees which would take up the water. Additional hard surfaces associated with building will increase flooding to an intolerable level causing ingress below the floors of at least two properties. Woodside of Ballintomb is a rural cluster and not a rural community as there is no focus like a shop, hall or hotel and should not be developed into a mini housing estate. Access to the Site A would lie with the boundary and offers the opportunity to develop along the new access road creating ribbon development along the road. There are number of rowan trees, holly trees and mature birch trees which have a vast uptake from the ground. There are mature Scots pines which are more important to the local squirrel population which use the woodland as corridors. In the undergrowth there is a variety of mosses, chickweed and plants. Bats and various birds frequent the area.

Recommendation

Not supported.

There is a long planning history on this site. Planning permission was originally sought in 2004 for single dwelling house (04/02206/FUL). The proposal was refused on the basis of encroachment into a natural woodland area and setting a precedent for further such development which could change the rural character of the settlement form into a more suburban grouping of buildings. It was also considered that the development would encourage a build up of further unplanned development. In 2010 separate applications (10/01199/APP, 10/01200/APP, 10/01201/APP) for three individual houses were submitted and were refused on the grounds that the development would lead to unacceptable intensification of an existing substandard access. The Moray Local Plan 2008 was adopted in between consideration of the 2004 and 2010 proposals and identified Woodside of Ballintomb as a rural community and Site A as being suitable for development which overcame reasons for refusal for the 2004 submission.

Accordingly, when further applications were submitted in 2014 the remaining issue to be resolved was access. Access issues were overcome by amended access arrangements utilising a different point of access and road into the sites. In terms of drainage arrangements, reports detailing surface water drainage have been provided. The houses will be served by a treatment plant discharging to a partial soakaway before dispersal to a watercourse. The discharge to the watercourse will be controlled by the Scottish Environment Protection Agency. On the basis of the information supplied the Council's Flood Team has raised no objections subject to satisfactory implementation of the measures detailed.

Name / Organisation Malcolm Newbould

Comment Ref 000632/1/001 Site Ref LDP2014_PPLAN_WB_SITE A

Comment Summary

The area is totally unsuitable for housing and has been rejected for planning on at least three previous occasions including at appeal. The roads access arrangement will require the removal of numerous trees. There are drainage problems in the area and a new road will make it worse.

Recommendation

Not supported.

There is a long planning history on this site. Planning permission was originally sought in 2004 for single dwelling house (04/02206/FUL). The proposal was refused on the basis of encroachment into a natural woodland area and setting a precedent for further such development which could change the rural character of the settlement form into a more suburban grouping of buildings. It was also considered that the development would encourage a build up of further unplanned development. In 2010 separate applications (10/01199/APP, 10/01200/APP, 10/01201/APP) for three individual houses were submitted and were refused on the grounds that the development would lead to unacceptable intensification of an existing substandard access. The Moray Local Plan 2008 was adopted in between consideration of the 2004 and 2010 proposals and identified Woodside of Ballintomb as a rural community and Site A as being suitable for development which overcame reasons for refusal for the 2004 submission.

Accordingly, when further applications were submitted in 2014 the remaining issue to be resolved was access. Access issues were overcome by amended access arrangements utilising a different point of access and road into the sites. In terms of drainage arrangements, reports detailing surface water drainage have been provided. The houses will be served by a treatment plant discharging to a partial soakaway before dispersal to a watercourse. The discharge to the watercourse will be controlled by the Scottish Environment Protection Agency. On the basis of the information supplied the Council's Flood Team has raised no objections subject to satisfactory implementation of the measures detailed.

Name / Organisation **David Beeken**

Comment Ref 000732/1/001 Site Ref LDP2014_PPLAN_WB_SITE A

Comment Summary

Proposals would involve removal of birch trees which would exacerbate land and soakway drainage problems which all existing properties suffer from occasionally.

Recommendation

Not supported.

There is a long planning history on this site. Planning permission was originally sought in 2004 for single dwelling house (04/02206/FUL). The proposal was refused on the basis of encroachment into a natural woodland area and setting a precedent for further such development which could change the rural character of the settlement form into a more suburban grouping of buildings. It was also considered that the development would encourage a build up of further unplanned development. In 2010 separate applications (10/01199/APP, 10/01200/APP, 10/01201/APP) for three individual houses were submitted and were refused on the grounds that the development would lead to unacceptable intensification of an existing substandard access. The Moray Local Plan 2008 was adopted in between consideration of the 2004 and 2010 proposals and identified Woodside of Ballintomb as a rural community and Site A as being suitable for development which overcame reasons for refusal for the 2004 submission.

Accordingly, when further applications were submitted in 2014 the remaining issue to be resolved was access. Access issues were overcome by amended access arrangements utilising a different point of access and road into the sites. In terms of drainage arrangements, reports detailing surface water drainage have been provided. The houses will be served by a treatment plant discharging to a partial soakaway before dispersal to a watercourse. The discharge to the watercourse will be controlled by the Scottish Environment Protection Agency. On the basis of the information supplied the Council's Flood Team has raised no objections subject to satisfactory implementation of the measures detailed.

Name / Organisation **Mr and Mrs A Wilson**

Comment Ref 000690/1/001 Site Ref LDP2014_PPLAN_WB_SITE A

Comment Summary

Site A is totally unsuitable for housing due to surface water and flooding risk to existing houses.

Recommendation

Not supported.

There is a long planning history on this site. Planning permission was originally sought in 2004 for single dwelling house (04/02206/FUL). The proposal was refused on the basis of encroachment into a natural woodland area and setting a precedent for further such development which could change the rural character of the settlement form into a more suburban grouping of buildings. It was also considered that the development would encourage a build up of further unplanned development. In 2010 separate applications (10/01199/APP, 10/01200/APP, 10/01201/APP) for three individual houses were submitted and were refused on the grounds that the development would lead to unacceptable intensification of an existing substandard access. The Moray Local Plan 2008 was adopted in between consideration of the 2004 and 2010 proposals and identified Woodside of Ballintomb as a rural community and Site A as being suitable for development which overcame reasons for refusal for the 2004 submission.

