

14 March 2019

Moray Council Development Services
Development Plan 2020

Dear Sir or Madam

I am writing with my concerns to the proposal to place a considerable number of houses in the area surrounding the property I currently own as detailed in your Local Development Plan 2020.

The recent exhibition at the town hall on 20.2.19 provided no information to allay our concerns regarding this proposed development.

We have resided on the Fairfield site for over 12 years and our concerns are, apart from our health, relate to traffic, flooding, infrastructure & sewerage and the environmental impact.

Traffic & Access

When we purchased our property in 2006 we were advised that the development would be for a maximum of 40 houses due to the Railway Bridge and capacity for handling large volumes of traffic which it was deemed 40 houses were the maximum for the bridge. If this road is to become a main road then the choking of traffic is a concern and our ability to get in and out of our housing estate.

There is a children's play park situated next to this bridge and it is well used with vehicles parking on the roadside when they bring their children to the park. Will our housing estate become the new parking area for the play park? What are the plans for this road and its usage?

If you are now proposing to open this road up to considerably larger volumes of traffic it would be important for you to provide us with the evidence based impact report on how the traffic planning has been arrived at?

Flooding

The Fairfield site was an area which previously would have been prone to flooding and Robertsons had to carry out a considerable amount of work to ensure they could build on the site.

A member of the team who was available at the Public presentations in response to the question of flooding stated "the wetlands can take as much water as there is". This is a nonsensical statement because there isn't anything that is infinite!

Can you provide us with the SEPA reports and tests to provide us with guarantees that our properties will not be subject to any adverse affect of flooding from the proposed developments and who will bear the brunt of responsibility if it does? Water only travels one way and given the

proposed development surrounding our properties is to sit higher than our properties it is a clear concern.

Infrastructure & Sewerage

What guarantees are in place that the infrastructure will be able to cope with the proposed properties?

Environmental Impact

What are the environmental impacts we are going to be subjected to?

In your document you outlined areas not suitable for development – so what has changed to make them now suitable?

Development of Firs site

What is the proposal for this space? Currently there is little detail available for this and how this is to be developed.

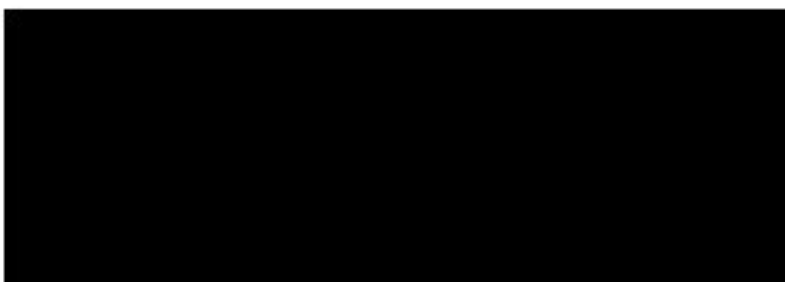
Impact of housing at back of our property

The plan shows the housing being developed at the back of our property will sit considerably higher than our property thus resulting in not only concerns regarding flooding but our privacy being compromised. There is also an area between the fence for the field that the development will be built on and our fence. We currently pay to have this area maintained what is the proposal to protect this from becoming an area used for unsocial behaviour and will GHA/Moray Council be taking on the cost of maintaining this area?

You were at pains to point out how **sympathetic** the use of space was for the new development, where is your consideration on the impact of this development on our use of space, I can see no sympathetic consideration being afforded to our plight.

I look forward to hearing from you with answers to what I feel are important questions which I have posed in my letter along with genuine concerns for our future health and wellbeing.

Yours sincerely



Mrs Eileen Rae
Mr Andrew Rae

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: RT_SITEA - 001996
Date: 07 February 2019 15:00:35

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

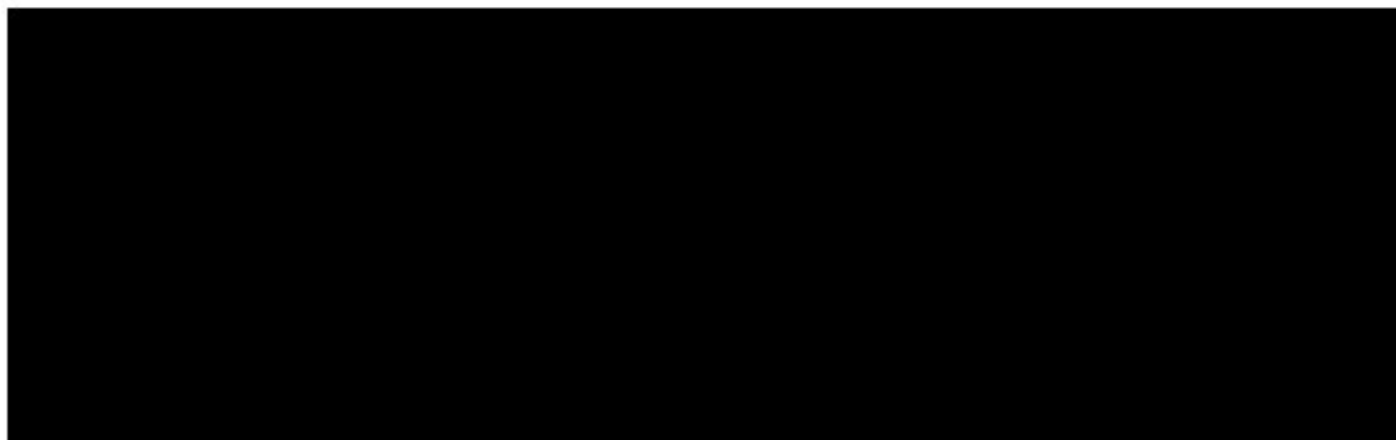
Your Details

Title: **Mrs**

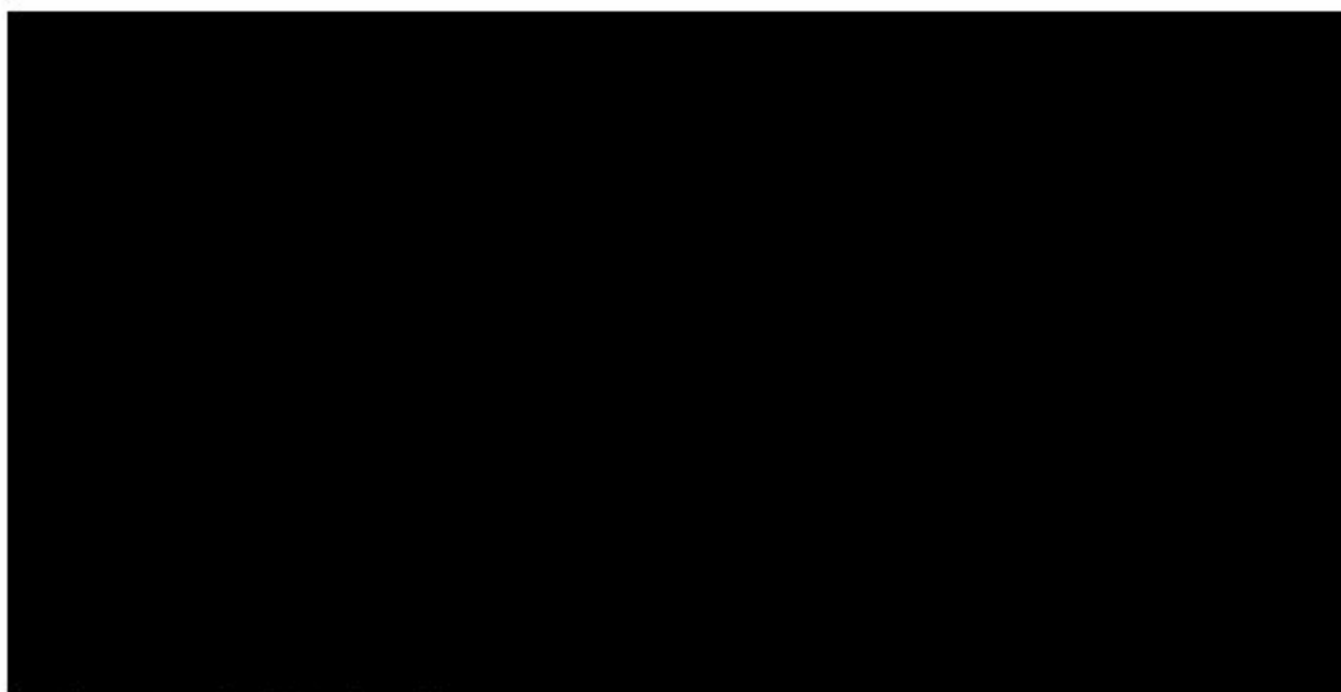
Forename(s): **Elizabeth**

Surname: **Reid**

Your Address



Contact Details



Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **Yes**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Rathven**

Site reference: **A**

Site name: **Rathven Site A**

Comments: **I object to this proposal, as I feel the road leading on from Bede Road is barely wide enough for two vehicles to pass, so is hardly suitable for access to homes built. The plan states that both water and drainage supplies are available , but we in Kirk Road have had difficulties with drainage in the past, as the system is dated. As a result any increase in drainage would overload the existing set up. Similarly feeding into the existing sewer system could cause multiple issues. The site is also quite small.**

Other Objection

Document commenting on: **Rathven Site A**

Comments: **No further comments**

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 001994
Date: 05 February 2019 17:07:50

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

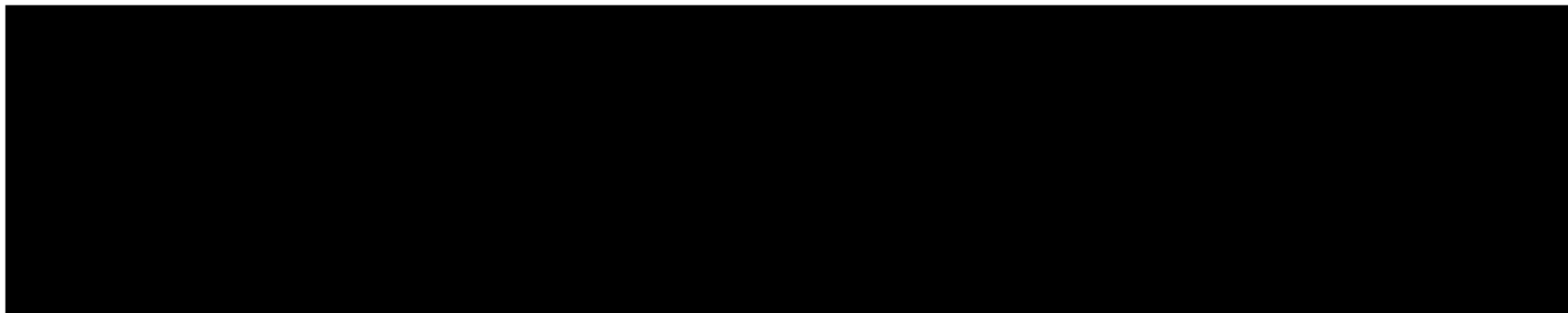
Your Details

Title: **Miss**

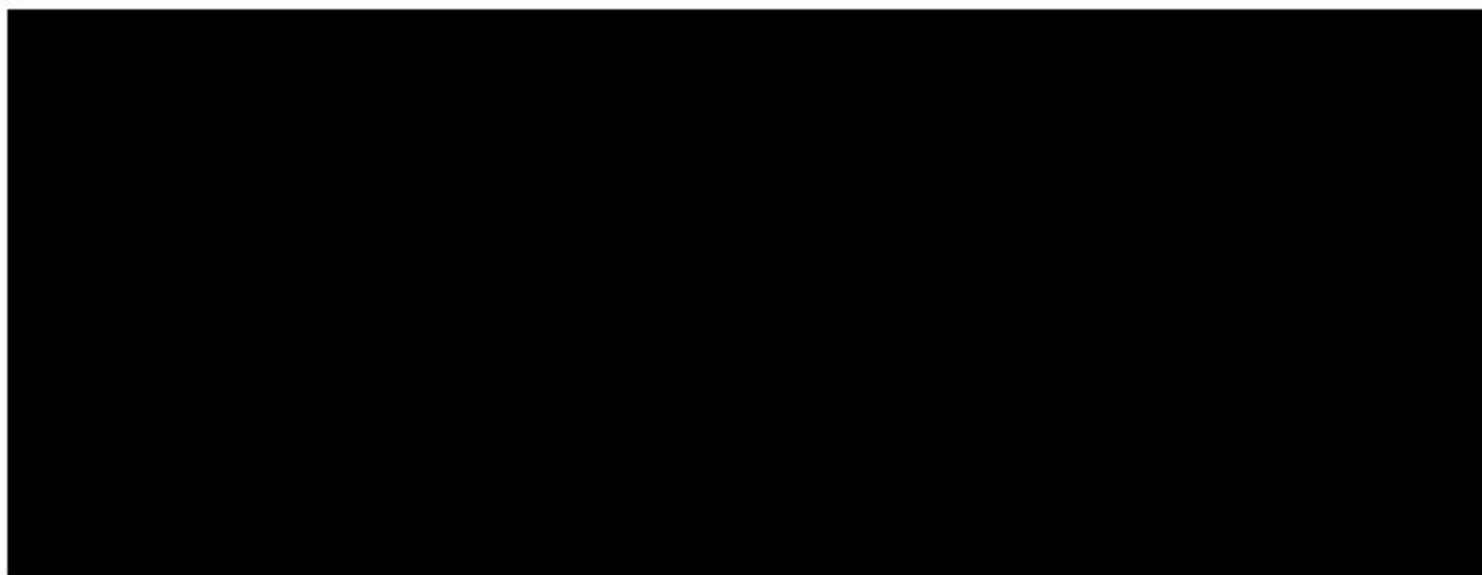
Forename(s): **Jennifer**

Surname: **Reidford**

Your Address

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Contact Details

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Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **OP11**

