



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100315226-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed new dwelling-house with integrated garage

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Malcolmburn"/>
First Name: *	<input type="text" value="Mark"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Sievwright"/>	Address 1 (Street): *	<input type="text" value="Mulben"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07775576921"/>	Town/City: *	<input type="text" value="Keith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB55 6YB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mark_siv@hotmail.co.uk"/>		

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

6126.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Unused farmland

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

5

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Foul water will be taken to a packaged sewage treatment plant, partial soakaway and then into the nearby burn. Surface water will be taken to a partial soakaway and then into the nearby burn.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Recycled material and general waste will be collected by the local authority collection units.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Do you have any agricultural tenants? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Raymond Mitchell

Address:

Maryhill Farm, Mulben, Keith, Scotland, UK, AB38 9QT

Date of Service of Notice: \*

10/10/2020

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Mr Mark Sievewright

On behalf of:

Date: 08/10/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Sievewright

Declaration Date: 08/10/2020

## Payment Details

Online payment: 966932

Payment date: 09/10/2020 15:08:08

Created: 09/10/2020 15:08

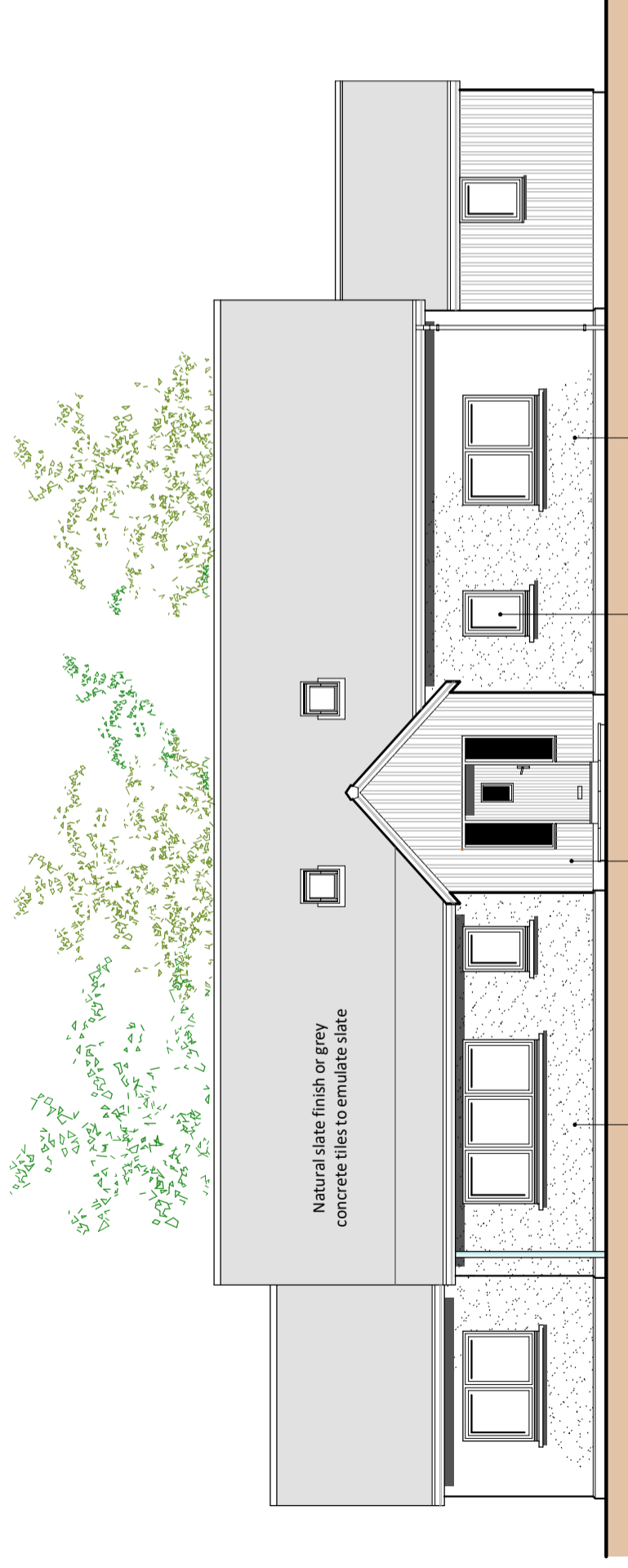




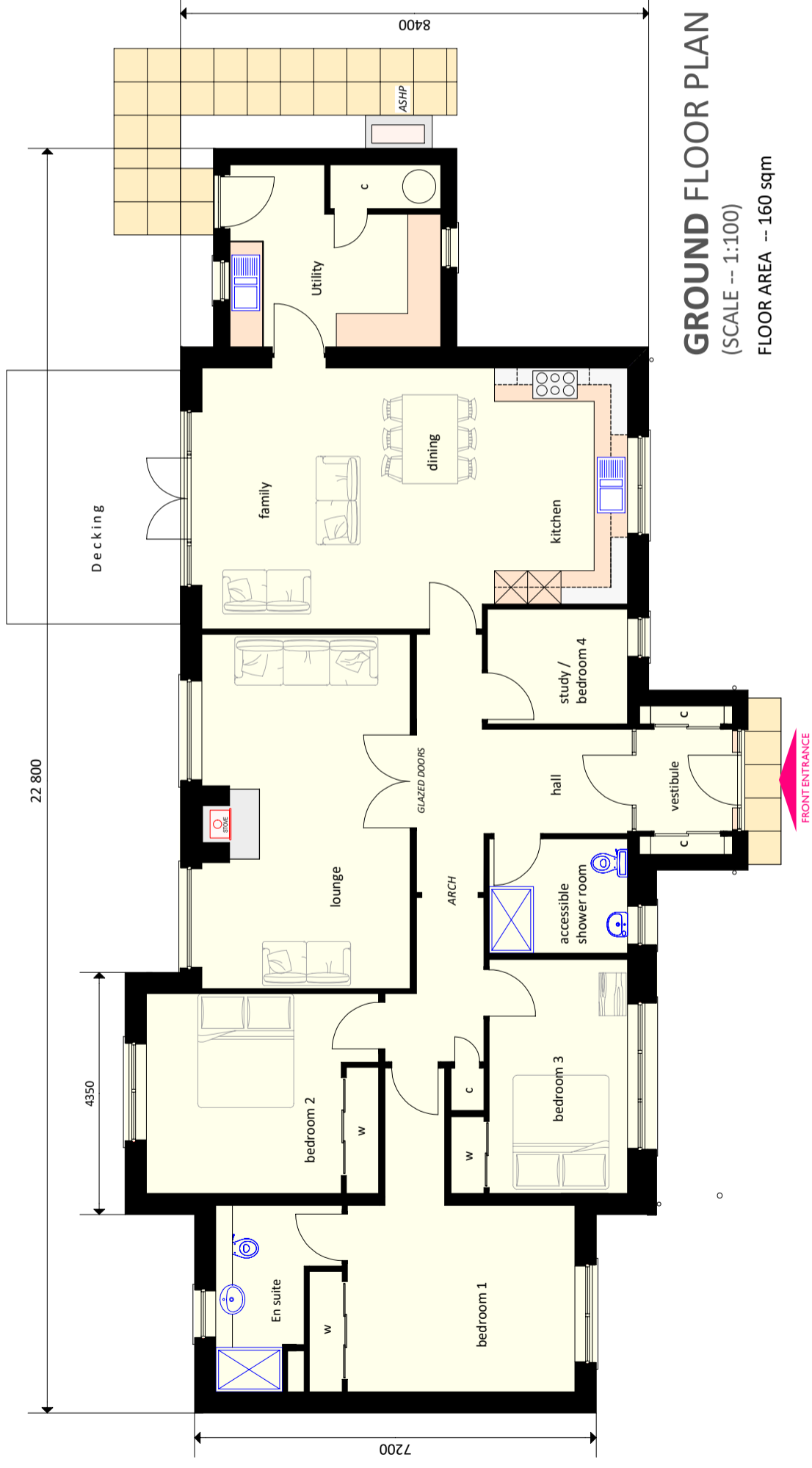








**FRONT ELEVATION (NW)**



**GROUND FLOOR PLAN**  
(SCALE -- 1:100)

FLOOR AREA -- 160 sqm

# Mulben View

Proposed new dwelling-house with integrated garage at Mulben View, Mulben, Keith For Mr M.Siewwright