Accordingly, when further applications were submitted in 2014 the remaining issue to be resolved was access. Access issues were overcome by amended access arrangements utilising a different point of access and road into the sites. In terms of drainage arrangements, reports detailing surface water drainage have been provided. The houses will be served by a treatment plant discharging to a partial soakaway before dispersal to a watercourse. The discharge to the watercourse will be controlled by the Scottish Environment Protection Agency. On the basis of the information supplied the Council's Flood Team has raised no objections subject to satisfactory implementation of the measures detailed.

Name / Organisation **Scottish Natural Heritage** **Scottish Natural Heritage**

Comment Ref 001027/1/035 Site Ref LDP2014_PPLAN_WB_SITE A

Comment Summary

Would appear to involve loss of woodland included in the Ancient Woodland Inventory. No mitigation or compensation is included. Addition of requirements in accordance with Control of Woodland Removal Policy. For compensatory planning, together with prior species survey and protection plan if necessary. With some retention of trees as part of layout. Recommend requirements for compensatory planting and for a prior species survey and protection plan if necessary and retention of some trees.

Recommendation

Not accepted.

The woodland on the site had already been removed prior to applying for the planning permission which has now been granted for three dwellings. There was no policy framework in place at the time to secure compensatory planting.

Moray Local Development Plan - Supplementary Guidance - Rural Groupings

New Rural Grouping

Name / Organisation Hamish Glennie and Shona Elizabeth Grant MBM Planning and Development

Comment Ref 001024/1/002 Site Ref LDP2014_PPLAN_SG_RC

Comment Summary

Support the council's proposed spatial strategy in terms of the settlement hierarchy and the need to identify Rural Groupings as the 4th tier. Agree they will provide development opportunities in rural areas and also that the identification of small scale development sites can assist in reducing demand for sporadic housing in the open countryside. Note that Windyridge is not included within the CAT designation and is not affected by any other environmental designations. Only one proposed Rural Grouping to the north of Elgin and south of Lossiemouth, which is Muirton. Identifying Windyridge as a RG would allow modest expansion and help towards providing a generous supply of housing land. Access would be from A941, with existing public transport links and site is fully serviced. Proposal would strengthen the existing group of properties at Windyridge. The loch and existing landscaping along southern, eastern and western boundaries provides a robust landscape framework allowing for some limited expansion of the settlement without creating adverse visual or environmental impact. Windyridge is a recognisable and identifiable community, and is of a size and location that merits inclusion as a designated settlement. It will provide a valuable contribution to the distribution and location of these small settlements and spread the opportunities for development more evenly increasing competition and choice while helping to sustain existing rural communities. The boundary identified represents a sensible and realistic opportunity for further small scale development. The existing landscaping provides a robust framework for development without adverse visual or environmental impact. Access onto the A941 already meets required standards. There is a bus stop and shelter adjacent to this proving Windyridge has excellent public transport links. The land within the boundary benefits from water and electricity servicing.

Recommendation

No change is proposed.

Windyridge is a relatively contemporary group of housing and appears to have no historical relationship to any previous settlements in the area. The character of the area is dominated by late 20th century style bungalows which have effectively been built on a "cul-de-sac" off of the A941 Lossiemouth Road. There is no through road. The group lacks any cohesiveness given the mix of plot sizes and house type nor is there any established settlement pattern. Expansion of Windyridge is not supported.

The Council proposes to carry out a full review of Rural Groupings during the currency of the Local Development Plan.

Rural Groupings General

Name / Organisation Transportation Section The Moray Council

Comment Ref 001051/1/001 Site Ref LDP2014_PPLAN_SG_RC

Comment Summary

Arradoul- reinstate text from 2008 MLP which restricts new accesses onto the A98

Auchenhalrig- text regarding flood risk has been omitted

Aultmore- road improvements will require third party land

Burgie- text regarding flood risk has been omitted

Carron- request additional text stating that widening of C15E along frontage of site would be required

Drummuir- early contact with the Council's Transportation section is advised, rather than roads

Drybridge- provision of passing places between site and A98 will be required

Logie- existing access to be upgraded as indicated in 2008 MLP

Maggielockwater- the plan has amenity land text on site A obscuring view of site connection onto side road.

Recommendation

Accept

Arradoul- Arradoul text will revert back to Moray Local Plan 2008 text and boundary and therefore the restriction on new accesses onto the A98 will be reinstated.

Auchenhalrig - Reinstate standard flooding text "Proposals will have to be accompanied by a Flood Risk Assessment the outcomes of which may reduce the area of the site that is developable."

Aultmore- Add reference "Road improvements will require third party land."

Burgie- Reinstate standard flooding text "Proposals will have to be accompanied by a Flood Risk Assessment the outcomes of which may reduce the area of the site that is developable."

Carron- No change on the basis that site A is being delete on flooding grounds

Drummuir- Amend to read "early contact with the Council's Transportation Section" rather than roads

Drybridge- Add text "Provision of passing places between the site and the A98 will be required.

Logie- Add text reinstating requirement to upgrade existing access "Development of site A will require the existing access to be upgraded, proposals should include new native tree planting and tree felling..."

Maggielockwater- Amenity land label will be moved in final version of the document.