Site name: **Walled Garden**

Comments:

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: LO_OPP1 - 001970
Date: 11 January 2019 17:54:43

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

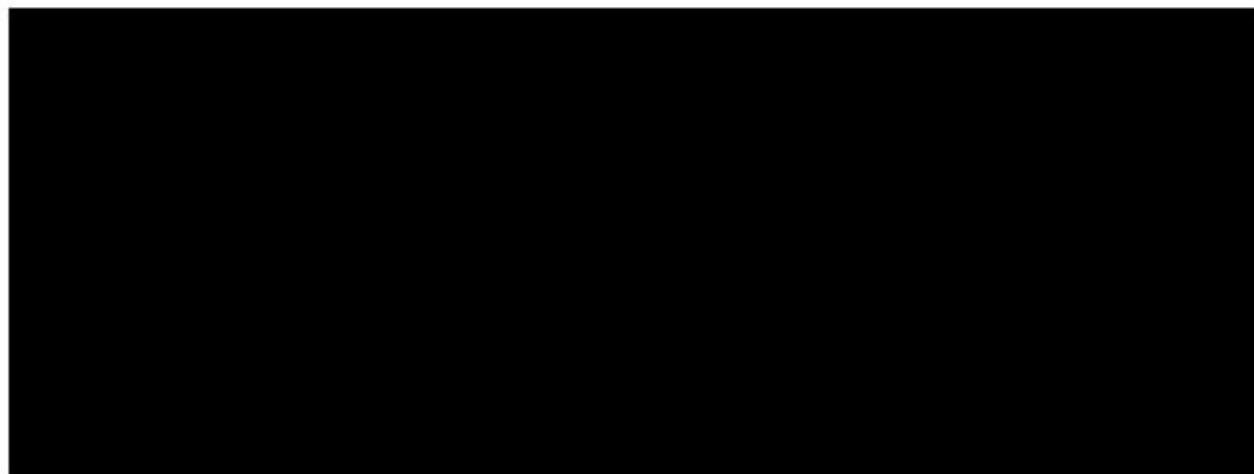
Your Details

Title: **Mr**

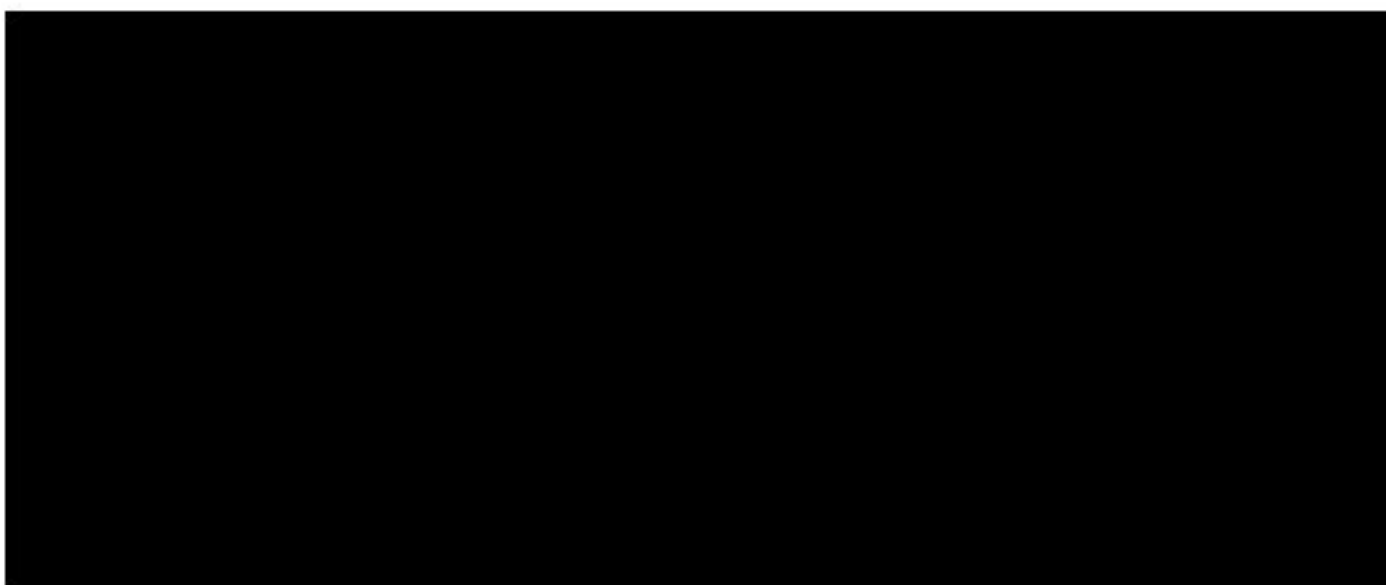
Forename(s): **James**

Surname: **Rennie**

Your Address

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Contact Details

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Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Lossiemouth**

Site reference: **Lossiemouth- OPP1**

Site name: **OPP1 SUNBANK**

Comments: **After taking away a lot of green space for new school in our area taking away SUNBANK which is a big area also which has got wildlife like rabbits, field mice, voles etc not to mention the swans and birds that frequent the pond for nesting.lots of local dog walkers use this area.**

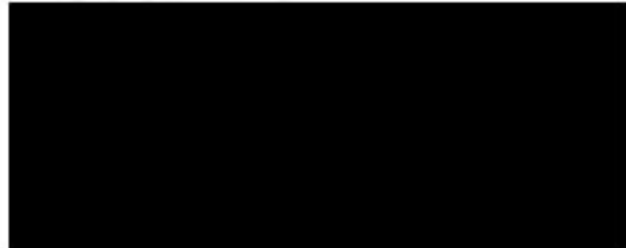
Please use [this link](#) to view and retrieve the uploaded attachments.

From: [James Richardson](#)
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 000610
Date: 07 March 2019 16:29:53

To whom it may concern,

I am opposed to the selling of the Biblical Gardens but in favour of the proposed hotel development, but it should not including the Biblical Garden. The Garden is a well used local attraction by tourists and locals and is an important part of the local conservation area it also enhances the Castle, Cathedral to Cashmere experience.

Regards
James Richardson



From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: HP_R1 - 001046
Date: 15 March 2019 11:26:49

Moray Local Development Plan - Proposed Plan 2019

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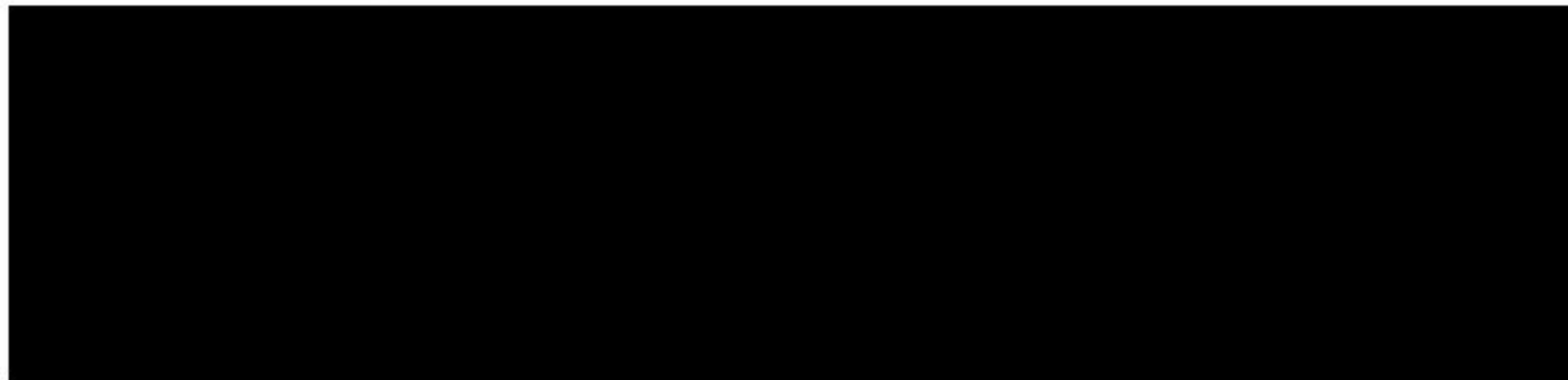
Your Details

Title: **Mrs**

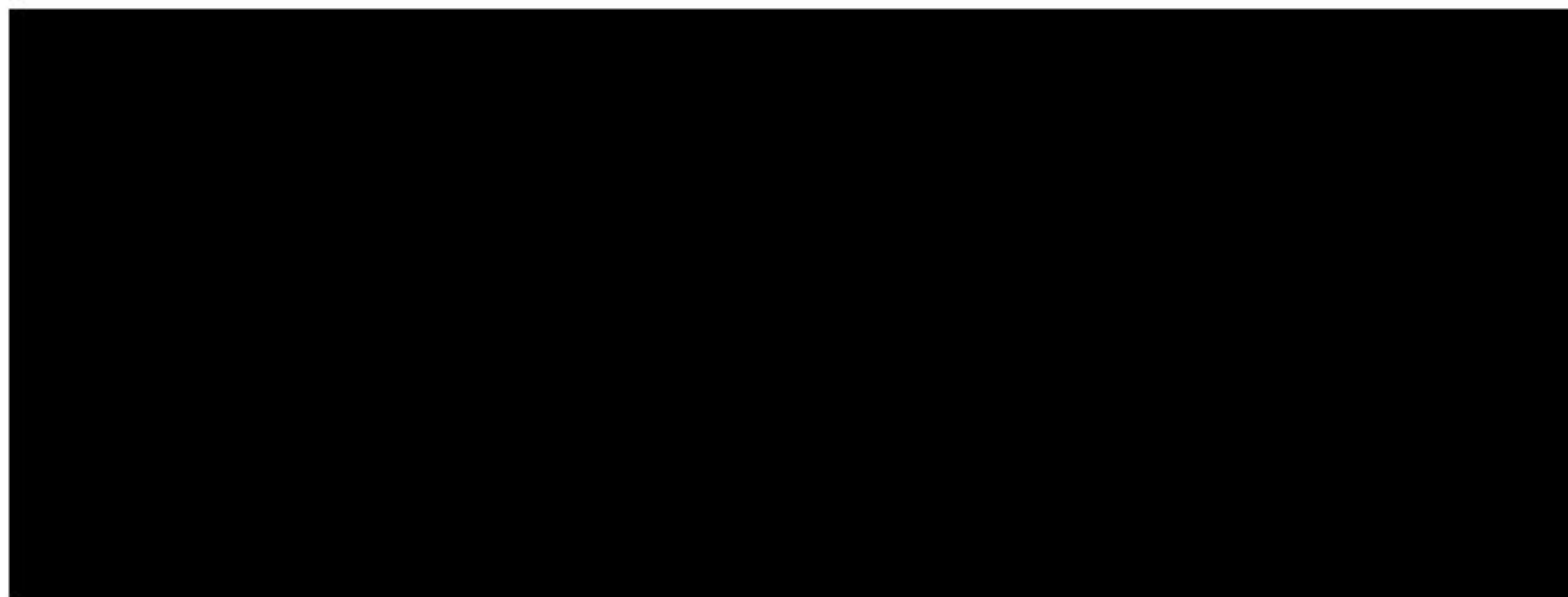
Forename(s): **Melissa**

Surname: **Richardson**

Your Address

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Contact Details

A large black rectangular box redacting the contact details.

Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **Yes**

Other: **Yes**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Hopeman**

Site reference: **Hopeman - R1**

Site name: **R1 Manse Road**

Comments: **Vision: - Your Statement: A strong framework for investment that provides sufficient land for development and supports sustainable economic growth (including the tourism economy). My Reply: Although I agree with the above statement, what about money that has already been invested in current surrounding properties' Everyone says that you can't guarantee a view, but it does without a doubt affect the value of the existing properties in question. - Your Statement: Identify and provide for new or upgraded social and physical infrastructure to support the expanding population whilst safeguarding existing infrastructure. My Reply: From the outlined Strategic plan, there does not appear to be any plans to improve Hopeman Primary School. The primary school is already sharing a Head Teacher with a neighbouring school. What measures have been put in place to accommodate the increased number of children to the village' Where are the extra teachers coming from to meet the demands' What about those children with special needs' How is the council proposing to physically accommodate an increase in pupil numbers' What about child safety in the playground' - Your Statement: Encourage efficient use of land and promote low carbon and sustainable development. My Reply: Low Emission Development Strategies have attracted interest in the climate negotiations as a soft alternative to voluntary or obligatory greenhouse gas emission reduction targets in developing countries. How are these 'Low carbon and sustainable developments' to be monitored' What will the carbon impact be on the environment when 105 new homes are built in Hopeman bringing a potential of at least 105 extra cars' How are the GHG to be monitored then' In addition to this; how are all the houses to be heated' Hopeman is currently supplied by Oil/Electric Central Heating with very few homes using Solar/Airsource/Biomass heating. Will this be a building requirement in the new homes' Will buyers be able to afford these extra costs' If the houses are to be low carbon, what materials are the houses to be built from' Using the term 'encourage' is not very encouraging and there needs to be better building standards in place to support this statement. - Your Statement: Protect and enhance the built and natural environment. My reply: I do not see how this is even possible to enhance the natural environment when you are replacing it with buildings. - Your Statement: Improve resilience of the natural and built environment to climate change. My Reply: According to the National Coastal Change Assessment, the more exposed mainland east coast has greater proportions of soft coast erosion and accretion (i.e. significant change) and lower proportions of stability. The likelihood of erosion occurring is difficult to predict given the unpredictable nature of storms, and their impact, but developing along the coastline and rivers has contributed to a reduction in coastal sediment supply because of this human intervention, adding hard boundaries. Such effects are occurring at the same time as sea levels are rising, further reducing the ability of the soft shoreline to repair following storms, thereby increasing the risks of flooding. Are we really improving the resilience of the natural and built environment in keeping with climate change when research along the coastline hints that this may not be the case and that further research and monitoring needs to occur' - Your Statement: People want to live, work and invest in Moray because of the outstanding quality of life and environment. My reply: We chose to buy a house in Hopeman for this very reason; that it is a small village. Any development, in my opinion, will adversely affect this very**

statement of the 'quality of life and environment.' - Your Statement: Healthcare. Moray Coast Medical Practice: extension to accommodate 1 additional GP and support staff. My Reply: This practise includes Lossiemouth, Burghead and Hopeman surgeries. Burghead and Hopeman have limited opening hours. One additional GP and support staff doesn't seem nearly enough for the already stretched medical staff in this area. When phoning to book an appointment to see a doctor, we are informed by a lovely receptionist that we have to wait weeks to have an appointment, by which time we will either have overcome our ailments or will be in need to be hospitalised. The later creating even more pressure on the NHS.