## Floor Plan / Front Elevation

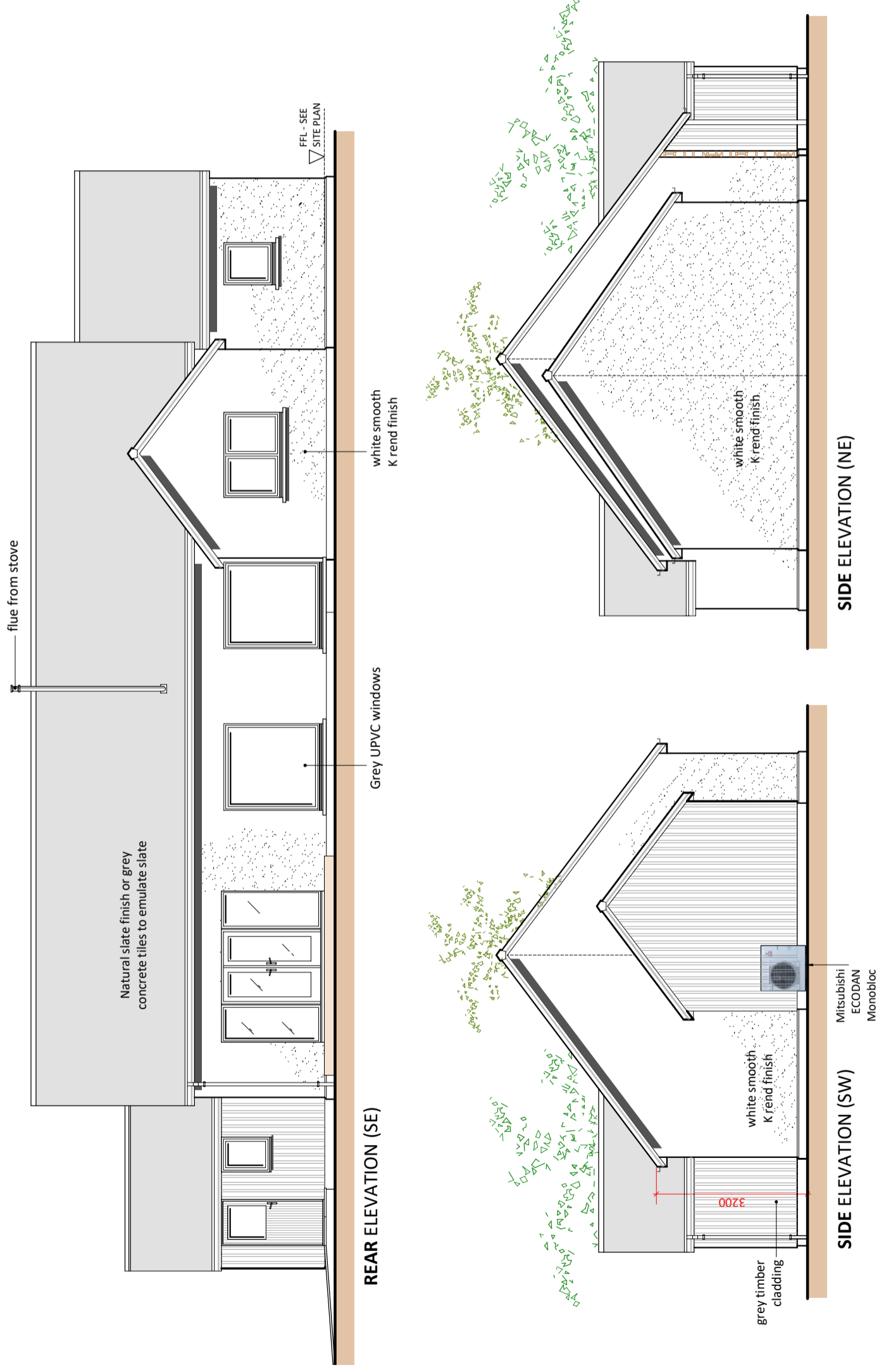
DATE  
SEP 2020

SCALE  
1:100 (A3)

DRG. NO.  
SIEV / P102



# Mulben View



Proposed new dwelling-house with integrated garage  
at Mulben View, Mulben, Keith For Mr M.Siewwright

## Rear + Side Elevations

DATE  
SEP 2020

SCALE  
1:100 (A3)

DRG. NO.  
SIEV / PLO3







[www.FergusonGeoTechnical.com](http://www.FergusonGeoTechnical.com)

**Drainage Report,  
Recommendations and  
Associated Test Certificates**

Site: Mulben View,  
Mulben,  
Keith

C/O: Mark Seivwright

Report Prepared: 06/10/2020,  
Jack Ferguson  
Drainage Consultant  
Mobile: 07766691245  
Email: [info@FergusonGeotechnical.com](mailto:info@FergusonGeotechnical.com)

**Ferguson GeoTechnical Ltd, South Balnoon Farm, Forgue,  
Huntly, Aberdeenshire, AB54 6DH**

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Certificate - Surface Water Soakaway

## **Introduction**

Following a request from Mark Seivwright a site visit was made to the site of a proposed house at Mulben View, Mulben, Keith.

At the site it is proposed that a new four bedroom dwelling will be created.

Our site visits were carried out in order to perform various ground analyses to determine what the underlying ground build up is and to perform the following:

- Percolation Testing – This is to determine the suitability of the ground build-up for the disposal of effluent from a septic tank to the ground via a purpose built soakaway system.
- Infiltration Testing – This is to enable the appropriate design of a surface water disposal system.

## **Site Location & Initial Information**

The site given its close proximity to other buildings will have easy access to electricity, water and telephone. Although it should be pointed out that there is no mains drainage available. For further information as to the layout of the premises please see the attached images/drawing.

Proximity to open water sources is limited to a burn which lies on the site's east boundary. As can be seen in the attached visual information.