Moray Local Development Plan - Supplementary Guidance - Accessible Housing

Name / Organisation CJ and CRH Dunbar Smiths Gore
Comment Ref 000908/2/033 Site Ref LDP2014_PPLAN_SG_AH

Comment Summary

Object to the detail of the supplementary guidance. Concerned that the requirement on all new housing developments of 10 or more to provide 15% of the private sector housing to wheelchair accessible standard is extremely onerous and would significantly threaten the viability of new developments. Seek clarity to the origins of this figure and whether derived from national guidance or prescribed within the HNDA. Most likely that the house types that would result from the implementation of Policy H9 in its present form, and more specifically the provision of the guidance would be single storey dwellings, which would be at odds with the wider aims of exemplar urban design and an appropriate mix of house types in new developments. Policy would result in very low density development with a significant percentage of housing being one storey, a land-hungry approach in contradiction to the need for higher densities to meet environmental standards and meet the Council housing unit requirements. Concerned that the 15% requirement applies solely to wheelchair accessible housing and does not take account of other types for special needs residents. Request clarity as to whether an additional requirement will be levied on new housing developments to cater for Special Needs/Sheltered Housing. As this requirement is in addition to the proposed requirement for 25% affordable housing, there would be a combined requirement of 36.25% to be given over to non mainstream housing. This will considerably hinder the deliverability of new housing developments. In clients development at Findrassie, this would equate to 554 non mainstream homes (375 affordable, 169 wheelchair accessible). All development at Findrassie will be designed and constructed to be compliant with both the DDA standards and the functional standards of design set out in the Scottish Building Regulations 2007. These standards require ramped access, low or minimal gradients, door widths to accommodate wheelchairs.

Recommendation

The objectors consider that the 15% requirement is too much and duplicates the requirements set out in Building Standards. This has been discussed further with Building Standards officers and is considered to be incorrect. There are key differences between what is required under the definition of wheelchair accessible housing in Housing of Varying Needs and Building Standards.

The key differences are that the wheelchair accessible standard requires:

Properties to be single storey to allow access by a wheelchair user to the whole property, or if the property is a flat, a lift would be required. Under Building Standards accessibility requirements, houses can be two storey, but capable of future adaptation.

Front door entrance should be 900mm wide rather than 800mm to 850mm under Building Standards

The hallway should be 1200 to 1500mm wide. Building Standards have a minimum of 1200mm in new properties and 900 mm in older properties

A "turning circle" of activity space in the downstairs wetroom of 1500mm.

No change is proposed.

Name / Organisation Kenny Shand Springfield Properties Plc
Comment Ref 000010/3/014 Site Ref LDP2014_PPLAN_SG_AH

Comment Summary

Springfield Properties PLC have a number of concerns about this policy and guidance, which add an additional layer of paperwork/ assessment/ statements to the planning process for a requirement more adequately covered in Building Regulations. Specific requirement to provide 15% of the balance of a development site. Of particular concern is the statement in para 6.6 where there is a suggestion the developer should be encouraged to provide adaptations which facilitate independent living as part of their marketing literature. This does not need to be included in a LDP as it is practically and more usefully covered by Building Regulations. A considered and suitable market driven mix of housing cannot be dictated to this extent by a planning policy and guidance.

Recommendation

The objectors consider that the 15% requirement is too much and duplicates the requirements set out in Building Standards. This has been discussed further with Building Standards officers and is considered to be incorrect. There are key differences between what is required under the definition of wheelchair accessible housing in Housing of Varying Needs and Building Standards.

The key differences are that the wheelchair accessible standard requires:

Properties to be single storey to allow access by a wheelchair user to the whole property, or if the property is a flat, a lift would be required. Under Building Standards accessibility requirements, houses can be two storey, but capable of future adaptation.

Front door entrance should be 900mm wide rather than 800mm to 850mm under Building Standards

The hallway should be 1200 to 1500mm wide. Building Standards have a minimum of 1200mm in new properties and 900 mm in older properties

A "turning circle" of activity space in the downstairs wetroom of 1500mm.

No change is proposed.

Name / Organisation **Carrie Thomson** **Scottish Government**

Comment Ref 000490/2/014 Site Ref LDP2014_PPLAN_SG_AH

Comment Summary

Guidance incorrectly refers to SPP3. Reference is also made to GRO projections for 2010, which is now the National Records of Scotland.

Recommendation

Agreed. The Guidance will be amended to refer to Scottish Planning Policy and the National Records of Scotland.

Name / Organisation **Scotia Homes Ltd Enac Planning LLP**

Comment Ref 000480/2/021 Site Ref LDP2014_PPLAN_SG_AH

Comment Summary

Scotia Homes Ltd supports mixed use housing proposals together with accessible housing, however, Policy H9 is too prescriptive and is not necessary as the issue is controlled by other legislation. The requirement that housing proposals of 10 or more units will be required to provide 15% of the private sector housing market units to wheelchair accessible standard or that off site provision could be provided instead is also likely to result in a conflict with the policy tests for S75 Planning Obligations identified in paragraph 14 of Circular 3/2012. Suggest that the two last paragraphs of this policy are deleted. This issue is more properly addressed by the market and by Scottish Building Regulations requirements. The Proposed LDP policy places further financial burdens on developments, in the absence of a justified planning purpose. Scotia Homes Ltd does not consider that the planning legislation should either duplicate or introduce separate requirements which would conflict with building standards. Building Regulations already cover matters relating to this issue, including for example, kitchens must be on accessible level of any new property (that is, ground floor if no lift provided to upper floors) and all new houses which have upper levels should be designed to be able to accommodate future installation of chair lift, with sufficient space for lift at top and bottom of stair, etc. Whilst the provision of such housing is supported, this is considered to be a market consideration which could be encouraged/supported as a land use through a new policy on sustainable mixed use communities.

Recommendation

The objectors consider that the 15% requirement is too much and duplicates the requirements set out in Building Standards. This has been discussed further with Building Standards officers and is considered to be incorrect. There are key differences between what is required under the definition of wheelchair accessible housing in Housing of Varying Needs and Building Standards.

The key differences are that the wheelchair accessible standard requires:

Properties to be single storey to allow access by a wheelchair user to the whole property, or if the property is a flat, a lift would be required. Under Building Standards accessibility requirements, houses can be two storey, but capable of future adaptation.