Policy Objection

Policy: **PP1 Placemaking**

Comments: - Your Statement: Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development. My Reply: I have concern for those individuals who will be living in the new homes so close to the old landfill site. Concern for the wellbeing of those individuals who bought homes on the west of the village for rural/sea views to aid mental health and wellbeing, as well as concern at safeguarding the environment (definition of which is: to protect from harm or damage with an appropriate measure) whose measure are we considering here' I still fail to see how replacing natural land with buildings is protecting the environment. Are we really safeguarding economic development building so close to the coastline when we have no idea what the projected effects of Global warming will have on soil erosion and risks of flooding'

policies_list : **PP3 Infrastructure and Services**

policy_obj_comments : - Your Statement: Healthier, safer environments: Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line. My Reply: This is a fantastic idea which I would be glad to see implemented in ALL the existing streets of Hopeman, especially on the main road connecting Lossiemouth to Burghead. Drivers continue to exceed the speed limits through the village. A continued concern placed with the council. Will the development design improve traffic flow through the village, especially given that there will be even more cars on our roads?

Other Objection

Document commenting on: **x**

Comments:

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002140
Date: 10 March 2019 17:09:11

Moray Local Development Plan - Proposed Plan 2019

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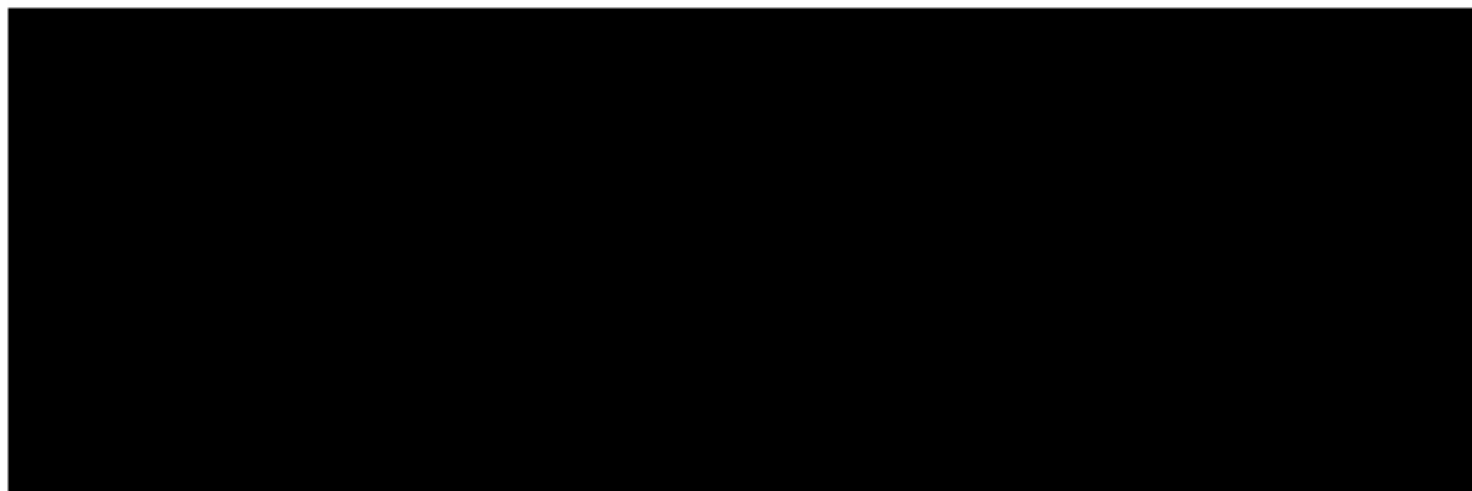
Your Details

Title: **Miss**

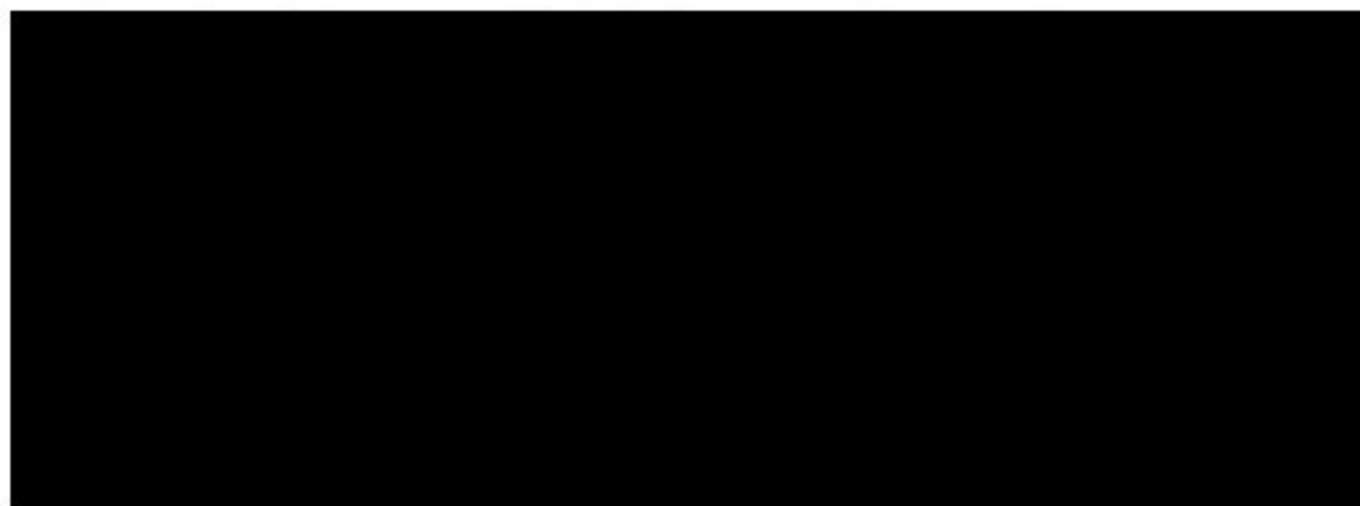
Forename(s): **Emma**

Surname: **Ritchie**

Your Address



Contact Details



Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **Yes**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **OP11**

Site name: **The Walled Garden**

Comments: I object to the plans for 'op 11', The Walled Gardens, on several grounds. I am a member of staff at Greenfingers training service so my objection will be coming from Greenfingers perspective. These grounds are that the area is incorrectly labelled as white land, the ground is being used in a very productive and positive way already, there would be no suitable alternatives sites for the people currently using the land, there are more suitable areas available for hotels and closing or moving the service would have a negative effect on the local community. My first objection to the plan is that the Walled Garden is labelled as white land. In my opinion, this is incorrect and the land should be labelled as green space, which would be a more accurate reflection of the way the land is used. Not only is Greenfingers based there, a horticultural training service for adults with learning disabilities and mental health issues, the Moray College's horticultural department and The Moray Council's lands and parks department are based there. All these groups are very 'green' and have a very positive effect on the local community, providing all the flowers for the local war memorials, maintaining the local parks and other green spaces and maintaining the Biblical Garden, which encourages a large footfall to the Elgin area. Op11 is classified as 'derelict or unused' in the planning documents which I believe is hugely misleading to the public. The site is extremely well maintained by all who use it and unused is the polar opposite of what is it. From now until the end of July, all four commercial glasshouses, the 8 Polytunnels and all the coldframes will be full of beautiful plants ready to sell to the local community. The walled garden site is a bustling hub of activity and the public should have been made aware of this. The current use of the land, as mentioned above, is an extremely beneficial use as it is used and enjoyed by many parties. The council are benefited, as are the service users and the local community. The council are benefited as Greenfingers provided all the flowers for Moray's war memorials at a very reasonable price that couldn't be matched at competing providers. To close or move Greenfingers would mean these flowers could no longer be provided. I believe if you informed the local community that their war memorials would no longer be planted and maintained to remember the fallen, that there would be a very negative response. The council is also benefited as Greenfingers is a very successful training service. Adults come to Greenfingers through Employment Support Services to build a variety of skills to help them on their way to employment. I have seen success story after success story of people coming through the service and going on to great things such as employment, further education, volunteering or progressing on to other services. Greenfingers therefore helps the council to tackle unemployment rates and does so at a very reasonable cost. The service users who come to Greenfingers benefit hugely from coming to the service. As I mentioned above, I have witnessed people progress onto great things but I have also seen the way people have benefitted from Greenfingers on a personal level. I have seen people's self-confidence grow and grow and people who once struggled to make eye contact are now joking and laughing in a large group of people. I personally feel that kind of progress and change is far more valuable to people than any hotel could be. You can't put a price on people learning to believe in themselves. I believe the plan wants to encourage tourism in Elgin and by going ahead with the development plan for the walled garden, tourists would be less likely to visit Elgin as

part of its attraction, the beautiful parks, flowers and gardens, would be lost. I also feel that what has been written in local newspapers lately has been misleading and falsely informed the public. A recent article stated that the planning department are considering moving the boundary of the planned hotel site. If this boundary were to be moved, the college would no longer be affected by plans but Greenfingers would be. However the article stated the Greenfingers were also excited about this moving of the boundary. Therefore when local people read this article, they are being led to believe that Greenfingers is now safe and unaffected by these plans. As Greenfingers is a council service, we are not allowed to speak to the press and therefore cannot give our opinion and make the public aware that we are still in danger. This is extremely unfair as if people think we are safe, they may not put in their objections. A further objection I have to the plans for this site is that the individuals who use it do not all have access to computers or can read. The information regarding the plans for the site was not made accessible to them so some may not understand what the plans mean and some may not even be aware of the plans.

site_obj_name_town_village_grouping : Elgin

site_obj_reference : OP11

site_obj_name : The Walled Garden

site_obj_comments : Continued.. This means they are not able to voice their opinions on the matter. Another objection I have to the plans is that there is nowhere suitable the service could be moved to. There is no long big enough, with enough glasshouses, pollytunnels and cold frames to allow Greenfingers to keep building upon its successes and continue to provide beauty and colour to the local community. An alternative site would also have to be easily accessible and central to ensure the individuals who attend the service are still able to attend. To summarise, Greenfingers is a hugely beneficial service to many. It benefits the council, the local community, the volunteers and trainees who attend and more. To move or close this service would be devastating to many. There are many other suitable sites in Elgin a hotel could be built which would not affect such a fantastic and successful service. The way the area has been described in both the planning documents and in local media has been misleading and therefore people have not been given fair opportunity to have their say and put in their objections. The needs of the local people should be put first, not a money making opportunity, and the walled garden site should be left to continue to be the success it has been for many years now.