## **Site Work – Trial Pits**

On the 1<sup>st</sup> of October 2020, various trial pits were excavated using a tracked digger with a 300mm wide bucket attached in order to allow for analysis of the ground build-up and conditions.

## Percolation Testing

Percolation testing was carried out adjacent to trial pits in accordance with BS6297: 2007+A1:2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The test results are as shown below: -

Average time taken for water to drain 3 times in each sump hole. (middle 150mm)	289 minutes (approx.)
Depth of Water Table below Ground Level (m)	>2
Average Soil Percolation Values, Vp, s/mm	115.6

## Infiltration Testing

Infiltration testing was carried out adjacent to trial pit SWS1 in full accordance with BRE Digest 365. The test results are tabulated below: -

<b>Trial Pit No.</b>	<b>Test Zone Depth (M)</b>	<b>In-Fill</b>	<b>Soil Infiltration Rate, f (m/s)</b>
SWS1	0.5	Open	$f = 2.88 \times 10^{-6} \text{ m/s}$

## Encountered Ground Conditions

The ground is of poor drainage characteristics. For a full and detailed examination of the encountered ground conditions please refer to the attached trial pit logs showing the various ground conditions encountered and at what depth(s).

## Published Geology

There are various sources of published geology available that cover the area this site is in. An example of which is the British geological survey 1:50,000 maps. However for a more accurate description of the actual site conditions please see the attached trial pit logs.

## **Drainage Recommendations**

### **Foul Water Discharge**

We recommend the installation and use of a packaged sewage treatment plant as the Vp rate calculated is too high for a conventional septic tank and soakaway. In addition to this during excavations the water table was located at 1.25m below ground level meaning that it is impossible to locate any soakaway more than 1 meter above the water table. Therefore, the PSTP will provide the treatment necessary to the foul water, it will then pass through a partial soakaway which provides additional treatment and attenuation before discharge to the burn. Any deviation from the use of a PSTP would not be consistent with the recommendations of this report.

### **Surface Water Disposal**

We recommend that for the disposal of the surface water this should pass through a partial soakaway prior to discharge into the burn. The partial soakaway will provide the element of treatment and attenuation required prior to discharge.

### **Drainage Layout**

Indicative soakaway locations can be seen in the attached drawings at the end of this report. Furthermore, indicative soakaway construction is also shown in the attached drawings at the end of this report.

### **System Maintenance**

The PSTP should be fully maintained and done so in conjunction with the manufacturer's recommendations. Additionally, the system should be inspected on a regular basis by the owner and emptied when needed to prevent a build-up of solids and silts which could prevent the soakaway from working properly.

## **Regulations**

It should also be noted that there a multitude of regulations involving soakaways and effluent disposal. Examples of sources that provide information on this include BS 6297:2007+A1:2008 and BRE Digest 365.

## **Relevant Insurance**

Employees of regulators/public authorities seeking proof of this company's professional indemnity and public liability insurance may do so by contacting the author using the details below. Furthermore, any information/questions about this report can also be answered by the author using the details below.

## **Author**

Jack Ferguson

Mobile: 07766691245      Email: [info@fergusongeotechnical.com](mailto:info@fergusongeotechnical.com)

Drainage Consultant – Ferguson Geotechnical Ltd

BSc (Hons) Architectural Technology, Robert Gordon University

## **Attachments**

Site Location Plan & Satellite Imagery

Indicative Test Location Plan

Indicative Drainage Layout

Trial Pit Logs FWS1 & SWS1

Indicative Sub-Surface Soakaway Construction

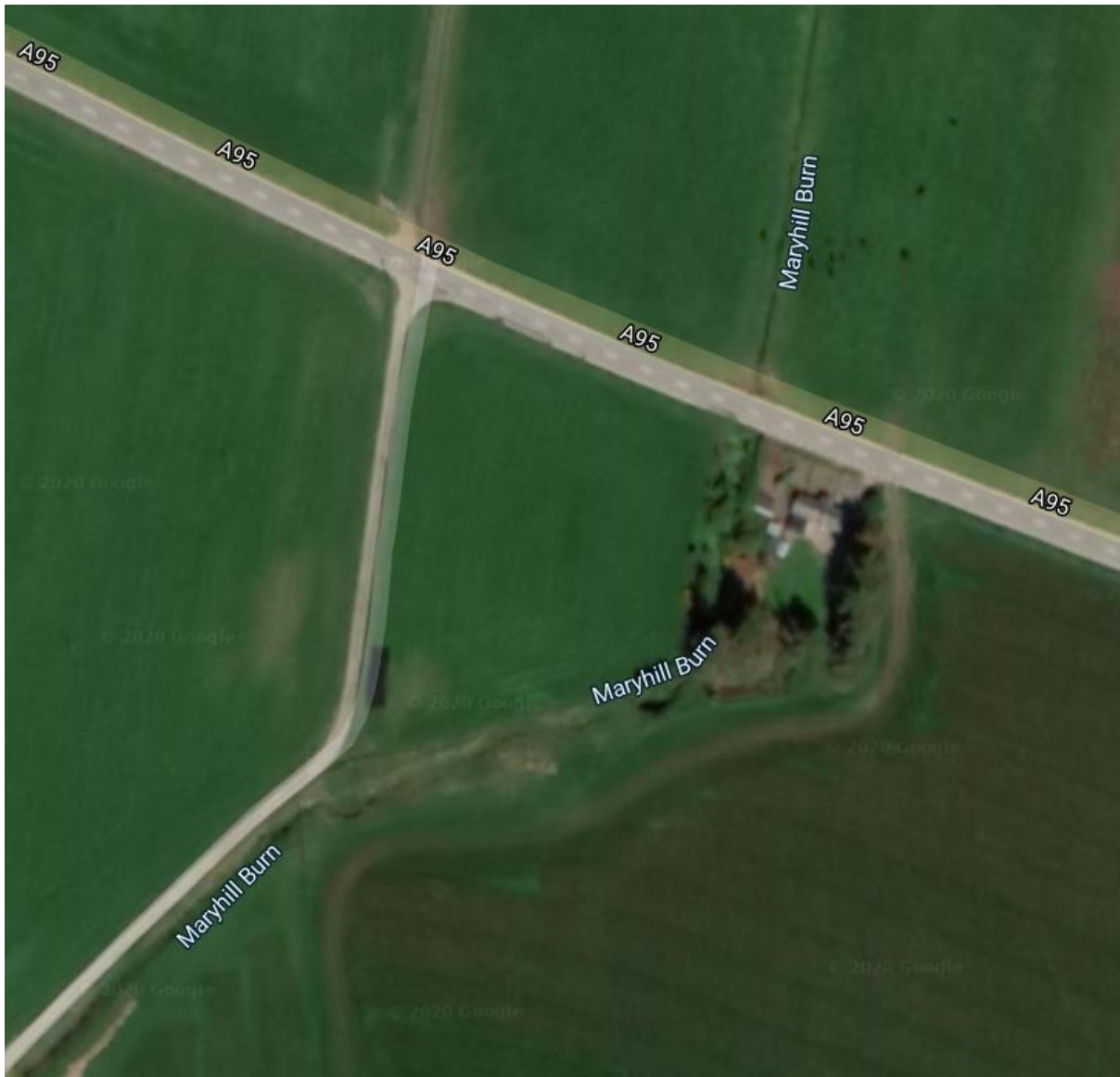
Attenuation Calculation

Certificate - Foul Water Soakaway

Certificate - Surface Water Soakaway



## Site Location Plan & Satellite Imagery



# Indicative Test Location Plan



## Key

**Red Circle** – Approximate Foul Water Soakaway Test Location(s)

**Blue Circle** – Approximate Surface Water Soakaway Test Location(s)

# Indicative Drainage Layout



## Key

**Red Area** – Proposed Foul Water Partial Soakaway Location.

**Blue Area** – Proposed Surface Water Partial Soakaway Location.

Please note this is an indicative location plan for the proposed soakaways and should not be used for scaling. Additionally, the minimum sizes specified in the drainage recommendation section of the report should be used.