Front door entrance should be 900mm wide rather than 800mm to 850mm under Building Standards

The hallway should be 1200 to 1500mm wide. Building Standards have a minimum of 1200mm in new properties and 900 mm in older properties

A "turning circle" of activity space in the downstairs wetroom of 1500mm.

No change is proposed.

Moray Local Development Plan - Supplementary Guidance - Affordable Housing

Supplementary Guidance - Affordable Housing

Name / Organisation	Fiona Geddes	The Moray Council
Comment Ref	000630/1/001	Site Ref LDP2014 PPLAN SG AFH

Comment Summary

Housing and Property wish to amend the list of types of affordable housing to include social rented accommodation and mid market rent accommodation. This would better reflect the findings of the HNDA 2011 and the LHS 2013-18 which both state that many households on the Council's housing list who cannot access mortgage credit and that affordable rented housing is preferred. These tenures are the best means to ensure that affordable housing delivered remains affordable in perpetuity.

Recommendation

Accepted. The list of types of affordable housing will be amended to include social rented accommodation and mid market rent accommodation.

Name / Organisation	CJ and CRH Dunbar	Smiths Gore
Comment Ref 000908/2/034	Site Ref LDP2014	PPLAN SG AFH

Comment Summary

We support the provision of a generous supply of affordable housing on new housing developments of medium and large scale; we agree with a minimum contribution of 25% of the total units to be provided as affordable housing. This figure is in keeping with the benchmark figure set out in Scottish Planning Advice Note 'PAN 2/2010. However object to the threshold for the provision of affordable housing being set at 4 units or more. This is a significant reduction on the existing threshold of 10 units or more as set out in the adopted Moray Local Plan 2008 and its adoption may render the potential development of small sites as unviable. While PAN 2/2010 grants autonomy to Local Authorities in terms of the scale and distribution of affordable housing required for an area, consider that there is insufficient justification included in the policy to reduce the threshold from the level of 10 units or more set out in the adopted Moray Local Plan (2008). Seek clarity in this regard. Setting a standard threshold for affordable housing provision as low as 4 units across all new developments does not take account of regional diversity and the challenges, in relation to viability, of bringing forward new housing developments in the current economic climate and housing market. It does not appear to consider other financial obligations that might be linked to developments, such as the expectation to contribute to infrastructure and other supporting developments such as education and roads. With appreciation for the continued demand for affordable housing in Moray, suggest that the minimum threshold for all new developments at which affordable housing provision is required should be set at no less than 10 units, in order to be sensitive to ongoing challenges to the development industry and financial viability. More appropriate to establish an individual affordable housing provision based on the requirements of each Housing Market Area.

Recommendation

No change.

The new Scottish Planning Policy para 129 (CD01) states that "The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses"

The Council's Housing Need and Demand Assessment (CD12) identifies that of the overall need and demand for 538 new houses to be built each year, 78% of this (424 units) is for affordable homes. The proposed Policy H8 therefore aims to maximise the contribution of affordable houses to try and address this significant need, while also pursuing other projects such as the Council House new Build Programme to address the affordable housing requirement.

The policy clearly states that the Council will take into account site development costs and other reasons which might make on site provision unfeasible and that other options such as offsite provision or commuted payments may be considered.

The Council has not identified sites specifically for affordable housing, but in the past, projects such as the Moray Volume Procurement Initiatives have delivered 100% affordable housing on some sites. The Council lowered the threshold from 10 units to 4 units to assist with the delivery of affordable housing. Some local authorities secure developer obligations for affordable housing on all new developments, however, the Council considers that in a Moray context, a threshold of 4 houses is suitable.

In terms of an individual affordable housing provision according to the requirements of each Local Housing Market Area, it is unclear how this would work as the Council's Housing Need and Demand Assessment identified

the following levels of affordable housing requirements for each respective Local Housing Market Area, Buckie 85.4%; Elgin 80.4%; Forres 75%; Keith 66.7%; Speyside 83.3%. With the exception of Keith, there is little variation across the other Local Housing Market Areas and a consistent level of 25% is therefore considered appropriate.

Moray Local Development Plan - Supplementary Guidance - Affordable Housing

Name / Organisation Strathdee Properties Halliday Fraser Munro Planning

Comment Ref 001020/1/010 Site Ref LDP2014_PPLAN_SG_AFH

Comment Summary

Affordable housing contributions have to be considered in a wider context than just financial or on site contributions. If single house sites become liable for contributions this would increase the sale price of the plot and render it unaffordable, defeating the purpose of the policy. Reduction of the policy threshold from 10 to 4 units looks ill considered and unwarranted at best, unworkable at worst. Spreading subsidy across three houses is more difficult than spreading subsidy across seven or eight. 34 out of 90 sites in the current effective supply are 10 or less units. The 25% threshold will undermine the viability of most, if not all of these sites. SPP suggests that the Council can allocate more and specific sites for affordable housing which the Plan hasn't done.

Recommendation

No change.

The Council's Housing Need and Demand Assessment (CD12) identifies that of the overall need and demand for 538 new houses to be built each year, 78% of this (424 units) is for affordable homes. The proposed Policy H8 therefore aims to maximise the contribution of affordable houses to try and address this significant need, while also pursuing other projects such as the Council House new Build Programme to address the affordable housing requirement.

The policy clearly states that the Council will take into account site development costs and other reasons which might make on site provision unfeasible and that other options such as offsite provision or commuted payments may be considered. The Council lowered the threshold from 10 units to 4 units to assist with the delivery of affordable housing. Some local authorities secure developer obligations for affordable housing on all new developments, however, the Council considers that in a Moray context, a threshold of 4 houses is suitable.