Policy Objection

Policy:

Comments:

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002144
Date: 10 March 2019 22:11:17

Moray Local Development Plan - Proposed Plan 2019

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Your Details

Title: **Mr**

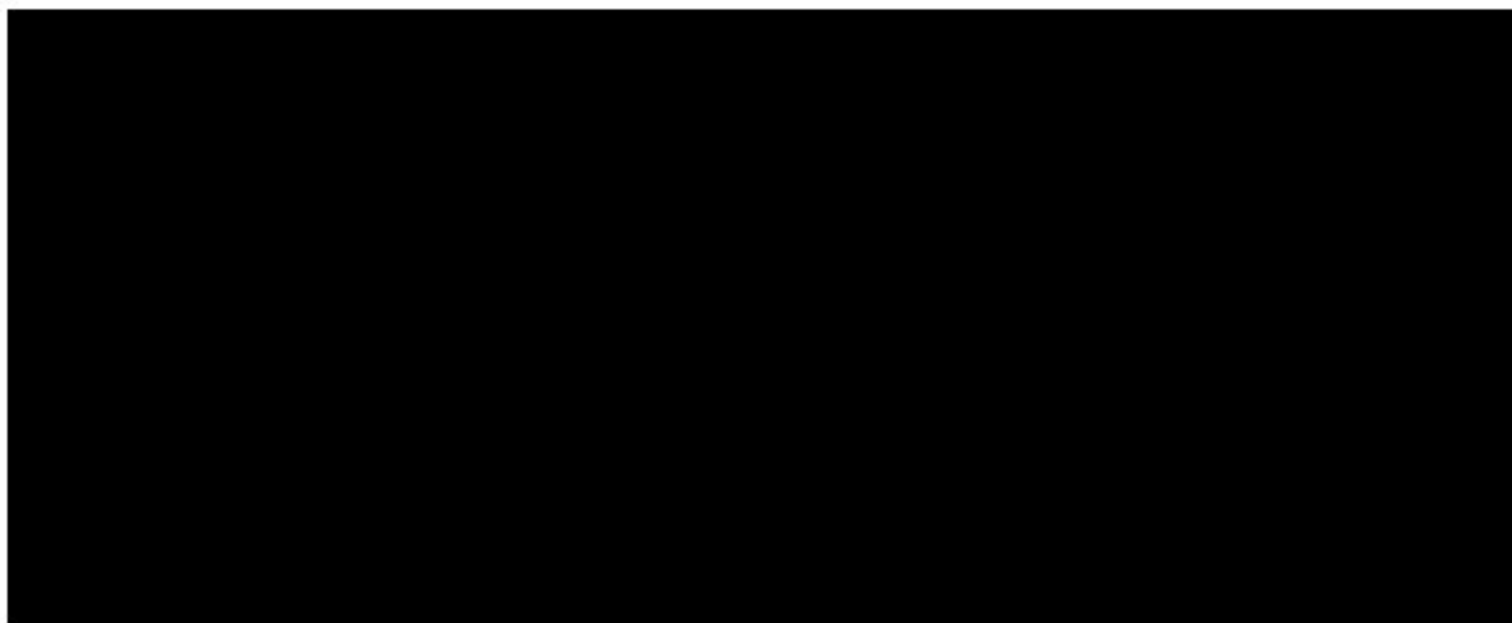
Forename(s): **Iain**

Surname: **Ritchie**

Your Address



Contact Details



Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **OP11**

Site name: **Walled Garden**

Comments: **I object to the proposed hotel build due to the effect it will have on the excellent green fingers facility. The footprint of the hotel is on the green fingers site which to my shock hasn't even been mentioned that omission is not truthful and very misleading. Green fingers is an excellent training facility for adults with learning difficulties and must be supported. Elgin has enough hotels!**

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002146
Date: 11 March 2019 08:19:47

Moray Local Development Plan - Proposed Plan 2019

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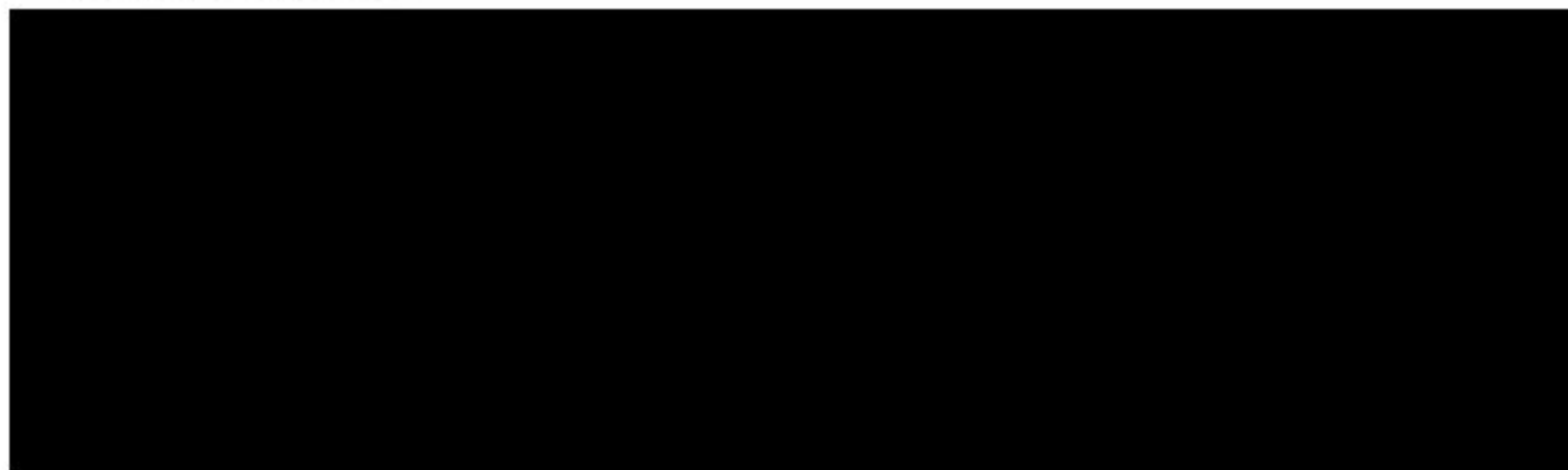
Your Details

Title: **Miss**

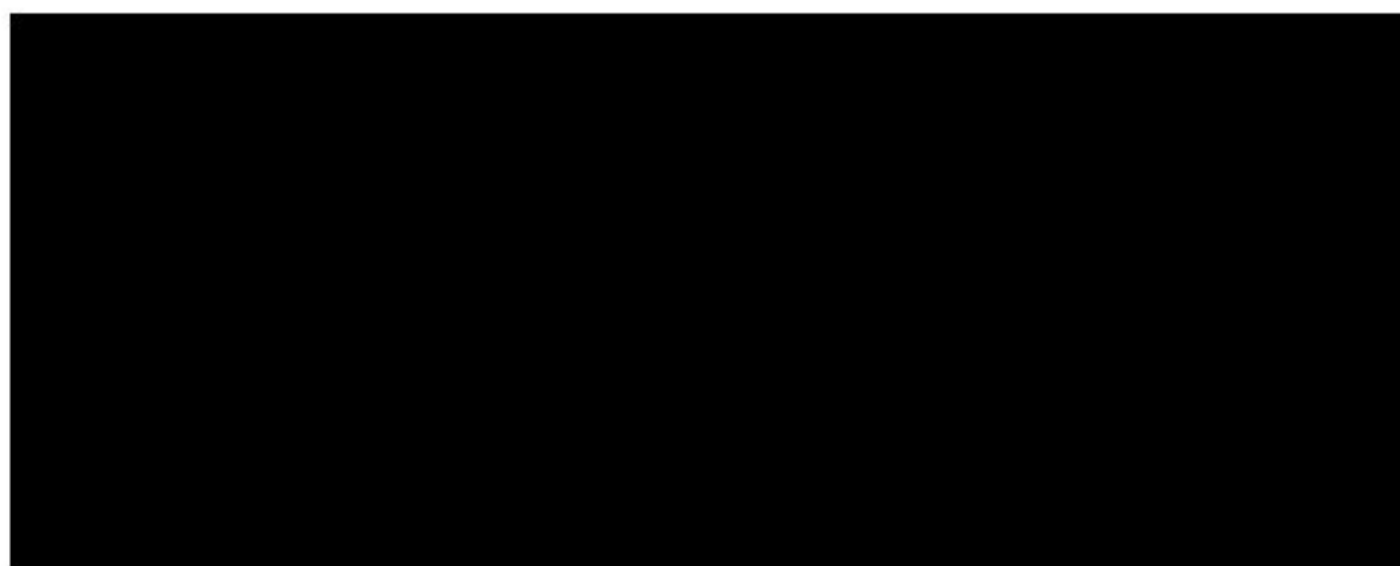
Forename(s): **Rabecca**

Surname: **Ritchie**

Your Address

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Contact Details

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Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **OP11**

Site name: **The walled Garden**

Comments: **This piece of land is already being used in a much better way, which Benefits the council, the community and the service users - which is much more beneficial than what a hotel would be. On the plans of this land it states that the area is derelict and unused which is extremely untrue and very misleading. Elgin is not in need of anymore hotels however, if it does there are other sites which would be less disruptive and much less harmful.**

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002145
Date: 10 March 2019 22:13:46

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

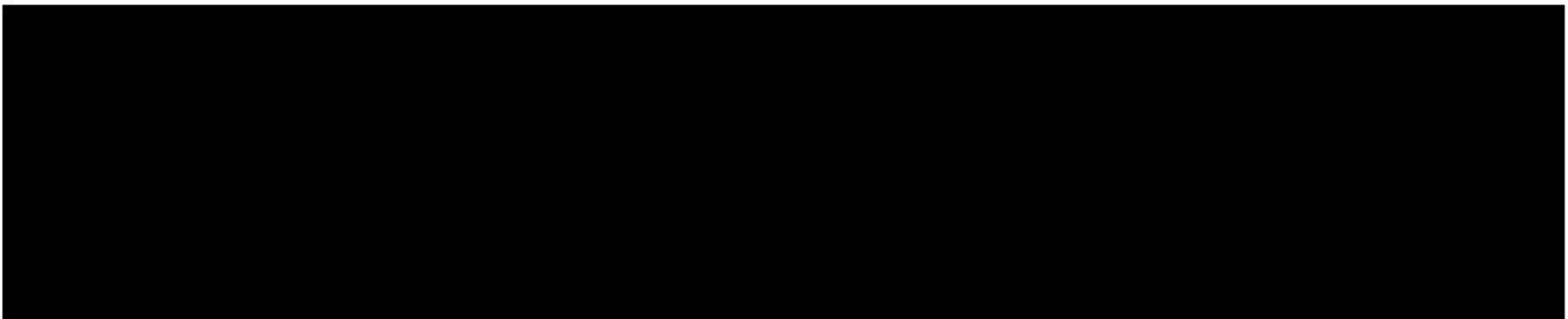
Your Details

Title: **Mrs**

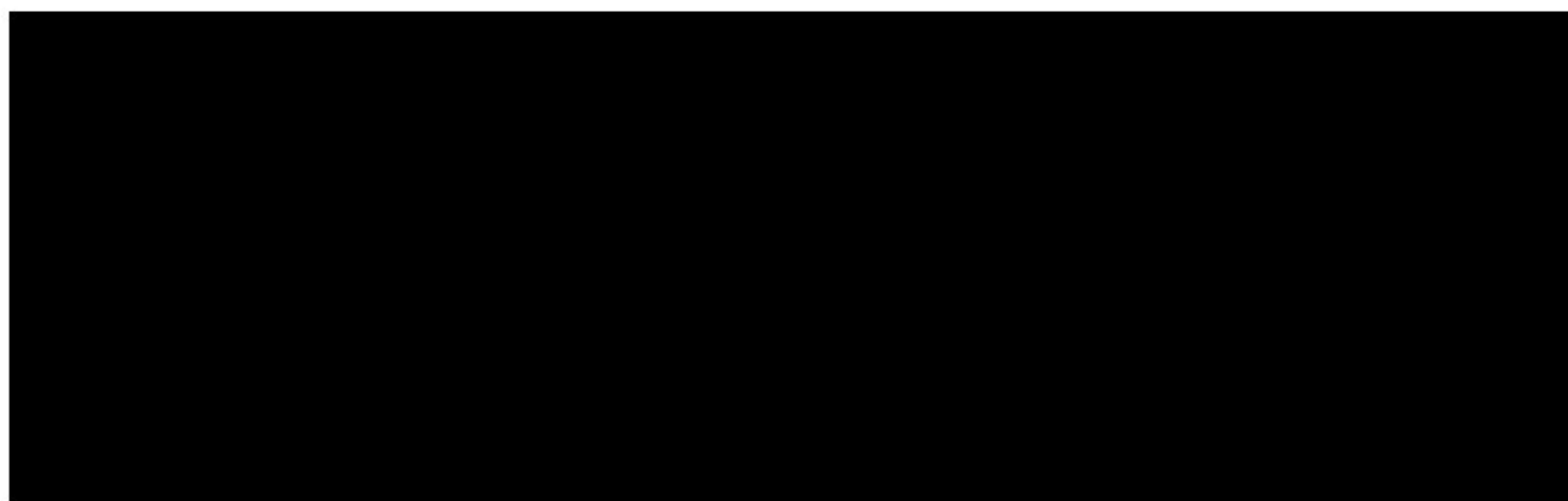
Forename(s): **Susan**

Surname: **Ritchie**

Your Address

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Contact Details

A large black rectangular box redacting the contact details.

Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **Op11**

Site name: **The Walled Garden**

Comments: **The site is already well used in a way that benefits the local community and the council, and the service users which may not be as profitable but is far more beneficial than yet another hotel. That the land is also labelled in the plans as derelict and unused which is untrue and misleading to members of the public. Does Elgin really need get more hotels and if it does, there are other sites which would be less disruptive and harmful to the local community of Elgin.**

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002161
Date: 13 March 2019 09:08:22

Moray Local Development Plan - Proposed Plan 2019

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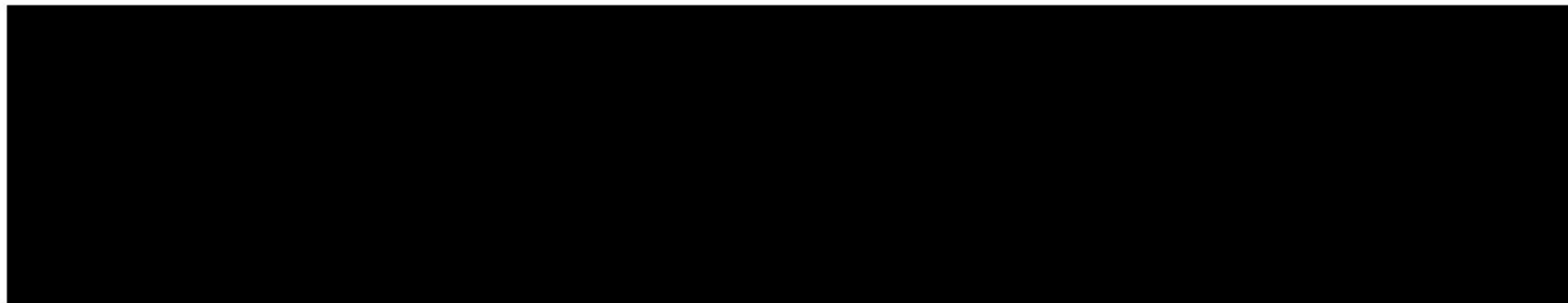
Your Details