# Ferguson

GEOTECHNICAL

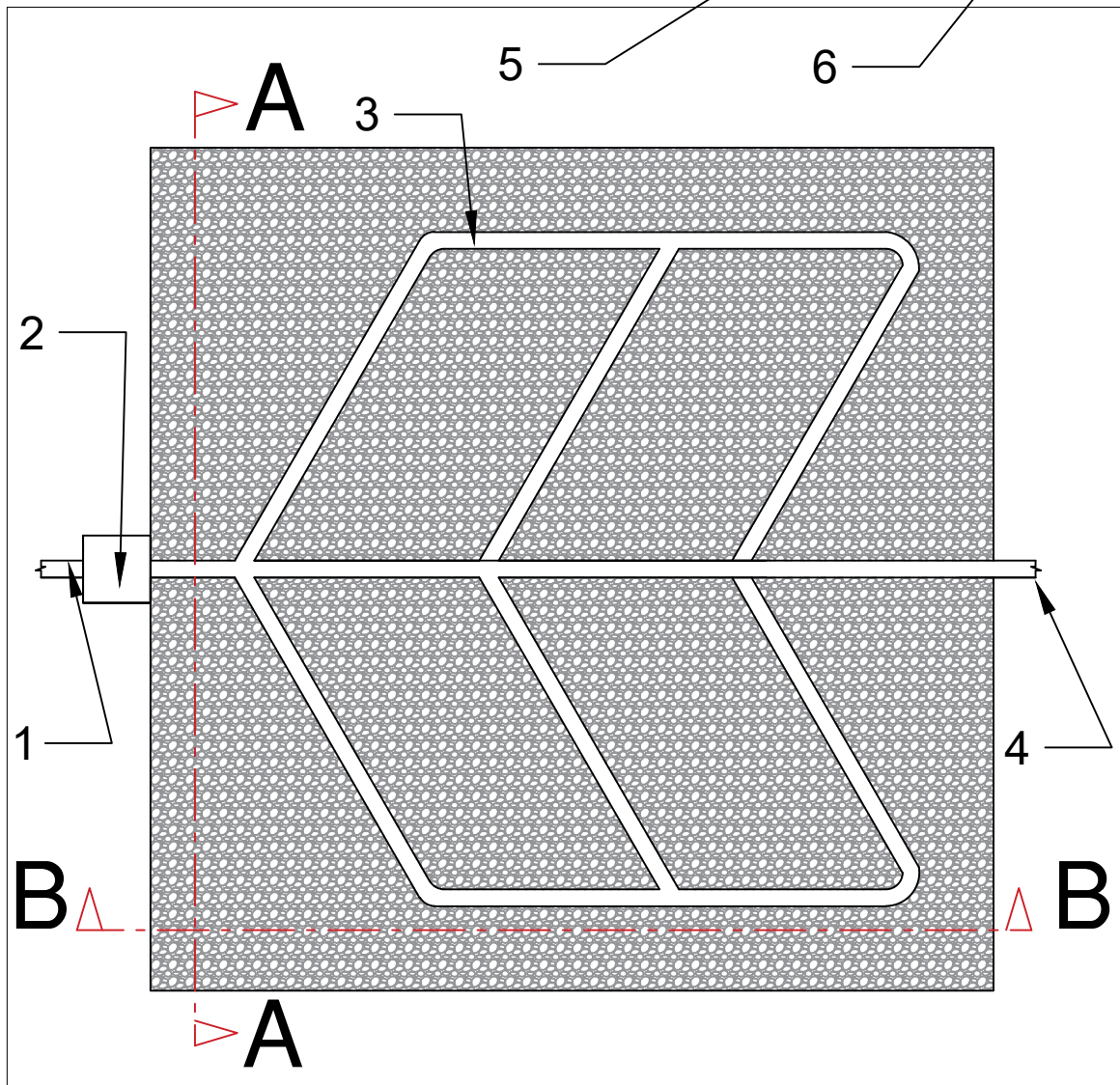
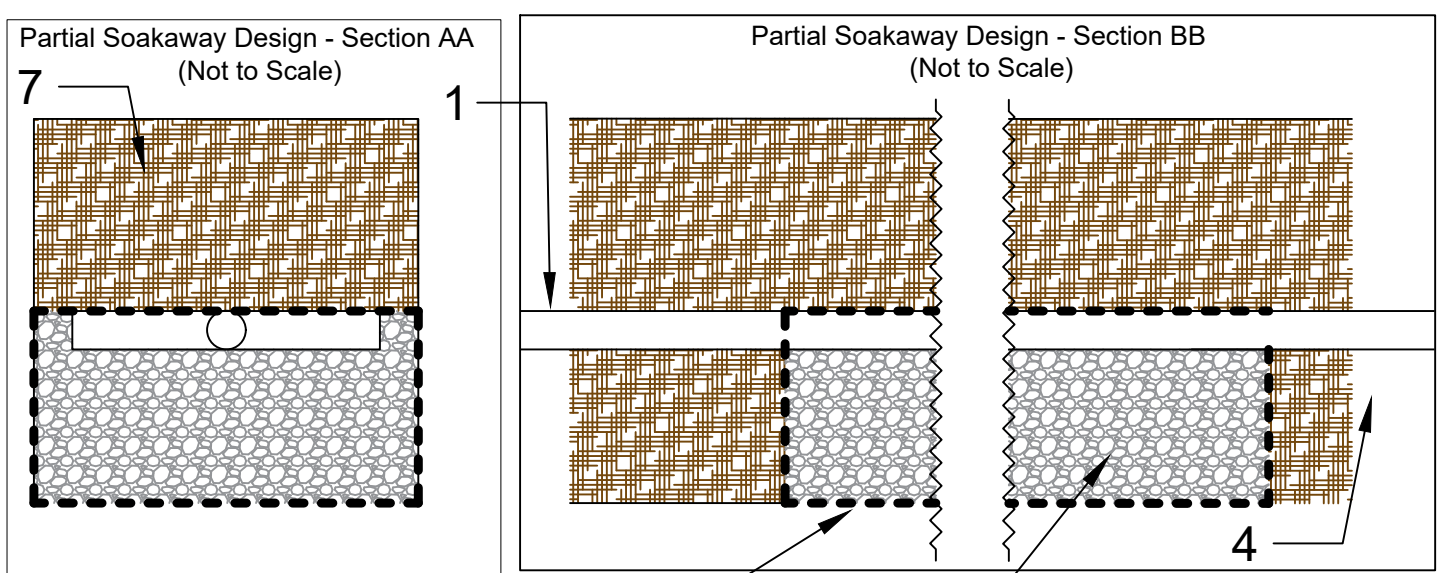
Site:  
Mulben View,  
Mulben,  
Keith