Name / Organisation Scotia Homes Ltd Emac Planning LLP

Comment Ref 000480/2/022 Site Ref LDP2014_PPLAN_SG_AFH

Comment Summary

Paragraph 17 of Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits confirm that Development Plans should outline what is expected from prospective developers and identifies that it is considered good practice for policies in development plans to, have regard to financial obligations linked to particular developments; including any expectation that developers will contribute to infrastructure and supporting development such as schools or roads. Land values vary across Scotland, and the capacity of developments to bear a range of costs will also vary. Landowners and developers need to assess all the cost implications at the earliest possible stage. Suggest that Policy H8 is amended to identify that financial obligations, secured through S75 Planning Obligations, will only be sought where they comply with the relevant policy tests, as identified in paragraph 14 of Circular 3/2012. Development land values in some parts of Moray are not high and this can make it difficult for the development industry to fund needed infrastructure and other Section 75 requirements. The absence of grant funding for social housing is currently creating issues for the industry in being able to provide affordable housing. It is important therefore that the Local Development Plan, and Supplementary Guidance, allows for flexibility to ensure that delivery of development is viable and that the percentage of affordable housing provided accords with the required policy tests. Suggest the first sentence of the policy is amended to reflect the above and confirm that up to 25% of the total housing units should be affordable.

Recommendation

No change.

The new Scottish Planning Policy para 129 (CD01) states that "The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses."

The Council's Housing Need and Demand Assessment (CD12) identifies that of the overall need and demand for 538 new houses to be built each year, 78% of this (424 units) is for affordable homes. The proposed Policy H8 therefore aims to maximise the contribution of affordable houses to try and address this significant need, while also pursuing other projects such as the Council House new Build Programme to address the affordable housing requirement.

The policy clearly states that the Council will take into account site development costs and other reasons which might make on site provision unfeasible and that other options such as offsite provision or commuted payments may be considered.

Moray Local Development Plan - Supplementary Guidance - Climate Change

Climate Change

Name / Organisation

Comment Ref 001027/1/036

Site Ref LDP2014_PPLAN_SG_CC

Scottish Natural Heritage Scottish Natural Heritage

Comment Summary

Gap in guidance in relation to carbon rich soils a component of climate change mitigation. This is already covered by a policy but greater weight to this issue could be achieved by linking it to overarching climate change policy. Link could also be made to policies to protect trees and woodland. Section on green infrastructure and biodiversity could be strengthened by making the link between green infrastructure and climate change adaptation.

Recommendation

Accept. A section on carbon rich soils will be added to the Resource Efficiency section of the guidance. Scottish Natural Heritage has provided additional wording that can be added to this section to increase coverage of the topic and an additional bullet point covering carbon rich soils has been added into PP2 Climate Change. An additional text will be added within the green infrastructure section strengthening the link to climate change and associated benefits of green infrastructure.

Name / Organisation

Mr Ian Douglas

The Moray Council

Comment Ref 000261/3/011

Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

Support incorporating Active Travel measures in new developments as a key element in achieving ambitious government climate change targets.

Recommendation

Noted

Moray Local Development Plan - Supplementary Guidance - Climate Change

Name / Organisation Karen Cunningham RSPB Scotland

Comment Ref 000285/4/007 Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

There should be a clear statement on seeking opportunities for habitat creation and natural flood management.

Recommendation

Accept. Add additional text following this sentence within Climate Change Adaptation section of the guidance "Parts of Moray are susceptible to flooding and new development should be directed wherever possible to areas with the lowest risk of flooding and coastal erosion. Where flood management is required opportunities for habitat creation and natural flood management should be sought.

Name / Organisation Scotia Homes Ltd Emac Planning LLP

Comment Ref 000480/2/023 Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

Relevant part of the Supplementary Guidance on Climate Change should remove the requirement for the installation of low and zero carbon generating technologies and be replaced with a flexible approach that does not dictate a single restrictive and potentially unachievable policy approach.

Recommendation

This comment is a continuation of representations that have been made for amendments to PP2 - Climate Change and ER2 Carbon Emission Reductions seeking the deletion of requirements to install low and zero generating technologies avoiding a specified and rising amount of carbon reductions. This approach to reducing carbon emissions is no longer stipulated within Scottish Planning Policy and therefore it has been suggested to the Reporter within the Schedule 4 format that Policy ER2 is deleted and instead a more flexible approach will be set out with the supplementary guidance better reflecting the requirements set out in the current Scottish Planning Policy. The content would reflect the promotion of energy efficiency, heat recovery, district heating and heat networks.

Name / Organisation Fred Olsen Renewables Ltd Natural Power Consultants Ltd

Comment Ref 001047/1/020 Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

As with PP2 Climate Change consider that the guidance is not recognising the contribution that large scale renewable energy projects are making to help reduce the impacts of climate change.

Recommendation

Policy PP2 to which the Supplementary Guidance relates applies to developments of 10 or more houses and developments in excess of 500 sq m and therefore the guidance focuses on reducing emissions from buildings and associated travel. The policy does not explicitly reference large scale renewable energy development as this will not always be the appropriate solution in particular for smaller scale developments. There is nothing stated within PP2 or the associated Climate Change Supplementary Guidance that would preclude the use of large scale renewable energy technologies in the right circumstances. Reference to the contribution of large scale renewable energy technologies is set out within the Environmental Resources policy chapter within the plan. Additional text will be added to the Climate Change Supplementary Planning Guidance setting out the wider context for what the Council is doing to promote and support the efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources which reduce greenhouse gas emissions and can create significant opportunities for communities (i.e. employment and reducing fuel poverty). There is also an opportunity to recognise plans for future development of the distilleries in Moray both in terms of expansion of production and the conversion to gas from oil. Gas and Electricity infrastructure in Moray is limited and by including the future demands of local industry on these networks it will allow appropriate consideration of the impacts and requirements of infrastructure provision to sustain economic growth in our rural communities. The expansion of the gas networks and replacement of oil will contribute significantly to reducing carbon emission and achieving climate change targets. This is consistent with the approach within the current SPP relating to delivering heat and electricity.