Title: **Ms**

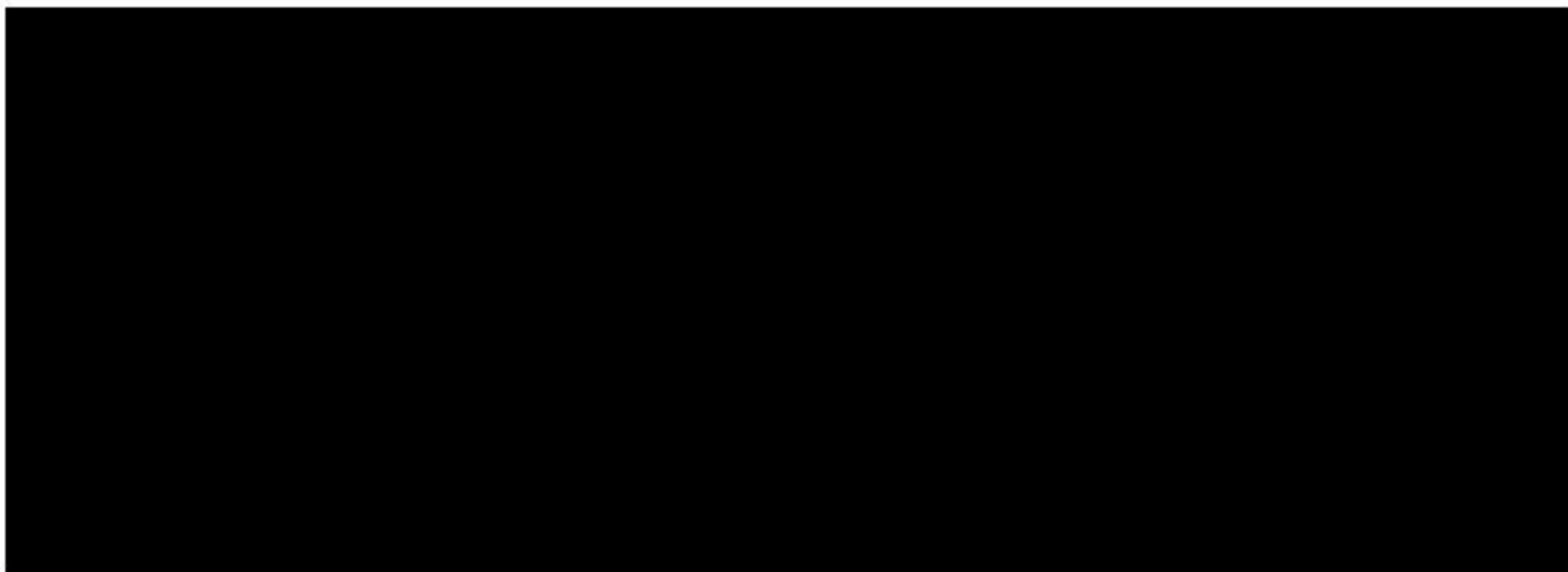
Forename(s): **Menita**

Surname: **Roberts**

Your Address

A large black rectangular box redacting the address information.

Contact Details

A large black rectangular box redacting the contact details.

Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **Yes**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **OP11**

Site name: **Walled Garden, Cooper Park**

Comments: **Greenfingers Training Service** is for adults with learning disabilities, on the **Autistic spectrum** and in recovery of mental health conditions current occupy the largest part of this site. Greenfingers utilises the therapeutic benefits of horticulture and greenspaces to support people that are furthest from the labour market to gain employability skills and work experience in a real working area. We offer training within our quality plant wholesale enterprise where trainees can gain the practical skills within seed sowing, plant care, composting, propagation, bushcraft, Forestry path maintenance skills, customer service, garden development, maintenance and Xmas wreath making to name but a few. We link closely with The Forestry commission, MC Park & Gardens, Moray college, Community Councils and public customers. We have our annual Open day which is one of our largest income based areas. Trainees can utilise existing skills, learn new skills, build upon their confidence and self esteem, team work, customer service, communication, coping strategies and a feeling of belonging. Before gaining the Walled garden site through MC Committee, we ran the service from a small room with 2 small greenhouses. A proposal had been made at the time to gain some land with the local Forestry commission, however this was denied due to the traveling distance and cost. This was the only site and it is clearly evident that since Greenfingers took over the site, the service has been able to expand the amount of trainees we have and to include people in recovery of mental Health challenges. We have self funded improvements to the area and we have started and developed our wholesale enterprise for the local area. We have a maintenance squad completing works with the FCS, private gardens, Dr Grays Sensory garden and so on. We offer Bush craft programmes and are in the process of expanding again to work alongside Moray Resource Centre to develop a public sales area, garden development experiences and food growing production. From recent conversations we are also hoping to link with The Woodland Trust for local Compensatory planting and also be involved in Moray's Food Growing Strategy. I am also in the process of following up areas within the Mental Health Strategy to ensure that horticulture and the use of Green spaces is kept on the agenda especially within the strategy as more and more research highlights the medical and health wellbeing is evidenced as a preventative and treatment for our local people by using the areas I have mentioned. All this has happened due to Greenfingers having the space to grow within the Walled garden site. I would strongly request that you reconsider this area of the proposed plan and allow us to continue to provide the services to the community from this site. Kind Regards, Menita

Policy Objection

Policy:

Comments:



PROPOSED PLAN 2019 MORAY LOCAL DEVELOPMENT PLAN 2020



RESPONSE FORM

Please use this form to submit your response to the Proposed Plan 2019.
The Council will consider your response to be a formal representation to the Proposed Plan and unresolved objections will be referred to an Examination conducted by a Scottish Government Reporter.

*Mandatory fields

YOUR DETAILS

Title*	MRS	Forename*	PENELOPE	Surname*	ROBERTS
Address*					
Post code*					
Email					
Telephone*					

AGENT DETAILS (if applicable)

Title		Forename		Surname	
Address					
Post code					
Email					
Telephone					



Your place, Your plan, Your future

Which section of the Proposed Plan does your comment relate to?

Volume*: Policies/Settlements/Rural Grouping/Delivery Programme/ Other (Delete as appropriate)

Heading *(e.g. Housing, Keith)

Cooper Park.

Page Number

43-45.

Site/Policy Reference

OP11 Walled Garden, Cooper Park.

Your comments

I would like to Put in my objection to the change of use for the Walled Gardens in Cooper Park.

I have seen the difference that the Site has made to Greenfingers over the years.

Greenfingers do a brilliant job in the Community for the Community by Plants, flowers, forestry.

Due to the Site they have been able to grow and increase the Service that is provided to People with additional needs.

I Look forward to the annual Sale to buy My plants and see what everyone has been upto. I can get a hot drink & cake and speak with others.

A lot of hard work and dedication has been injected into Greenfingers. Please don't take it away.

Are you providing any supporting information?

Yes

No



If yes, please advise what this is, and attach to this form e.g. maps/plans, supporting documents.

All comments should be returned by 5:00pm on 15 March 2019

Post to: Local Development Plan Team, Development Services, Moray Council, Council Offices, High Street, Elgin, IV30 1BX

Or email: localdevelopmentplan@moray.gov.uk

Or you can use our online form at www.moray.gov.uk/proposedplan2019



Your place, Your plan, Your future

15 March 2019



Our ref: LDP2020-Robertson

Moray Council
Development Services (Development Plans)
High Street
Elgin
IV30 9BX

Robertson Group
10 Perimeter Road
Elgin, Moray
IV30 6AE
Tel: 01343 548621
Fax: 01343 546265
Web: robertson.co.uk

Dear Sirs

Moray Council LDP Proposed Plan Consultation

Volume 1

- Primary Polices
- PP1 placemaking

Page 22

Within the initial text under point b) there is "*a requirement for placemaking statements is required for residential development of 10 units and above to be submitted*"

We feel this is quite restrictive to smaller scale developments where this might actually be only max of 10no blocks or even 2no block of flats.

Suggestion that this number is increased to say 50 units, to align with Major Developments.



(i) Character & Identity:

Second bullet point could be misinterpreted and requires further clarity as in certain circumstances this could be read that for every 20 units, a different character area is required, when we believe that the intention of the policy is that for sites of 20 units and above, more than one different character area will be required.

The threshold of 20 units is extremely low and suggest that this number is increased to say 50 units, in line with a major development. This will depend on the actual development and how the overall placemaking process is undertaken, though this could become an issue through Development Management should this remain in current status.

A larger area will provide a greater emphasis on characterising zones and provide their own identity as on the opposite effect 20 units could perhaps be 10 units on each side of the road.

Suggest that the policy is adjusted accordingly

Suggested boundary treatments could be prohibitive in a manner of situations from increasing the development costs and squeezing the land values further and that the designs not being permitted by other statutory authorities who may not adopt road side filters.

The actual design characters should align with the area in question, rather than be prescriptive at this stage in the placemaking process as the photos could suggest that these should be incorporated.

(vi) Parking:

We are concerned about the requirement for 75% of car parking requirement to the side or rear of the property reduces the flexibility in design and therefore prevents Development Management to review holistically with the design concept and removes any slight movement away from the stated policy to aid the overall placemaking objectives.

Comments in terms of parking numbers for cars and cycling is noted below.

(vii) Street Layout and Detail:

Within the fourth bullet point that "*cul-de-sacs will only be selectively permitted on rural edges.... Serving no more than 10 units.....*". This removes any flexibility in placemaking design and will certainly hinder the viability of smaller developments.

This requires a more pragmatic approach and flexibility.

Within the fifth bullet point that "*roundabouts must be designed to create gateways and contribute to the character of the overall development*" This causes fundamental issues with development in terms of land access availability and potential third party land. These are normally large in nature due to the swept path analysis requirements for various vehicle sizes and removes the placemaking process.

General:

We are concerned that the overall requirements of this policy places upon development viability when combined with all the various other requirements which then becomes uneconomic to bring forward.

Perhaps the policy could enable greater flexibility in a wider sense as it is very prescriptive and could causes issues at Development Management stage when the actual development and the area is reviewed to provide a road map and design concepts.

Volume 1

- **Primary Polices**
- **PP3 Infrastructure & Services**

Page 32

We are concerned as this is a blanket policy no matter the size or nature of the development and in terms of smaller developments could render them undevelopable.

Statements under point a) Development proposals will need to provide the following infrastructure i) educations, health..... " are more aligned to larger scale developments and have concerns that the long list of requirements will discourage smaller scale sites.

Perhaps a rewording to state that this is for 50 units sites, in line with major developments should be incorporated.

The policy is very descriptive and some circumstances may not be achievable depending on the site in question and query what flexibility is permitted at Development Management stage.

Page 33

Item b) point i) notes " *Development proposals will not be supported where they: create new accesses onto truck roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated.*"

Suggest that this clause is reviewed and adjusted as there are a number of proposed zones sites where this applies

Volume 1

- Development Policies
- DP1 Development Principles

Page 35

Within the initial text there is *"a requirement to provide an impact assessment in order to determine the impact of proposals for extensions and conversions."*

As currently noted that this policy requires all aspects to be in compliance, though in certain circumstances this is not practical or outwith their obligations in particular point C) make provisions for new open space and the likes within other aspects within the clause.

Suggest that this policy is reviewed and adjusted accordingly.

Page 36

(ii) Transportation

Item b) in terms of parking location and refer to earlier comments under placemaking policy on this aspect.

Comments in terms of parking numbers for cars and cycling is noted below.

Item f) is unsure what the statement *"with hammerheads minimised in preference to turning areas"* actually means in terms of the other policies. If a hammerhead is not permitted for a specific development design, there may be an impact on the density and plot size that can be achieved, which may then have an impact on the overall viability of the site.

The overarching Transportations Standards require to be the National Roads Development Guide which is in line with Designing Streets and would suggest there could be duplication and or varying policies with the LDP and these guidance.

Volume 1

- Development Policies
- DP2 Housing

Page 38

Under item a) we are concerned as this is a blanket policy no matter the size or nature of the development and in terms of smaller developments could render them undevelopable if not in compliance with say public transport and the likes. This requires to be in line with major development threshold of 50 units.

Page 38

Item d) - Affordable Housing

In relation to the proposal to provide commuted sum for proposals less than 4 units along with the wider guidance requirements will over burden smaller sites and likely render these undeliverable.

A sum of £4,000 has been mentioned, though this policy has no indication the level of sum intended, so further advice is required to ensure the overall policy requirement and that of the developer contributions can be reviewed in a cumulative effect to smaller sized projects.

Page 38

Item e) – Housing mix and tenure integration

In relation to sites of 4 or more units to require a differing mix would be very restrictive in small developments unless there is a level of flexibility for Development Management. It might be appropriate if the threshold number is increased.

Page 39

Item f) - Accessible Housing

We strongly object to the provision of accessible housing policy to the private sector housing which will bring upon further viability issues of the development on top of this revised guidance.

There is no back-up data to suggest why this should be sought through private developers who otherwise would not choose to construct these.

The policy proposed to construct accessible housing for the private market, though there is no restriction on the purchaser, therefore not fulfilling the requirements of the policy objectives.

The proposal implies that these should be single storey, therefore ground floor cottage flats would meet this stipulation.

In terms of two storey houses, these could also apply if they have either current or future provisions for a ground floor apartment that currently is a bedroom or quite easily adopted in the form of say conversion of the garage. This would then enable at least one member of the family to utilise the ground floor area.

These units require greater amount of land therefore reducing the overall unit numbers of the development, subsequently reducing the affordable housing allocation numbers provided.

With the mortgage requirements these units do not have a premium value, therefore the other private units are therefore subsidising this policy again adding further strain on development viability.