Trial  
Pit No.  
TP 1  
&  
TP 2

Excavation Method:  Tracked Digger with a 300mm bucket attached.	Dimension: 0.3 x 2.00 m	Dates:  01/10/2020	
	Location: As seen on plan.		Page: 1/2

Depth (m)	Sample/ Tests	Water Depth (m)	Field Records	Thickness (m)	Description	Water
			Testing done.  The water table was encountered at 1.25m in depth.	0.3	Top Soil	
				0.95	Grey Clayey Soil	
				Atleast 0.75	Black Saturated Clayey Soils	
				Unknown		

Comments	Author  JF	Scale:  Not to Scale.	Date:  01/10/2020
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- 1 - Inflow From PSTP
- 2 - Inspection Chamber
- 3 - Fully Perforated Twin Walled PVC 100mm Pipe
- 4 - Outfall to Discharge
- 5 - Geotextile Membrane
- 6 - Clean Stone Gravel (Distribution Layer)
- 7 - Soil Backfill

Partial Soakaway Design - Plan View



Drawing	Partial Soakaway Design
Scale	Not to Scale
For specific sizes, refer to Soakaway Certificates at the end of this report.	

## ATTENUATION DESIGN for M-30

Allowable discharge=

0.5 litres/sec

Area =

187 sq.m.

Rainfall Data

r = 16

d = 0.25

Duration (min)	M--- (mm)	Inflow (cu.m)	Outflow (cu.m)	Storage (cu.m)
5	6.77	1.27	0.15	1.12
10	10.43	1.95	0.30	1.65
15	13.03	2.44	0.45	1.99
30	18.22	3.41	0.90	2.51
60	24.22	4.53	1.80	2.73
120	31.36	5.86	3.60	2.26
240	40.03	7.49	7.20	0.29
360	45.99	8.60	10.80	-2.20
720	58.08	10.86	21.60	-10.74
1440	73.19	13.69	43.20	-29.51
2880	92.01	17.21	86.40	-69.19

Therefore storage required for a M30 return period =

2.73 cu.m.

### CAPACITY CHECK

Partial Soakaway/Attenuated Storage = 2.00m Wide, 0.50m Storage Depth, 5.00m long

Therefore total storage provided =

5.00 cu.m.

# CERTIFICATE FOR PROPOSED FOUL WATER SUBSURFACE SOAKAWAY

Two tests are normally required to demonstrate the suitability of the proposed drainage scheme:

1. A trial pit must be excavated to a depth of 1 metre below the proposed invert of the drain to establish whether or not the water table will interfere with the operation of the soakaway.
2. A percolation test must be carried out to determine the area of the ground required.

## Certificate

Address: c/o Mark Seivwright  
Site address: Mulben View, Mulben, Keith

.....  
Date of test: 01/10/2020      Time: From 2:00PM

## Encountered Ground Conditions

300mm Layer of Topsoil  
950mm Layer of Grey Clayey Soils  
Atleast 750mm of Black Saturated Clayey Soils

## Ground Water Observations

The water table was discovered during excavations at a depth of 1.25m below ground level.

**Wells:** No wells for the supply of potable water within 50m of the proposed soakaway locations.

**Depth of Drains:** 0.5m

**Depth of Excavations:** 2.00m

## Percolation Test

## FWS 1

Time Taken (mean of three times)  
Soil Percolation Value  
Population Equivalent

17340 s  
Vp 115.6 s/mm  
6

## Recommendation

Package Sewage Treatment Plant, discharged into partial soakaway with an outlet pipe to the burn.  
Partial Soakaway to measure 5m long x 5m wide x 0.5m deep. (min. 25m<sup>2</sup>)

I hereby certify that I have carried out the above tests in accordance with procedures specified in British Standard BS6297:2007+ A1 2008, and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems), the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed taking into account the recommendations in the aforementioned standards.

Signed: 

Date: 06/10/2020

Name/Company: Ferguson Geotechnical Ltd, Jack Ferguson

Address: South Balnoon Farm Forgue Huntly, Aberdeenshire, AB54 6DH

Qualification: BSc (Hons) Architectural Technology, Drainage Consultant

## CERTIFICATE FOR PROPOSED SURFACE WATER SOAKAWAY

Address: c/o Mark Seivwright  
Site Address: Mulben View, Mulben, Keith  
Date of Test: 06/10/2020 Time: from 2:00PM

### Encountered Ground Conditions

300mm Layer of Topsoil  
950mm Layer of Grey Clayey Soils  
At least 750mm Layer of Saturated Black Clayey Soils

### Ground Water Observations

The water table was discovered during excavations at 1.25m below ground level.

**Wells:** No wells for the supply of potable water within 50m of the proposed soakaway locations.

**Depth of Drains:** 0.5m

**Depth of Excavations:** 2.0m

### Infiltration Test

Infiltration Test Zones  
Average Soil Infiltration Rate  
Surface Areas of Development

### SWS1

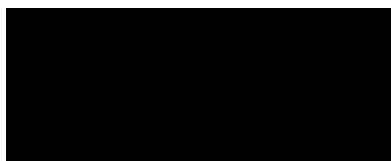
0.5m  
 $f = 2.88 \times 10^{-6}$  m/s  
187m<sup>2</sup>

### Recommendation: -

Partial Soakaway to provide layer of treatment and attenuation then discharged via pipe to burn.  
Partial Soakaway to measure 2.0m wide x 0.5m deep x 5m long as per attenuation calculation.

I hereby certify that I have carried out the above tests and calculations in accordance with BRE Digest 365 and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook. The results of which are tabulated above, and that the proposed drainage scheme detailed within this report has been designed considering the recommendations in the standards.

Signed:



Date: 6<sup>th</sup> of October 2020

Name/Company: Ferguson Geotechnical Ltd, Jack Ferguson

Address: South Balnoon Farm, Fergie, Huntly, Aberdeenshire, AB54 6DH

Qualification: BSc (Hons) Architectural Technology, Drainage Consultant



# Consultee Comments for Planning Application 20/01349/APP

## Application Summary

Application Number: 20/01349/APP

Address: Mulben View Mulben Keith Moray

Proposal: Proposed dwellinghouse with integrated garage at

Case Officer: Katherine Donnachie

## Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## Comments

Approved unconditionally



**From:** DeveloperObligations

**Sent:** 23 Oct 2020 03:56:00

**To:** Katherine.Donnachie@moray.gov.uk,

**Subject:** 20/01349/APP Proposed dwellinghouse with integrated garage at Mulben View, Mulben, Keith

**Attachments:** 20-01349-APP Proposed dwellinghouse with integrated garage at Mulben View, Mulben, Keith.pdf,

---

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,

Rebecca

**Rebecca Morrison** | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development

[Rebecca.morrison@moray.gov.uk](mailto:Rebecca.morrison@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)



# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**moray**  
council

**Date:** 23/10/2020

**Reference:** 20/01349/APP

**Description:** Proposed dwellinghouse with integrated garage at Mulben View, Mulben, Keith

**Applicant:** Mr Mark Sievewright

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at [www.moray.gov.uk/MLDP2020](http://www.moray.gov.uk/MLDP2020) and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards New Build Health Centre in Keith</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	
Affordable Housing	
<b>TOTAL</b>	

## Breakdown of Calculation

Proposals for developer obligations are assessed on the basis of Standard Residential Unit Equivalent (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

4 bed = 1.2 SRUE

The assessment for developer obligations is therefore based on 1.2 SRUE.