Moray Local Development Plan - Supplementary Guidance - Climate Change

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/017 Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

Support SG. Within the green infrastructure and biodiversity section recommend that reference is made to the water environment known as blue infrastructure which would also improve the physical connectivity between places. Recommend when referencing SUDS to include appropriate level (i.e. 1, 2 or 3 levels) to avoid confusion. Recommend adding the word carbon rich before soils within the SG.

Recommendation

Accept.

Reference will be added within the section on green infrastructure to the water environment/blue infrastructure and the relationship between the two in physically connecting places.

Reference will also be made to the various levels of SUDS and addition of word carbon rich before soils.

Name / Organisation Kenny Shand Springfield Properties Plc

Comment Ref 000010/3/016 Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

The policy and supplementary guidance add an additional layer of paperwork/assessment/statements to the planning process for a requirement which is more than adequately covered in the Building Regulations.

Recommendation

There should be no additional burden on developers as all the issues contained within the Supplementary Guidance should be considered at the early design stage and the checklist should evidence how climate change has been taken account of and influenced the design, layout and construction of the development.

There are suggested changes to PP2 Climate Change and ER2 Carbon Emissions being promoted through the Schedule 4 format seeking removal of the obligation to install low and zero carbon generating technologies in new development. If accepted by the Reporter additional text will be prepared for the Climate Change Supplementary Guidance setting out a wide range of options to reduce carbon emission. The deletion of policy ER2 would avoid any duplication with Building Standards.

No change.

Name / Organisation Mr Will Paton Scottish Water

Comment Ref 000113/3/003 Site Ref LDP2014_PPLAN_SG_CC

Comment Summary

Welcomes inclusion of water efficiency as an important resource sustainability factor. Scottish Water has been working within the social and private housing sector on water efficiency and would be keen to explore this further with the Council. Scottish Water has been working with Building Standards towards having water efficiency as a mandatory consideration for all new build and refurbished properties and this is now incorporated within current standards. Request the provision of a number of URL links to water efficiency be added to those already contained within the text

Recommendation

Accept. Add link to water efficiency standards and other sources of information as requested.

Moray Local Development Plan - Supplementary Guidance - Housing in the Countryside

Name / Organisation Rebecca Raine BA (Hons) MSc SEPA

Comment Ref 000569/1/016 Site Ref LDP2014_PPLAN_SG_HC

Comment Summary

Not clear to the reader if this relates only to single new houses in the countryside or whether it is also considered to apply to larger scale developments. Seems relevant only to single new houses or in certain cases small scale development such as groups of 2, 3 or 4 houses.

Recommendation

Not accepted. The introduction clearly states that the Supplementary Guidance applies to proposals considered under policy H6 (Reuse and Replacement of Existing Buildings in the Countryside) and H7 (New Housing in the Open Countryside). It is not considered necessary to cross-reference policy EP7 given that there are a number of policies that will be applicable to development proposals (of which this is one) and the Plan will be read as a whole.

Name / Organisation Grant And Geoghegan Grant and Geoghegan

Comment Ref 000204/4/002 Site Ref LDP2014_PPLAN_SG_HC

Comment Summary

Reference to traditional pattern of development is unclear and it is not clear if this is different to existing pattern of settlement. The text states that a rural area could be characterised by small clusters of buildings or individual houses dispersed throughout the countryside. This could be a description of almost any rural settlement pattern as the traditional pattern of settlement. Clear definitions are required. Compliance with H7 will ensure acceptable integration with the rural landscape making a reference to either the traditional pattern of development or existing pattern unnecessary. Text on page 15 states that a proposal that reflects the traditional settlement pattern may not always be appropriate. This applies if it is considered to contribute to a build-up of development that detrimentally impacts on the rural character of the area. This is contradictory, unclear and not transparent enough to meet tests of national policy and guidance, allowing applications to be determined with certainty. Remove contradictory statements and references to traditional and existing pattern of settlement. Section 4i) suggests houses in wooded areas may not be acceptable because of cumulative impact altering appearance and ambience. This should be removed and proposals in wooded areas determined against Policy H7. Reference is made to areas experiencing particular growth but there are no maps or plans to define the extent of these areas. These maps should be defined and "particular attention" explained. This approach is contrary to National Planning Policy and Guidance regarding the need for clear, transparent policies that allow applications to be determined with a high degree of certainty. If the balance of H7 in parts a), b) and d) are complied with, then by definition, there should not be an unacceptable build-up of development in any location with the intentions of the policy.

Recommendation

The Supplementary Guidance on Housing in the Countryside will not be adopted until the Local Development Plan has been through the examination process given there are outstanding objections to policies H6 and H7. The definition of 'traditional settlement pattern' is set out in Schedule 4 Issues 4b Housing in the Countryside and Rural Groupings. To provide clarity, reference to existing pattern of settlement will be replaced with traditional pattern of settlement. The Supplementary Guidance provides advice on the typical patterns of settlement rather than all patterns of settlement within Moray. These will be interpreted on a case by case basis. Further clarification will be provided in the Supplementary Guidance on where the addition of a house that reflects the traditional pattern of settlement will not be acceptable. Houses in woodlands may not be as visible as a house structure in the open countryside and therefore whilst hidden from view and potentially having less impact on the visual character of a rural area, their presence will affect the ambience arguably to a greater degree than if situated in the open countryside as the reasoning for this change is not explicit. Particular attention will be given to build up given limited ability of the landscape to absorb further development in these pressurised areas without detrimentally impacting on the rural character of the area to an extent whereby it becomes urbanised. Further clarity of this aspect will be provided within the Supplementary Guidance. Specific site boundaries have not been drawn for the areas in question to reduce pressure on areas immediately outside defined lines which would only seek to transfer the issue to another area of the countryside.

Name / Organisation Karen Cunningham RSPB Scotland

Comment Ref 000285/4/008 Site Ref LDP2014_PPLAN_SG_HC

Comment Summary

Developers should be encouraged to incorporate existing or new biodiversity assets within the design of proposals. Features such as bird nest boxes and bat boxes are easy to accommodate. Particularly beneficial in reuse and replacement of existing buildings.