Affordable & accessible Housing guidance

Whilst the guidance does not explicitly restrict sites for 100% affordable housing development, the proposed text is slightly ambiguous of its intention. We believe that this would be acceptable if the affordable element has different tenure allocation from say social rent to shared equity and this might be best indicated to aid Development Management.

Volume 1

- [Development Policies](#)
- [DP4 Rural Housing](#)

Understanding of the current situation is noted though we believe that this is very restrictive to smaller developments, but view that in the appropriate location that this is supported to ensure communities thrive to continue in the current form, including the provision of schools in these outer regions of the community.

Volume 1

- [Environmental Policies](#)
- [EP5](#)

Green Infrastructure and Open Space in New Development.

We are concerned as this is a blanket policy no matter the size or nature of the development and in terms of smaller developments could render them undevelopable.
Perhaps a threshold level is indicated, or even a split in policy for development size .

Volume 1

- [Appendix 2](#)
- [Car Parking Standards](#)

page 111

Residential parking design In curtilage has increased from the current standards of 2.5 x 5m to 3 x 5.5m. We believe that this is excessive and a large increase in the provision

Page 122

The allocated parking provision for 2 bed flats has now increased from 1.5 space and 1 space for affordable to 2 spaces.

We believe that this is excessive and will have a fundamental impact on flatted developments with an overall increase in parking standards which incorporated into the placemaking design requirements will drastically reduce the developable area.

This in most cases will render these developments ineffective due to the cumulative cost.

We seek that this remains as current policy.

page 121,122,123

cycle provisions

the standards especially for 1 bed which are predominately flats require 1 secure covered cycle space per dwelling. This number is replicated for the 2-3 bed situation and the 4 bed dwelling.

We believe that this does not reflect evenly over the various categories. Houses tend to have garages which could be utilised (depending on the parking provision), though this would require large areas set aside for structures to house cycles.

In a case of a 50 flat development, there would be as many car parking spaces as there would be for cycle storage.

We hope you find the above in order

Yours Faithfully



From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002038
Date: 22 February 2019 09:00:20

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

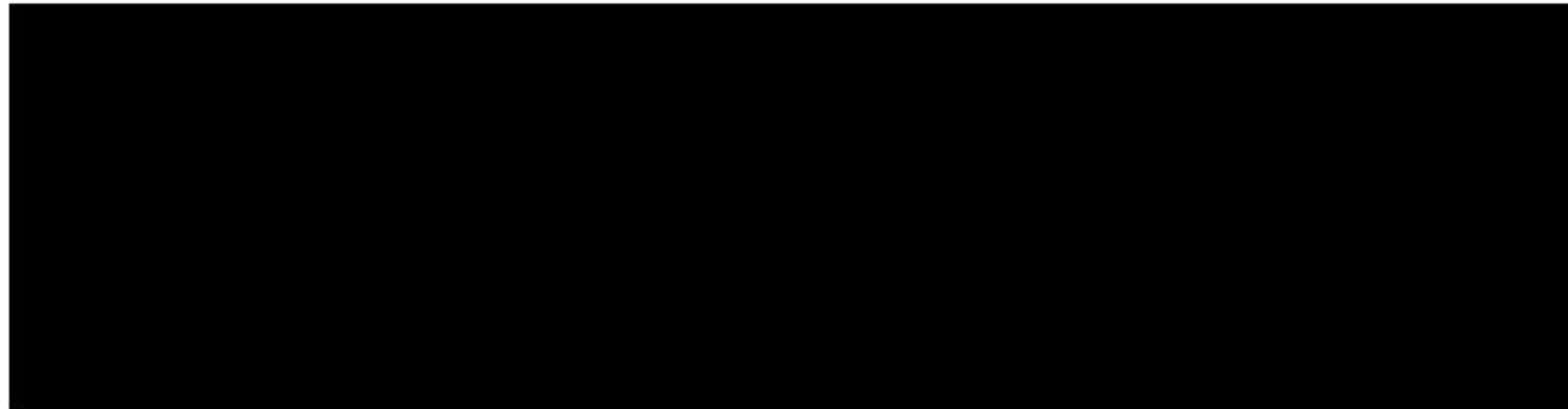
Your Details

Title: **Mrs**

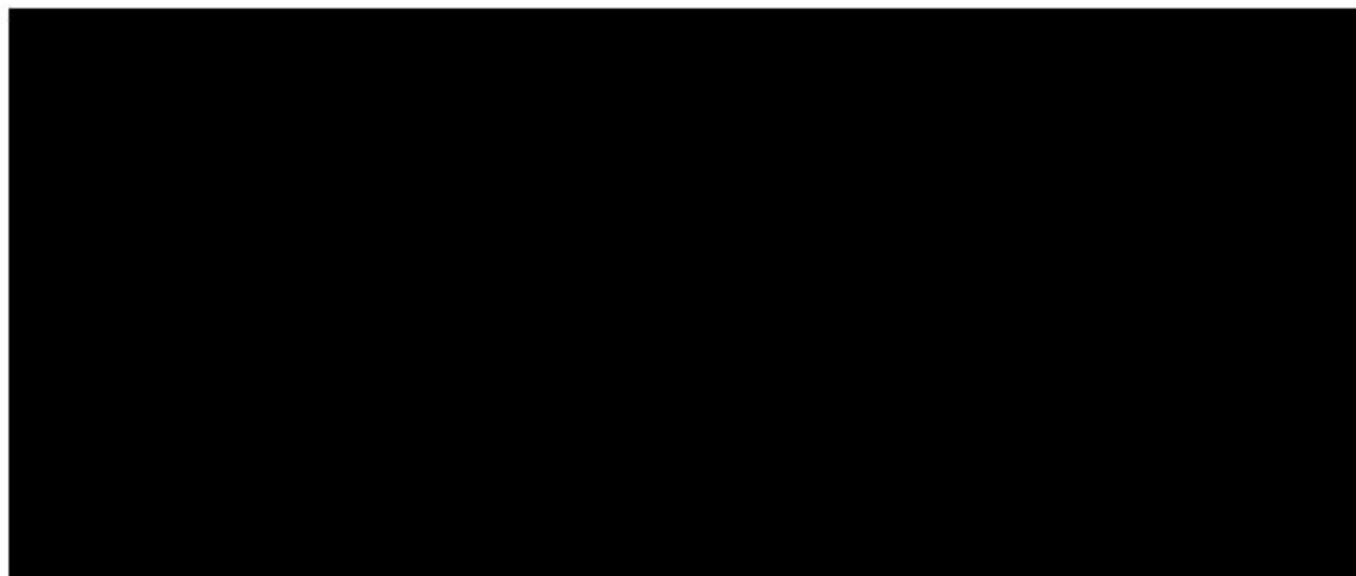
Forename(s): **L**

Surname: **Robertson**

Your Address

A large black rectangular box redacting the address information.

Contact Details

A large black rectangular box redacting the contact details.

Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **Yes**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin Central**

Site reference: **OPP 11**

Site name: **Walled Garden**

Comments: **This area is not only providing peace and tranquility (much needed in this day and age) but is essential for the Horticulture classes at the college. It is a haven to wildlife and wildflowers supporting the insects who are very sadly in decline. To take away the gardens and surrounding area would be devastating to many people aswell as the insects. I visit there frequently and find it amazing that such a place exists in a town that is constantly changing with more housing being added all the time. We need that area, don't destroy it to build yet another hotel in Elgin, we have more than enough! There is a new area under construction just outside Elgin, plenty of room for businesses to go there. Save the biblical gardens and surrounding areas, don't destroy a habitat that does more for us than we realise.**

Policy Objection

Policy:

Comments: **Not sure which this policy this would come under (as there are several) so have left it blank.**

Please use [this link](#) to view and retrieve the uploaded attachments.

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 001963
Date: 22 January 2019 14:59:05

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

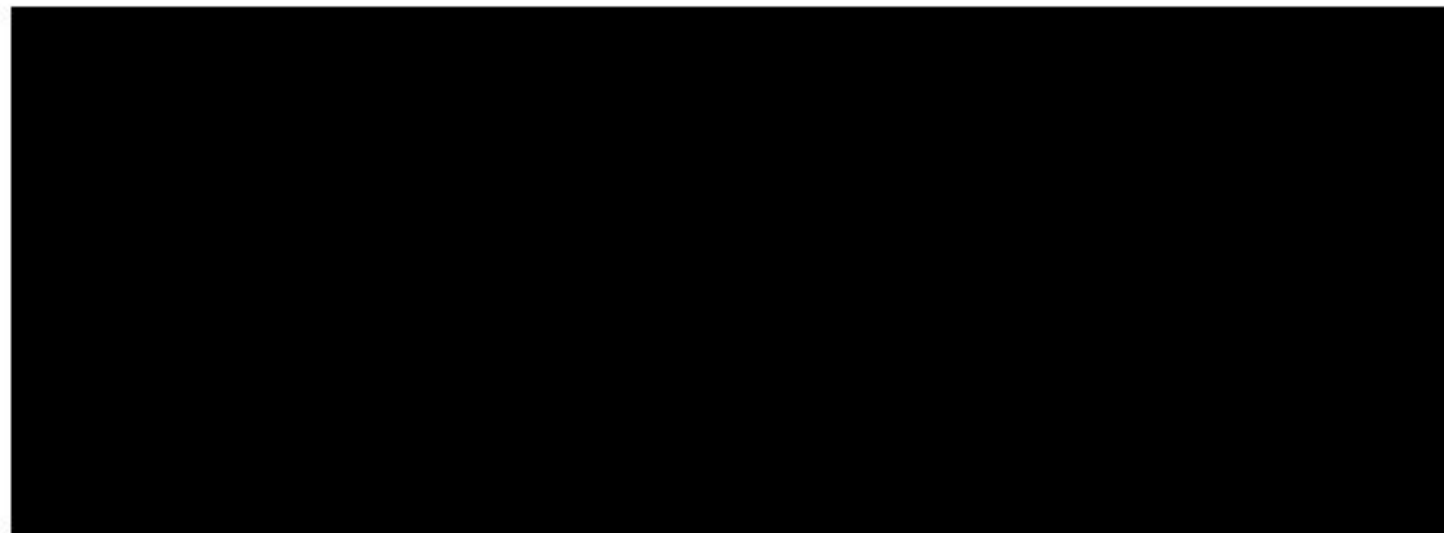
Your Details

Title: **mrs**

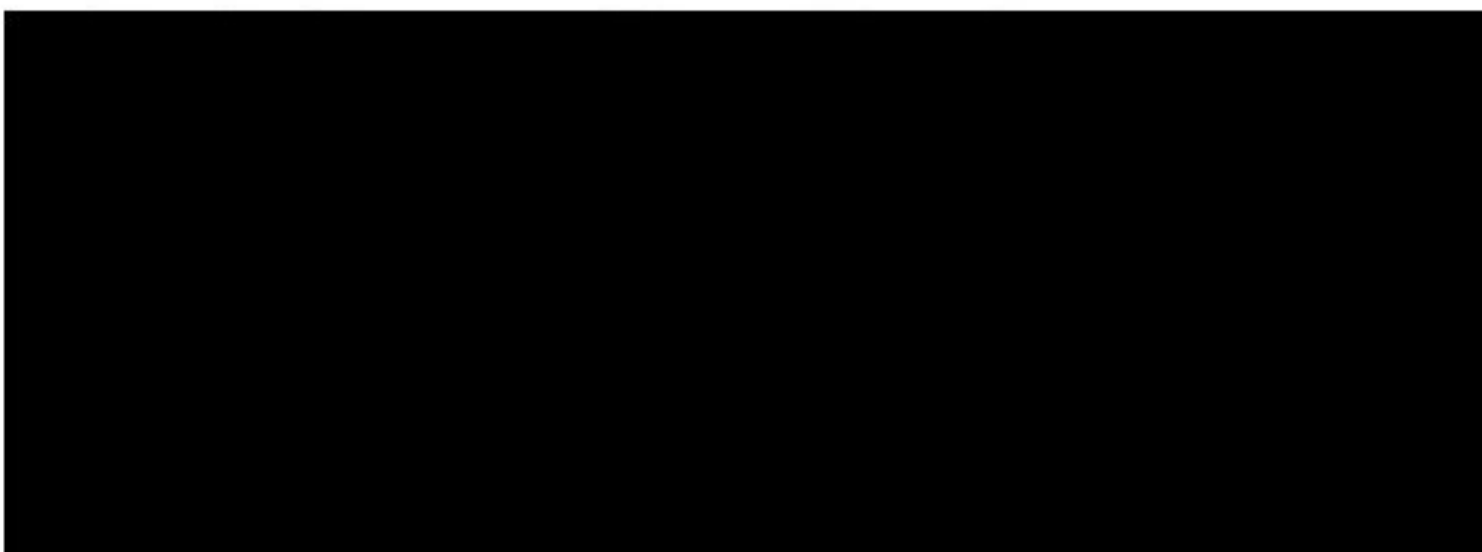
Forename(s): **anne**

Surname: **rodga**

Your Address



Contact Details



Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Elgin**

Site reference: **OPP11**

Site name: **Walled Garden**

Comments: **Wish to raise objection to the proposal to redevelop the area as shown on the map. If this development was to happen there would be no place for working at the Biblical Gardens. Moray College and 'Friends of the Biblical Gardens' use the facilities to maintain the gardens. Where is this work meant to take place if there are no facilities at the gardens'**

Please use [this link](#) to view and retrieve the uploaded attachments.