Moray Council **DEVELOPER OBLIGATIONS**



## INFRASTRUCTURE

### Education

#### **Primary Education**

The pupils generated by this development are zoned to Keith Primary School. The school is currently operating at 77% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Primary Education = Nil**

#### **Secondary Education**

The pupils generated by this development are zoned to Keith Grammar. The school is currently operating at 73% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Keith Medical Group is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Keith Medical Group is working well beyond design capacity with no room for expansion on existing site. Contributions will be sought towards a New Build Health Centre in Keith.

Contributions are calculated based on a proportional contribution of £[REDACTED] per SRUE.

**Contribution towards Healthcare= [REDACTED]**

### Sports and Recreational Facilities

#### *Sports and Recreation Facilities*

Existing sports provision within Keith is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

**Contribution for Sports and Recreation Facilities = Nil**





## AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED]. Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.





# Consultee Comments for Planning Application 20/01349/APP

## Application Summary

Application Number: 20/01349/APP

Address: Mulben View Mulben Keith Moray

Proposal: Proposed dwellinghouse with integrated garage at

Case Officer: Katherine Donnachie

## Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

## Comments

Approved unconditionally



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 20/01349/APP

**Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray for Mr Mark Sievwright**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input checked="" type="checkbox"/>  |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/>             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

<b>Contact:</b>	Javier Cruz	<b>Date</b> .....19/10/2020
<b>email address:</b>	Javier.Cruz@Moray.gov.uk	<b>Phone No</b> .....
<b>Consultee:</b>	The Moray Council, Flood Risk Management	



Friday, 16 October 2020



Local Planner  
Development Services  
Moray Council  
Elgin  
IV30 1BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Mulben View, Mulben, Keith**  
**PLANNING REF: 20/01349/APP**  
**OUR REF: DSCAS-0024532-QP9**  
**PROPOSAL: Proposed dwellinghouse with integrated garage**

**Please quote our reference in all future correspondence**

## Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Badentinan Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



SW Public  
General

To find out more about connecting your property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## Next Steps:

### ▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



SW Public  
General

To find out more about connecting your property to the water and waste water supply visit:



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Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Moray Council Elgin	Council Reference:-	20/01349/APP
	TS TRBO Reference:-	NE/225/2020

Application made by Mr Mark Sievewright, , and received by Transport Scotland on 16 October 2020 for planning permission for proposed dwellinghouse with integrated garage located at Mulben View Mulben Keith Moray affecting the A95 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A95) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
---

Operating Company:-

NORTH EAST
------------

Address:-

Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
---

Telephone Number:-

01738 448600
--------------

e-mail address:-

NEplanningapplications@bearsotland.co.uk
--

**DETAILS of works necessary within the trunk road boundary:-**

Upgrade of existing access with the A95.
--

**CONDITIONS to be attached to any permission the council may give:-**

1	Prior to occupation, the proposed means of access to the trunk road shall be constructed generally in accordance with drawing SIEV/TRACK01 dated November 2020 and be approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
2	Visibility splays shall be provided and maintained on each side of the access generally in accordance with drawing SIEV/TRACK01 dated November 2020. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**REASON(S) for Conditions (numbered as above):-**

1	To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
1	To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
1 & 2	To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.

**ADVISORY NOTES (to be passed to applicant):-**

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

<b>Transport Scotland Response Date:-</b>	15-Dec-2020
<b>Transport Scotland Contact:-</b>	John McDonald
<b>Transport Scotland Contact Details:-</b>	
Roads - Development Management	
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF	
Telephone Number:	
e-mail: <a href="mailto:development_management@transport.gov.scot">development_management@transport.gov.scot</a>	

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	30th October 2020
<b>Planning Authority Reference</b>	20/01349/APP
<b>Nature of Proposal (Description)</b>	Proposed dwellinghouse with integrated garage at
<b>Site</b>	Mulben View Mulben Keith Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133073388
<b>Proposal Location Easting</b>	336296
<b>Proposal Location Northing</b>	850026
<b>Area of application site (M<sup>2</sup>)</b>	6126
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QI2RDOBGILK00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QI2RDOBGILK00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	16th October 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Mark Sievewright
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Malcolmburn Mulben Keith Moray AB55 6YB
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Katherine Donnachie
<b>Case Officer Phone number</b>	01343 563101
<b>Case Officer email address</b>	katherine.donnachie@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No:** 20/01349/APP

**Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray for Mr Mark Sievwright**

I have the following comments to make on the application:-

- |   | <b>Please</b>                       |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <input type="checkbox"/>            |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/>            |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input checked="" type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>            |

*Note- The proposed development would be served via an existing private access onto the A95 Granish-Keith Road which is a Trunk Road and therefore falls under the remit of Transport Scotland as Trunk Roads Authority. Transport Scotland should therefore be consulted regarding the suitability and design/surfacing requirements of the access.*

#### **Condition(s)**

1. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

2. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

3. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

**Further comment(s) to be passed to applicant**

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Planning consent does not carry with it the right to carry out works within the public road boundary.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

The applicant shall be responsible for ensuring that surface/ground water does not run from the road into their property.

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 20 October 2020**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
---------------------------	---

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

## **REPORT OF HANDLING**

<b>Ref No:</b>	20/01349/APP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray		
<b>Date:</b>	13/01/21	<b>Typist Initials:</b>	FJA

<b>RECOMMENDATION</b>		
<b>Approve, without or with condition(s) listed below</b>		<b>N</b>
<b>Refuse, subject to reason(s) listed below</b>		<b>Y</b>
<b>Legal Agreement required e.g. S,75</b>		<b>N</b>
<b>Notification to Scottish Ministers/Historic Scotland</b>		<b>N</b>
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Planning And Development Obligations	23/10/20	Developer obligations contribution required towards new build health centre in Keith Under policy requirements affordable housing contribution will be required – this is not a developer obligation but rather a policy requirement
Transport Scotland	15/12/20	On receipt of further information showing visibility splays they have confirmed no objections subject to conditions being imposed regarding construction of the access point and provision of visibility splays.
Moray Flood Risk Management	19/10/20	No objections
Environmental Health Manager	16/10/20	No objections
Contaminated Land	21/10/20	No objections
Transportation Manager	20/10/20	Note that access is onto a trunk road whereby it is under the remit of Transport Scotland. No objections subject to condition being applied requiring provision and implementation of electric vehicle charging details.
Scottish Water	16/10/20	No objections – advise currently sufficient capacity within Badentinan Water Treatment works – this will need to be confirmed and a pre development inquiry submitted.