Recommendation

Accepted. Include in design principles requirement to "incorporate existing or new biodiversity assets within the design of proposals (i.e. Bird nest boxes and bat boxes)."

Name / Organisation **Mr Jim Dewar** **Forestry Commission**

Comment Ref 000307/1/011 Site Ref LDP2014_PPLAN_SG_HC

Comment Summary

Development in woodlands is discouraged in policy ER3, any development in woodlands that is deemed appropriate would require mitigation to comply with the Scottish Government Policy on the Control of Woodland Removal (ISBN: 978-0-85538-781-5), recognition of this and of policy ER3 should be added to section (VI) on page 19. Additionally, text should be added to clarify that siting housing with a natural backdrop (e.g. Woodland) should not be interpreted as the need to site the housing within the woodland.

Recommendation

Accepted. Additional text will be added to the Supplementary Guidance setting out the need to comply with the Scottish Government policy on Control of Woodland Removal and policy ER3 Development in Woodlands. Additional wording setting out that siting housing with a natural backdrop does not infer the need to site the house within woodland will also be included in the Supplementary Guidance.

Moray Local Development Plan - Supplementary Guidance - Trees and Developments

Name / Organisation Mr Jim Dewar Forestry Commission

Comment Ref 000307/1/001 Site Ref LDP2014_PPLAN_SG_TD

Comment Summary

Welcome redrafting of the Guidance and support policy ER3. This Guidance is primarily based at managing individual or small numbers of trees on development sites and is not ideally suited to guiding development in the woodland environment. Greater consideration should be given to develop the guidance for use in this context. Reference should be made to the Scottish Government's policy on the Control of Woodland Removal in the final paragraph of the introduction on p1. Recommend addition of the following passage under the introduction p1. "Where woodland removal is accepted, a Forest plan must be developed, in consultation with Forestry Commission Scotland, and agreed with the Council before any development is approved. This plan should specify the proposed woodland removal and any mitigation, it must be prepared following the principles of sustainable forest management as set out in the UK Forestry Standard (ISBN:978-0-85538-830-0). Additional information on Forest Plan preparation is available in the Forestry Commission publication: Strategic Forest Plans (ISBN:978-0-85538-844-7)" Need to recognise the difference in managing woodland based development and the potential for habitat loss as a result of the removal of trees. Should stipulate the need for an Environmental Impact Assessment (Forestry) (Scotland) 1999 Regulations and should be essential where land use change is being proposed through development. Should consider non-native productive tree species to be planted in compensatory planting schemes required as mitigation for woodland loss. Compensatory planting should be subject to at least 5 years appropriate monitoring until established. Cumulative impact of multiple small scale developments in any single woodland block should be noted, which fragment habitat or limit ability of any block to be sustained and should be refused.

Recommendation

Whilst the Guidance is primarily based on managing individual or small numbers of trees to reflect the majority of development proposals, the Guidance is applicable to all types development in woodlands. Additional text will be added to the Guidance in terms of the Scottish Government's Control of Woodland Removal. The following text will be included in the Guidance "Where woodland removal is considered appropriate, a Forest Plan will be prepared in consultation with the Forestry Commission Scotland and agreed by the Council before development commences. The Plan should specify the proposed woodland removal and any mitigation. The Plan should adhere to the principles of sustainable forest management as set out in the UK Forestry Standard (ISBN: 978-0-85538-830-0). Additional information on the preparation of a Forest Plan is available in the Forestry Commission publication: Strategic Forest Plans (ISBN-978-0-85538-844-7)." An Environmental Impact Assessment is not required for the removal of trees in association with small development in woodlands. Whilst Scottish Natural Heritage and the Royal Society for the Protection of Birds have not raised any objection to the Supplementary Guidance; reference to habitat loss will be included in the Guidance. Reference to the consideration of non-native productive tree species in compensatory planting and an appropriate time period for monitoring and establishment will be included in the Supplementary Guidance. Cumulative impact of multiple small scale developments in woodland blocks is addressed in Supplementary Guidance on Housing in the Countryside however, this will be cross-referenced in Supplementary Guidance on Trees and Development together with the potential impact on habitats and sustainability of the woodland block.

Name / Organisation Fred Olsen Renewables Ltd Natural Power Consultants Ltd

Comment Ref 001047/1/021 Site Ref LDP2014_PPLAN_SG_TD

Comment Summary

This guidance for the felling of trees focuses on small scale urban development and does not give much regard to other developments in Moray and its rural locations. No guidance for the felling of trees during construction and maintenance. Should be some links to best practice supplied and reference to best times of year to fell/clear grounds. impacts on wildlife. Nee detail on protected sites for woodlands, ancient woodlands or plantations on ancient woodlands. SPP para 142 encourages planning authorities to prepare woodland strategies in supplementary guidance.

Recommendation

Whilst the Guidance focuses on small scale developments primarily to reflect the majority of development proposals, the Guidance is applicable to all types of development. The Moray Council Forestry Strategy requires updating; however, information on protected woodlands, ancient woodlands or plantation on ancient woodlands can be obtained from Scottish Natural Heritage or the Forestry Commission Scotland. Reference is included within the Guidance to felling licenses and where further information can be obtained in this respect. Further consideration will be given to including information on the impact of wildlife and the felling of trees during construction and maintenance.