From: [mike.rodga](#)
To: [Localdevelopmentplan](#)
Subject: EL_OPP11 - 002194
Date: 15 March 2019 12:45:08

[REDACTED]

Date: Thu, 14 Mar 2019, 22:45
Subject: OPP11 The Walled Garden
To: <localdevelopment-plan@moray.gov.uk>

Dear Sir or Madam,

I would like to register my concern about reports that Moray Council are considering selling the land adjacent to the Biblical Garden, currently used by Moray College Horticultural Department, the Friends of the Biblical Garden and the Greenfingers Gardening Project. This site is crucial to the maintenance of the Biblical Garden as it allows the plants necessary for the garden to be grown nearby. It also enables the students to practise their skills to the benefit of the community and that of visitors to the area. If the facilities adjacent to the garden were to go, it is unlikely that the Biblical Garden would survive in its present form.

The Biblical Garden is the product of much hard work, cooperation and good-will over the years and is popular with both locals and visitors.

I think it would be very short sighted of the Council to sell off this parcel of land. The short term financial gain would be outweighed by the loss of facilities which benefit the wider community.

In conclusion, I would urge Moray Council not to sell off this parcel of land.

Sincerely yours, Mike Rodda

From: eforms@moray.gov.uk
To: [Localdevelopmentplan](#)
Subject: AU_SITEA - 002130
Date: 07 March 2019 18:47:28

Moray Local Development Plan - Proposed Plan 2019

Your Place, Your Plan, Your Future

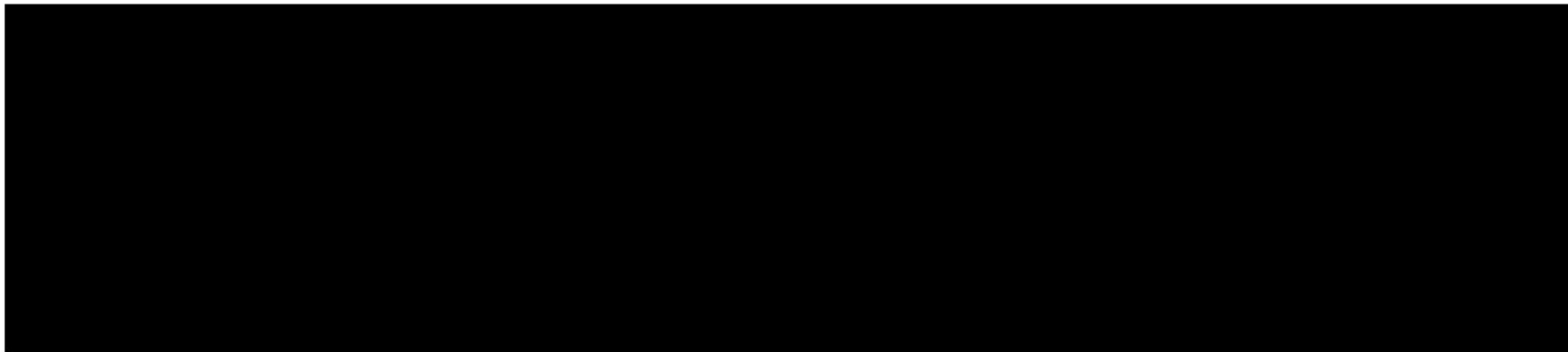
Your Details

Title: **Mr**

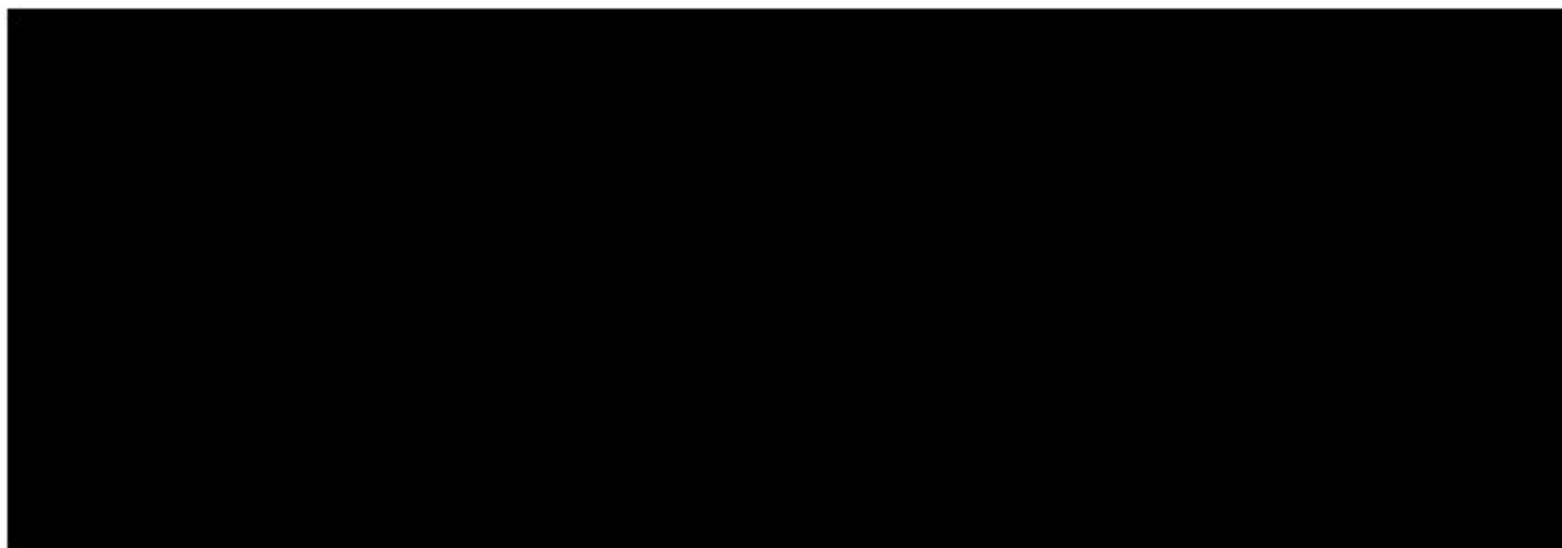
Forename(s): **Ian**

Surname: **Rodgers**

Your Address

A large black rectangular box redacting the address information.

Contact Details

A large black rectangular box redacting the contact details.

Agent Details

Do you have an agent: **No**

Response

Do you want to object to a site?: **Yes**

Do you want to object to a policy, the vision or spatial strategy: **No**

Other: **No**

Supporting information: [Download supporting document](#) Available also via link at bottom of this email.

Site Objections

Name of town, village or grouping: **Rural Groupings**

Site reference: **Auchbreck**

Site name: **Site A**

Comments: **RURAL ENVIRONMENT** This proposal on the edge of the Auchbreck settlement would increase undesirable development sprawl into the countryside. **HIGHWAYS** Presumably the proposed access would be via the existing farm track. The visibility requirements at the existing farm track for the proposed back land development having regard to the adjacent B9008 and B9009 roads should be 4.5m x 215m (based on the proposed three house plots and vehicle speeds of 60mph) in all three directions namely (1) B9008 to and from Tomnavoulin, (2) B9008 to and from Ballindalloch and (3) B9009 to and from Dufftown. In addition, there should be visibility clearance of any obstruction greater than 0.6m (measured from the level of the road). In my view visibility splays, at a minimum, should relate to the visibility available to a driver at or approaching a junction in all directions. It should be related to the driver's eye height, object height above the road, distance back from the main road and distance along each of the roads at Auchbreck. The Auchbreck Site A proposal does not take cognisance of these requirements nor of Moray Council's own Guidelines. Additionally, the landowner Crown Estate Scotland (CES) has no control over the relevant adjacent land that would be required to create the essential visibility splays and removal of visibility obstructions. Moreover, observed vehicle speeds from the B9008 to and from the B9009 and equally from the B9009 to and from the B9008 (to both Tomnavoulin or Ballindalloch) are commonly excessive and on occasions in excess of the statutory speed limit. There are also concerns in respect of transportation service vehicles over satisfactory access, egress and visibility splays/obstruction provisions. Required visibility splays are restricted by fences, trees, large mature hedges and vegetation at the presumed access/egress point. Also, the road verges to each side of the presumed existing farm track access roadside and opposite range from very narrow to non-existent in all directions. **PARKING AND TURNING OF TRANSPORTATION SERVICE VEHICLES** The provision for the minimum number of parking spaces within the proposed Auchbreck Site A, falls to be based upon the proposed number of houses and the number of bedrooms within each house. The normal requirement for rural developments i.e. 3 or 4 bedrooms would require 2 spaces and over 4 bedrooms would require 3 spaces. The site appears too small to accommodate all of these and other vital transportation requirements. Corresponding important requirements are the provision of an adequate internal turning area and safe access/egress. Transportation service vehicles (refuse and recycling collections, oil tankers, septic tank de-sludging vehicles, Royal Mail and other courier vehicles) that enter any development should be able to turn around outwith designated parking spaces and leave the site in forward gear. Vehicles should not reverse on to a public road, particularly roads with observed excessive speeds. All vehicles accessing and egressing at a chicane bend/junction to and from a proposed access/egress road offshoot will present a major safety factor. **DRAINAGE** There is no public drainage in Auchbreck. Private drainage at the settlement comprises a mix of modern septic tanks (a few with soakaways) and the remainder with old septic tanks discharging foul drainage directly or indirectly into ditches, burns and the River Livet/River Spey. Consequently, substantial foul drainage already exists. First from pesticides, manure and fuel/oil spills in the rainfall run-off from the surrounding sloping agricultural fields and second from several adjacent houses with no

soakaways, inadequate septic tanks and untreated effluent. Additional housing would produce further pollution delivered directly to the River Livet/River Spey. FLOODING The lower part of Site A exhibits bog conditions and photographic evidence can be made available demonstrating periodic rainfall flooding from the adjacent sloping agricultural fields affecting Site A and residential properties alongside. SITE A INCLUSION Given the various policy and strategic constraints operated by Moray Council, it appears puzzling to me, that the Auchbreck Site A ? and additionally the Bridgend Site ? should have been included in the Proposed Plan 2019. An ?at the desk? inspection of a large-scale plan immediately shows that these 2 proposed sites at Auchbreck and Bridgend do not meet the required visibility standards. As these 2 proposed Sites are believed to be in CES ownership, did CES either by invitation from Moray Council or on a direct request to Moray Council activate their inclusion within the Proposed Plan 2019? In conclusion, this objection is lodged on the above grounds for consideration for refusal by Moray Council to include the Auchbreck Site A within the Moray Local development Plan 2020. Please acknowledge receipt. Ian Rodgers FRICS Chartered Surveyor 7 March 2019

Please use [this link](#) to view and retrieve the uploaded attachments.

grant and geoghegan

planning · development and architectural consultants

Development Plans Team
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
IV30 1BX

13 March 2019

Dear Sir/ Madam

**Moray Local Development Plan – Proposed Plan
Land at Dyke - Representation**

This representation on the Main Issues Report regarding land at Dyke is made on behalf of the landowner. The land has been identified in the Proposed Plan as suitable for small scale residential development.

The purpose of this representation is to let the Council know that the owners of the site are committed to making it available for development and fully intend to take things forward in accordance with the requirements set out in the Plan.

With this in mind, early tree planting has been undertaken to ensure any development in this location integrates as sensitively as possible into its surrounds. We will be in touch with the Council shortly to discuss the way forward.

Kind regards

Neil Grant
grant and geoghegan



HOUSE OF COMMONS
LONDON SW1A 0AA

Douglas Ross MP
Member of Parliament for Moray

Roddy Burns
Chief Executive
Moray Council
By email: complaintsadmin@moray.gov.uk
Localdevelopmentplan@moray.gov.uk

14th March 2019

Dear Mr Burns

Mains of Buckie – ENV land designation

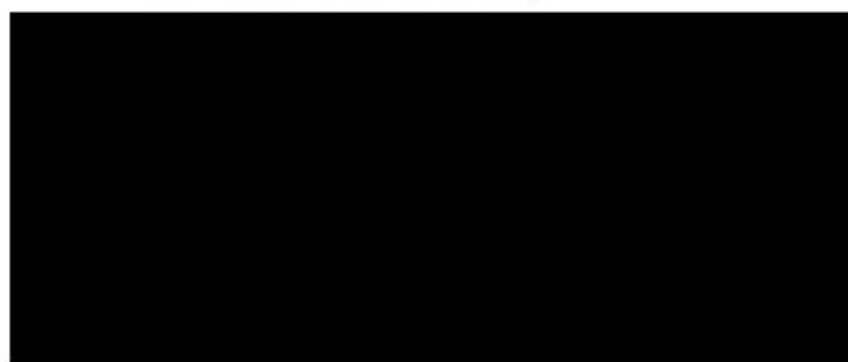
Following on from the publication of the proposed Local Development Plan 2020 and the launch of a public consultation following a special meeting of the planning committee, I wish to note my concerns over an area of land at Mains of Buckie which has previously been labelled with an environmental designation.

Having met with residents and one of the local councillors on site at the end of last year, I fully support the request which had been suggested to re-designate this area as white land. This would allow a greater level of flexibility and sensibility for home owners wishing to undertake works through the planning system of the council, and a better understanding for those wishing to either buy or sell a property there.