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1 Placemaking		
PP3 Infrastructure and Services		
DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP1 Natural Heritage Designation		
EP2 Biodiversity		
EP12 Management and Enhancement Water		
EP13 Foul Drainage		

<b>REPRESENTATIONS</b>		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **Proposals**

This application seeks full planning permission for the erection of a new house in the countryside. The proposed new house is a single storey three bedroom one, comprising central house with two lower side wings on either side accommodating bedroom and utility rooms with pitched roof timber clad front porch feature. Proposed finishes are slate effect roof tiles or slate, white smooth K rend harling and grey UPVC windows and doors. One side wing and the front porch will be timber clad, colour grey. The frontage of the main building is around 15 metres with the small extensions on either side. The height of the new house to its highest point is just under 6.5 metres. Air source heat pump heating is proposed

It is proposed to enclose the site by the existing post and wire fencing on three sides with new post and wire fence along rear (south) boundary. The proposed house will be located in the rear part of the site some 50 metres back from the public road and will be angled facing north-west.

Landscaping of native species is shown in the eastern part of the site with mixture of native species of half standard height (1.5 metres) and covering around 15% of the site. The applicant has also indicated they would be prepared to carry out further planting along the boundary beside the existing track to the west. Surface water will be discharged to the burn to the south of the site via a partial soakaway and foul water will also be discharged to this watercourse via treatment plant and soakaway.

It is proposed to access the site via an existing farm track leading to Maryhill Farm to the south. This track bounds the western site boundary and has a junction onto the A98 Keith to Aberlour trunk road. The site access will be located some 84 metres up the track and leads into the site at right angles to



the track with a large parking and turning area to the front of the house

### **Site**

The application site comprises a small agricultural field currently under grass located to the south of the A98 trunk road from Keith to Mulben. The site lies some 450 metres to the east of the small rural grouping of Mulben directly beside, and to the west of, an existing small house at Caltemach which is separated from the application site by mature trees within its curtilage. There is an existing post and wire fence along this boundary and also along the trunk road site boundary. To the west of the site is an existing farm track leading to the Maryhill Farm and this boundary is also defined by a post and wire fence. The site is bounded to the rear (south) by Maryhill burn with an embankment to the rear of this burn and sloping land leading southwards beyond this. It is proposed to erect a new post and wire fence along this boundary. There is at present a track leading from the field over the burn and into the agricultural fields beyond

This wider area is characterised by undulating landscape leading upwards from the A98 interspersed by areas of woodland and scattered rural properties. The small rural grouping at Mulben lies to the west centred around the approaches to Mulben crossroads.

There has been no particular planning history on the site:

### **Policy Background**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### **Principle**

The application site lies in the open countryside outwith the rural grouping of Mulben which lies to the west as designated in the Moray Local Development Plan 2020. Accordingly Policy DP4 Rural Housing of the 2020 Plan applies. The previous housing policy of the 2015 Plan (Policy H7 New Housing in the Open Countryside) presumed in favour of new housing in the open countryside providing it met various criteria on siting and design. Policy DP4 differs from the previous housing in the countryside policy in that it now identifies a clear hierarchy directing new rural housing to rural groupings which will accommodate the majority of rural housing, followed by re-use, replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. Within the open countryside a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying "pressurised and sensitive area" within which new housing development will not be permitted and "areas of intermediate pressure" where new housing will be permitted where it meets a range of siting and design criteria.

The site lies within an area of intermediate pressure. Within such areas the siting and design criteria of Policy DP4 apply together with servicing requirements.

Set against this policy background the acceptability of the detail of the design, siting and servicing of the proposed development requires to be assessed in order to consider compliance with policy DP4.

### **Siting - Landscape and Visual Impacts**

In essence Policy DP4 sets out that proposals for single houses must be well sited and designed to fit with the local landscape character and will be assessed in relation to siting criteria which have been devised to direct development to appropriate sites that have adequate enclosure, containment and backdrop to allow them to integrate sensitively into the landscape. The criteria are as follows:

- There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed house. These features must be immediately adjoining the site (i.e. on the boundary) Field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate

enclosure or containment.

- The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
- Artificial mounding, cut and fill and /or clear felling woodland to create plots will not be permitted.
- 15% of the plot must be landscaped with native tree species with detail provided within this particular criterion setting out what would be required.

Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build-up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development. To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. (This is similar to the previous Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Housing in the Countryside).

Policy DP1: Development Principles also requires that all new development must be integrated into the surrounding landscape with scale, density and character appropriate to the surrounding area, creating a sense of place as required by Policy PP1: Placemaking.

The application site is essentially a small field beside a main transport corridor (A98 trunk road) Whilst it is screened from the eastern approach from Keith by the adjacent house and its wooded curtilage it is clearly visible from the western (Mulben) approach where the only noticeable visual containment/backdrop is from the curtilage of the existing house. The ground to the rear (south) of the site rises gently up from the embankment along the burn here. However this is not considered to afford the level of containment required by policy with the other two sides of the site simply being roads in the form of the trunk road and the farm track. The proposed house site would appear in the landscape from the west approach as the corner of a field, prominently sited beside a main road. In addition the development pattern of the surrounding area is set by the small rural grouping at Mulben and then scattered properties set within wooded grounds. The site would not be set within an existing tree bounded site and would not be in keeping with this pattern

Policy DP4 of the 2020 Plan (DP4) expressly requires that there must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for a proposed new house. It also expressly states that field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment Set against these criteria the application site is not considered to benefit from acceptable enclosure or containment for a new house as required by policy DP4.

As noted above the existing settlement pattern in the immediate area is set by scattered rural properties set within their own often wooded curtilages. Within this context any new housing which does not benefit from the required level of containment and enclosure would be unacceptably prominent contrary to the policy DP4 requirement to fit in with the local landscape character. In this case the proposed development would not fit with this pattern. Instead it would add to an existing house site to create the beginning of ribbon development alongside a key traffic corridor. Its prominent roadside location also means that a new house here would be contrary to the requirement to ensure that new development does not detrimentally alter the rural character due to its prominent or roadside location.

In these circumstances it is not considered that a new house here would meet the DP4 and DP1 policy requirements to be well-sited to fit in with the local landscape character and integrate into the surrounding landscape, lacking the degree of enclosure and containment required by policy.

Whilst the family circumstances of the applicants as set out in the supporting design statement are noted and appreciated, these do not constitute a land use planning reason to set aside policy

### **Siting - Cumulative Impacts**

Given the proximity of the site to the rural grouping of Mulben it is important to consider the potential for cumulative build up in this case. As noted earlier Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build-up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development.

To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. These indicators in relation to siting are:

1. the number of new houses overwhelms the presence of older buildings such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
2. the incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.
3. there is a prominence of new houses from key viewpoints such as roads, adopted core paths, or long distance paths and existing settlements.
4. there are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity.
5. new housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

Although the proposed new house would occupy a prominent roadside position, clearly visible from the road out of Mulben towards Keith, there is at present not a build-up of new houses in the vicinity, with new development concentrated within the Mulben rural grouping. Accordingly it is not considered that the proposed development gives rise to cumulative build-up issues in this case. It would however create the beginnings of ribbon development by continuing development westwards from the existing house at Caltemach on a site lacking sufficient enclosure to enable it to sit comfortably in the landscape.