Moray Local Development Plan - Supplementary Guidance - Urban Design

Name / Organisation **CJ And CRH Dunbar** **Smiths Gore**
Comment Ref 000908/2/032 Site Ref LDP2014_PPLAN_SG_UD

Comment Summary

Greater clarity is needed on the Council's expectations at each stage of the planning process. There needs to be more detail on the processes to be adopted in determining applications including incentives for the development industry through faster consent if fully compliant with Masterplans and Urban Design strategies. Creation of a level playing field for all developers is crucial in ensuring success of this policy. Illustrations should be annotated to ensure it's clear if example is good or bad. Site R11 is at odds with Supplementary Guidance page 3 as it omits an access to the west of the allocation onto Duffus Road. This will result in access from a series of cul de sacs in clear conflict with aspirations of Supplementary Guidance. In Homezones page 7 aspirations should be to minimise use of "interventions" and rely on urban design principles to achieve speed restraints. Cite Polnoon as an example. Support aim to minimise dominant presence of car parking (page9) but guidance should be clearer on how developers should respond to this with delivery of house types whose design and proportions will enable this aim. Desire to maximise solar gain (page10) should be balanced in the context of all other aspects of urban design. Consideration solely of solar gain can lead to unbalanced grouping poorly related to each. In respect of Gateway Features, roundabouts should only be considered in exceptional circumstances in line with national policy. Add "designed within a clear landscape hierarchy" after fourth bullet point on page 15 to ensure more integrated approach to landscape design. At bullet point 6 page 15 should emphasise this policy will require consideration of one sided streets. Bullet point 7 page 15 should promote native species to link with other LDP policies. Recommend new bullet point on page 15: "Use landscape design to reinforce street networks including plot boundary treatments and the public realm whether large scale or incidental"

Recommendation

It is implicit that proposals that are fully compliant with the Local Development Plan and Urban Design Guidance and any adopted Masterplan for the site will be determined faster than those that are not. The Supplementary Guidance concentrates on good examples of urban design. Where bad examples are used these have been annotated either through illustration or text to clearly state they are not acceptable. Transportation and key design principle matters regarding Site R11 (Elgin) have been fully addressed in Schedule 4 Issues 13a Elgin Housing Issues. It is accepted that homezones should use urban design principles to reduce speed restraints and the following text will be included within this section "Homezones should minimise the use of 'interventions' and rely on urban design principles to reduce speed restraints". There are a number of diagrams within the Guidance setting out how the dominance of car parking in the street scene can be reduced (i.e. Soft landscaping, rear courtyards) however, further consideration will be given to including more diagrams illustrating this point. Reducing greenhouse gases is an important objective of the Local Development Plan and solar gain should be maximised wherever possible. However, it is accepted this may have an impact on other urban design principles and a balanced approach will be taken in the consideration of development proposals. Other technologies may contribute to this objective. The Design Statement and Climate Change Checklist will be expected to justify the approach taken. Roundabouts will not be considered to be gateway features and where they must form an entry point to a development their design and that of the surrounding area will need to reflect this situation. It is agreed to add the following key principle to the Open Space and Landscape section of the Guidance "Designed with a clear landscape hierarchy".

Name / Organisation **CJ And CRH Dunbar** **Smiths Gore**
Comment Ref 000908/2/037 Site Ref LDP2014_PPLAN_SG_UD

Comment Summary

Seek clarification process will lead to faster planning consents. The frontloading of planning applications brings considerable associated costs and needs to be balanced through shorter determination timescales. The Supplementary Guidance would benefit from a final section on Process and Delivery which would offer further guidance on the following points: 1. Expand upon the anticipated pre-application process. 2. Submission requirements for Supplementary Guidance, and applications for planning permission in principle (PPP) and detailed consent (FULL) should be set out. National policy on this is often interpreted differently. 3. Provide further clarity as to the circumstances when Design Statements are required, i.e. In support of planning applications or to accompany a masterplan. 4. Clarity is needed on what will be required of a PPP application. It is at this stage that land values become fixed based on perceived capacity and change during detailed design stage will be resisted by developers. If design principles are set out at PPP landowners and developers have a clear understanding of what is expected in terms of quality, what might be perceived as "abnormals" and capacity? 5. There should be more detail on how process is anticipated to be implemented in order to provide comfort to all parties that by following the process there will be faster planning consents and that the Council will be robust in defending the principles of good design. 6. If the Council intend adopting the process of review offered by Architecture and Design Scotland on a more regular basis this should be stated clearly within this Supplementary Guidance along with an indication of the engagement methodology.

Recommendation

Further consideration will be given to the inclusion of a section on Process and Delivery within the Supplementary Guidance addressing the points raised.

Name / Organisation **Mr Ian Douglas** **The Moray Council**
Comment Ref 000261/3/008 Site Ref LDP2014_PPLAN_SG_UD

Comment Summary

The Design Statement should be amended to ask for developers to give consideration to how the loss of access rights have been dealt within the design and layout of the site. An Outdoor Access Plan could demonstrate this. Access infrastructure is only part of the story, as under the Land Reform (Scotland) Act 2003 general access rights are established to most of the countryside and green spaces. Granting planning consent for development negates these access rights and it is appropriate that development to a degree "compensate" the public for the loss. New SPP refers to access rights in paragraph 50 and states "where relevant, access rights and Core Paths Plan should be considered when determining planning applications. New development should incorporate new and enhanced access opportunities when determining planning applications. New developments should incorporate new and enhanced opportunities, linked to wider access networks." Page 29 of Scottish Government Guidance on exercising duties of Land Reform (Scotland) Act 2003 suggest that where appropriate local authorities should consider attaching a suitable planning condition to ensure planners account for the impact on access right though development where this is likely to occur. The guidance includes model condition relating to provision of a detailed plan of public access across the site.

Recommendation

The design statement will be amended to reflect the need to incorporate access rights into new developments.

Name / Organisation **Mr Jim Nicol** **Dufftown and District Community Council**

Comment Ref 000522/1/016 Site Ref LDP2014_PPLAN_SG_UD

Comment Summary

Reduce street clutter and improve streetscape. Use public art (sculpture trail).

Recommendation

The principles set out within the Supplementary Guidance aim to improve the streetscape and reduce clutter. The use of public art to create a sense of character and identity is cited on page 14 of the Guidance.