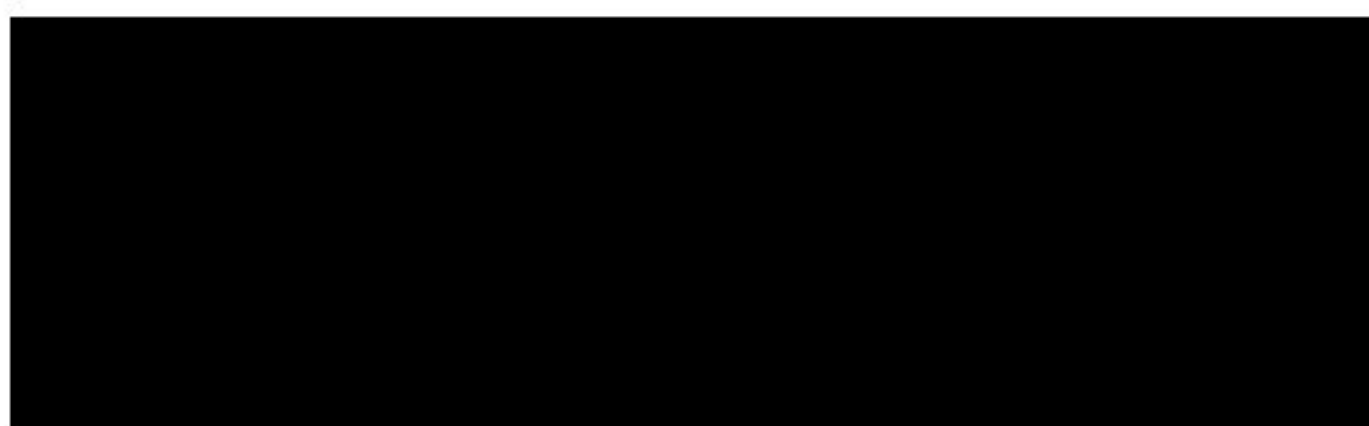
With most homes at that address out with the designation it would seem appropriate to move the remaining houses outside the ENV area.

I hope due consideration will be given to this during the production of the final plan.

Yours sincerely



DOUGLAS ROSS MP





Scanned

I am writing in reply to your letter of the 17th January 2019 about the erection of 6 houses to be built at RT Tessinans Brae. I would like to register a No. on the basis that our privacy would be affected & there is no proper access.

Yours Sincerely
Mr A. Ross

By Email: Localdevelopmentplan@moray.gov.uk

14 March 2019

Dear Sir/Madam

Thank you for consulting RSPB Scotland on the Moray Council Proposed Local Development Plan (LDP).

RSPB Scotland's work covers a wide range of issues including planning, climate change, agriculture and marine issues. We have practical experience of managing land and coast for conservation, farming, forestry and other enterprises. Our professional conservation and planning staff comment on several hundred individual project proposals in Scotland each year and we endeavour to influence land-use plans, such as Local Development Plans, in such a way that they will lead to wise decision-making.

RSPB Scotland would like to make the following comments on the proposed LDP and associated documents.

Proposed Local Development Plan

Policies:

Policy PP1 Placemaking (page 22)

We welcome the requirement for applications for 10 residential units and above to be supported by a Placemaking Statement to include a Biodiversity Plan.

We also welcome (in (i) Character and Identity) the principle regarding the retention, incorporation and response to relevant elements of the landscape such as the natural environment.

**East Scotland
Regional Office**
10 Albyn Terrace
Aberdeen
AB10 1YP

Tel 01224 624824
Fax 01767 685571
rspb.org.uk



The RSPB is part of BirdLife International,
a partnership of conservation organisations
working to give nature a home around the world.

Modification sought: replace the last bullet point of Policy PP1 section (v) 'Biodiversity' to "Developments must safeguard and if possible extend or enhance wildlife corridors and prevent fragmentation of existing habitats".

Reason: The meaning of this is clearer than 'connect into' wildlife corridors/green networks.

Policy PP3 Infrastructure & Services (pages 32-33)

Modification sought: The addition of the following sentence, immediately after the first sentence of part (d) of this Policy: "Developer obligations may also be sought to mitigate any adverse impacts of a development (alone or cumulatively with other developments in the area) on the natural environment".

Reason: Planning authorities have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. Scottish Planning Policy states (at paragraph 194) that the planning system should seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. Seeking financial or in-kind contributions from developers towards off-site habitat creation, enhancement or restoration could help to fulfil this biodiversity duty and policy obligation, and help to address the cumulative impacts of development on biodiversity. Examples of such practice elsewhere include the Scottish Borders Council, whose Local Development Plan, adopted in 2016, states in its Policy IS2 that contributions may be required towards the protection, enhancement and promotion of environmental assets either on-site or off-site. Similarly, the Angus Local Development Plan (2016) Policy DS5 states that developer contributions may be sought for biodiversity enhancement (amongst other things). Moray Council should also introduce requirements for such contributions, following the examples of the Scottish Borders and Angus Councils (and others).

Part (d) 'Developer Obligations' of Policy PP3 states that developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure. However, Circular 3/2012 on Planning Obligations advises (at paragraph 17) that planning obligations also have a role in mitigating impacts on the environment. Paragraph 14 of the Circular states that planning obligations must relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area.

Policy DP1 Development Principles (page 35)

Modifications to Policy DP1 sought:

- The addition of “and habitats and species listed in the Scottish Biodiversity List” after “protected habitats and species”.
- The addition of “and should avoid negative impacts on sensitive species such as wading birds and sensitive habitats such as wetlands and peatlands” to the end of criterion (b) (after “the “Right Tree in the Right Place””).
- The addition of “how the siting and design of the development has followed the mitigation hierarchy” to criterion (d).

Reason: Planning authorities have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. Scottish Planning Policy states (at paragraph 194) that the planning system should seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. The mitigation hierarchy is an approach to achieve ‘no net loss’ (and if possible a ‘net gain’) in biodiversity, firstly through avoidance of impacts, then if impacts can exceptionally be justified, through mitigation or minimisation of impacts and finally, as a last resort only in very limited circumstances, through habitat restoration or compensation. The LDP should emphasise a requirement to robustly apply this mitigation hierarchy when planning for and considering proposals for all developments. In cases affecting designated nature conservation sites e.g. Special Protection Areas, a more robust legal framework is already in place. Application of the mitigation hierarchy will help to halt cumulative small-scale losses of biodiversity caused by development and help to achieve no net loss of biodiversity.

Policy DP4 Rural Housing (page 44)

Modification sought: in section (d) New Houses in the Open Countryside (iii) point (a) 4, add “unless this planting would negatively affect sensitive species or open habitats” after “to integrate sensitively”.

Reason: There are areas in Moray which hold high densities of waders, such as the Cabrach area and Glen Rinnes. Waders such as lapwing and curlew have suffered large declines in recent years across the UK and are on the red list of Birds of Conservation Concern¹ and it is important to protect existing habitat. The planting of trees adjacent to wader habitat can have a detrimental impact on the species and should be avoided. The creation of new woodland or trees in certain areas can have an adverse impact on breeding waders by providing perching

¹ Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 108, 708–746.

posts for avian predators. Perching posts such as trees or man-made structures that allow predators to overlook nesting and brood rearing areas have a strong deterrence effect on the use of otherwise good habitat by waders.

Policy DP9 Renewable Energy

B0 Onshore Wind Turbines

Modification sought: Removal of maps 3, 4 and 5 or addition of explanation of the factors that have been taken into account when producing these maps.

Reason: On pages 66, 68 and 70 it is stated that the 'Areas of Greatest Potential' shown on Maps 3, 4 and 5 respectively have been identified by "removing additional constraints from the spatial framework map of the areas likely to be most appropriate for wind farm development". This explanation is unclear as there is no explanation of what the "additional constraints" are. It is not clear whether factors other than landscape capacity were taken into account in identifying these Areas of Greatest Potential.

We have concerns that the Areas of Greatest Potential in Maps 1,3 and 4 do not reflect ecological sensitivities, and identify mainly upland areas of open ground. These areas can be of particular importance for upland raptors such as hen harrier, merlin and golden eagle. Hen harrier and golden eagle are both in Annex 1 of EU Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). For species on Annex 1 and the regularly occurring migratory species, Article 4 of the Birds Directive requires special conservation measures to be taken to ensure their survival and reproduction in their area of distribution. Hen harrier and merlin are on the Red List of Birds of Conservation Concern.

Policy EP1 Natural Heritage Designations / Glossary

We welcome the inclusion of Local Designations and the proposal within the Delivery Plan (Action 34) to review Local Nature Conservation Sites.

Modification sought: Revision of the definition of 'Natura 2000 site' in the glossary of the Plan and addition of 'and Ramsar site' after 'Natura 2000' site in the text of Policy EP1. The definition should make clear that for the purposes of the policy, Natura 2000 sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) but also proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated), as per paragraph 210 of Scottish Planning Policy.

Reason: This modification would make the meaning of 'Natura 2000 site' clear, and would confirm that Ramsar sites and proposed SACs and SPAs are given the same level of policy protection as designated SACs and SPAs, as required by paragraph 210 of Scottish Planning Policy.

Policy EP2 Biodiversity

We are supportive of this policy, including the list of options provided for enhancing biodiversity.

Modification sought: replace the second sentence of Policy EP2 'Biodiversity' with "Developments must safeguard and if possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats".

Reason: The meaning of this is clearer than 'connect into' wildlife corridors/green networks.

Policy EP3 Special Landscape Areas and Landscape Character

We are supportive of the requirement for new roads and hill tracks to avoid sensitive natural heritage sites.

EP7 Forest, woodland and trees

Modification sought: In the second sentence under a) Forestry, we request that the word 'commercial' is removed.

Reason: Forestry Commission has a wider remit than commercial forestry and there may be an impact on forests which not managed commercially. In the Justification/Notes section it states that "The Forestry Commission Scotland, the Moray Access Manager and Scottish Natural Heritage will be consulted on issues relating to the recreational and biodiversity value of woodland."

Policy EP16 Geodiversity and soil resources

We welcome the inclusion of the statement "Commercial peat extraction will not be permitted" in Policy EP16.

Scottish Planning Policy states (in paragraph 241): "Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible." It would be very difficult if not impossible for applicants to demonstrate that a damaged

peatland could not be restored, so we do not consider that the exceptional criteria set out in SPP paragraph 241 need to be included in the policy. If a proposal for peat extraction did satisfy those criteria, the council would have the option of approving it as a departure from the development plan. We therefore support the Council's proposed wording in the policy, that "Commercial peat extraction will not be permitted".

Other

Modification sought: Addition of a policy which requires applicants to demonstrate that the proposed development has been designed to minimise energy use and will avoid a specified proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies (LZCGT).

Reason: One of the stated Plan Aims/Objectives is to encourage efficient use of land and promote low carbon and sustainable development. Scottish Planning Policy (paragraph 154) requires the planning system to support the transformational change to a low carbon economy. Section 3F of the Town and Country Planning (Scotland) Act 1997 requires all planning authorities to include in their local development plans, policies requiring all developments to be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies (LZCGT). The proposed LDP does not contain such a policy requirement as required by Section 3F and should do so.

Volume 4: Delivery Programme Action Plan

Action 33: Compensatory Planting – Assess areas and prepare schedule of areas suitable for compensatory planting.

Moray Council should ensure that any compensatory planting adheres to the principle of 'The right tree in the right place' and avoid sensitive open ground areas. In certain areas the planting of trees can have a detrimental impact on some open ground species such as lapwing and curlew. Both species are declining across the UK and are on the red list of birds of conservation concern.

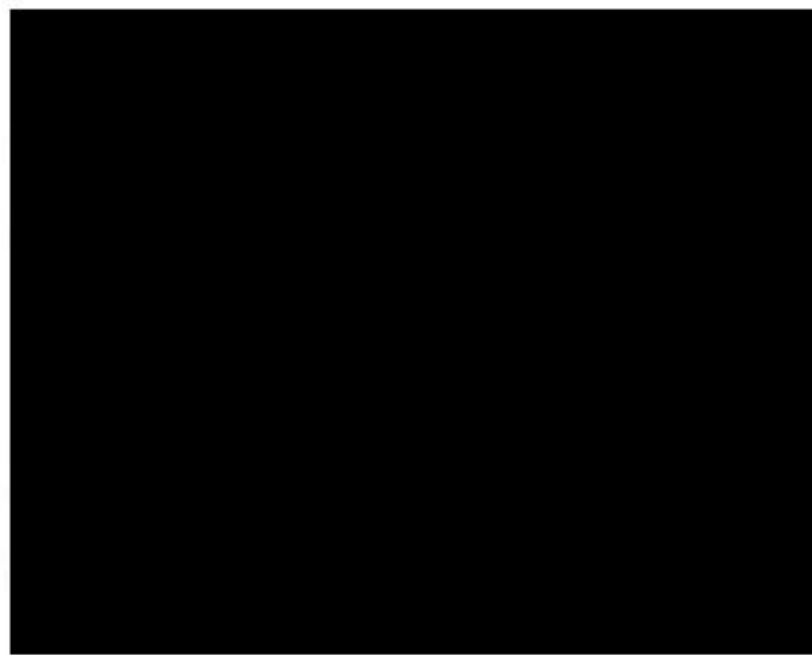
Action 34: Review of Local Nature Conservation Sites 2022/23 - Review of Local Nature Conservation Sites including establishing baseline of information and consideration of new sites.

RSPB welcomes this action.

Volume 5: Supplementary Guidance Flood Risk and Drainage Impact Assessment for New Developments

As the guidance suggests, SUDS should be designed to have multiple benefits including biodiversity enhancement. More information regarding this is available in the document 'Sustainable drainage systems: Maximising the potential for people and wildlife: A guide for local authorities and developers by Andy Graham, John Day, Bob Bray and Sally Mackenzie and produced by RSPB and the Wildfowl & Wetlands Trust (WWT)². We would suggest that this is added to the reference material to provide more information to developers.

Yours sincerely



² www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf

From: [Grant](#)
To: [Localdevelopmentplan](#)
Subject: DP4 - 002228
Date: 15 March 2019 13:21:00
Attachments: [image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[Rural Housing Response Proposed Plan.pdf](#)
[Revised DP4 Rural Housing Policy.pdf](#)
Importance: High

See attached file.

Kind Regards

Grant Russell

RCLogo



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