### **Design**

Policy DP4 Rural Housing of the 2020 Plan sets out the design requirements to be met with new housing in rural areas in order to promote traditional rural design and avoid intensive suburban development that negatively impacts upon Moray's landscape. It supports contemporary innovative design and sets out specific design requirements to be met. Some design requirements of Policy H7 remain, such as the gable formula, with additional requirements now including maximum height of 6.75 metres, no more than two primary external wall finishes with no artificial decorative stone, and natural slate or profiled cladding roof. No concrete roof tiles are permitted and access arrangements must be sympathetic. Policy DP4 also sets out that windows with a horizontal emphasis must be avoided with the exception of very limited use of long narrow rectangular windows to frame views.

Policy DP1 Development Principles of the 2020 Plan also sets out the need for the scale, density and character to be appropriate to the surrounding area and create a sense of place, and to be integrated into the surrounding landscape.

In this regard the proposed house design itself is considered to comply with policy. It meets the requirements of the gable formula and height restrictions. It is of simple sympathetic design and scale, with the lower side wings and porch feature echoing traditional rural design. The use of timber on one side wing and the porch helps ensure that these features remain visually subservient/ancillary and would help enable the new development to complement the architectural style in the area. Proposed external finishes are appropriate. Policy DP4 expressly states that concrete roof tiles will

not be accepted with slate or profiled cladding to be used. The application notes that slate effect concrete tiles or natural slate will be used on the roof. An appropriate planning condition requiring the use of slate or profiled sheeting if the application were supported could ensure that concrete tiles were not used in order to comply with policy DP4.

Otherwise in terms of design, submission of a detailed landscape scheme with further planting along the western boundary if the application was approved would ensure that landscaping was appropriate and helped enhance the development as required by policy. The information provided to date would indicate that this is the intention here.

In these circumstances the proposed house is considered to be acceptable in design terms whereby if the site itself was considered to be acceptable there would be no particular design conflicts, subject to appropriate planning conditions relating to landscaping and external finishes.

### **Servicing**

Policy DP1 Development Requirements requires that new development must provide safe entry and exit from the development, maximise routes/connections for cyclists and pedestrians, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Infrastructure must be provided at a level appropriate to the development with any impacts on road safety and the roads network addressed. This is reinforced by policy PP3: Infrastructure and Services which states that development must be planned and coordinated with infrastructure to ensure that places function properly and that proposals are adequately served by infrastructure and services.

In this respect the development is accessed via a farm track onto the A98 trunk road. Information provided by the applicants relating to visibility splay provision and upgrading of the junction point onto the trunk road is considered to be satisfactory by the relevant consultee (Transport Scotland.) The implementation of these requirements could be secured by planning conditions if the application was supported. There is also space within the site to provide adequate car parking and turning provision. A new requirement of Policy PP3 Infrastructure Services of the 2020 Plan relates to the requirement for access to electric charging points to be provided for new residential development. Again this could be readily addressed by planning condition if the application were supported.

On this basis the development is considered to comply with road servicing policies subject to the imposition of appropriate planning conditions.

Policy DP1 Development Requirements of the 2020 Plan requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul Drainage. In this respect a satisfactory drainage assessment has been provided setting out the proposals for disposal of surface and foul water and the relevant consultee (Flood Risk Management Team) is satisfied with the arrangements. The supporting drainage report sets out that as the ground conditions are unsuitable for standard soakaways it is proposed to connect both foul and surface water to an adjacent burn with secondary treatment and attenuation first. If the application were supported planning conditions could be attached to secure implementation of the drainage arrangements. Connection to the public water supply is proposed. In these circumstances the application is considered to comply with policies subject to appropriate planning conditions being imposed.

### **Environmental Impacts**

Policy DP1 Development Principles of the 2020 Plan requires new development to demonstrate how it will conserve and enhance the natural environment. In this case if the development proceeded there would be limited impact on the natural environment with the site being agricultural land with ample space for landscaping to be carried out within the site whereby there is not considered to be a particular impact on the natural environment in terms of flora and fauna. Policy DP1 also requires submission of a detailed landscape plan with applications whilst DP4 Rural Housing requires that

15% of the plot to be landscaped. The plan submitted to date demonstrates that these requirements could be readily met and any additional planting that may be considered necessary along the western site boundary could be addressed by planning condition should the application be supported.

Finally in relation to environmental impacts Policy DP1 Development Requirements seeks to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no objections.

### **Developer Obligations and Affordable Housing Contributions**

Policy PP3: Infrastructure and Services of the 2020 Plan sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team has calculated that a contribution towards healthcare is required in this case. If the application were supported this contribution would require to be paid, and the applicant has indicated willingness to pay. Accordingly developer obligations would require to be secured (whether up- front payment or through legal agreement) if the application were supported.

Policy DP 2(d): Housing of the 2020 Plan also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. This differs from the 2015 Plan which only sought an affordable housing contribution for developments of more than 4 units. The applicant has indicated willingness to pay this contribution and similarly to the situation with developer contributions if the application was supported then the payment would require to be secured.

### **Conclusion**

In these overall circumstances the proposed development is not considered to comply with the 2020 Local Development Plan policies due to the lack of acceptable enclosure and containment for a new house, and the siting of the proposed development which does not fit in with the local landscape character and detrimentally alters the rural character of the area. Accordingly refusal is recommended

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

### **HISTORY**

Reference No.	Description		
	<b>Decision</b>		<b>Date Of Decision</b>

### **ADVERT**

<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Banffshire Advertiser and Herald	No Premises Departure from development plan	16/11/20
PINS	No Premises Departure from development plan	16/11/20

### **DEVELOPER CONTRIBUTIONS (PGU)**

<b>Status</b>	
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**DOCUMENTS, ASSESSMENTS etc. \***

\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name: Drainage Assessment

Main Issues: Percolation and infiltration tests undertaken which confirm that due to the poor drainage characteristics of the soil and high water table conventional septic tank and soakaway system is not appropriate. Consequently a packaged sewage treatment plant will be required with partial soakaway to provide additional treatment before discharge to the burn. Similarly disposal of surface water should be by partial soakaway with discharge to the burn. Indicative plans of the proposed layout are provided.

Document Name: Supporting Statement

Main Issues: Sets out background for need for house relating to applicant's locally based employment and particular family circumstances which mean that a new house which can accommodate wheelchair access is required, as the applicant's own house would not be easy to adapt.

The statement outlines why it is considered that the site complies with policy in relation to mature trees providing backdrop beside the house; location beside existing house which provides context for the new building and helps it to blend into the landscape; embankment and sloping ground to rear provides backdrop and enclosure; and existing track to west along with proposed planting here will provide further enclosure. The statement also sets out how the development complies with siting and design criteria by not creating ribbon development or creating unacceptable build up , with no artificial ground works proposed, 15 % of the plot to be landscaped and height and design of house complying with policy criteria.

**S.75 AGREEMENT**

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

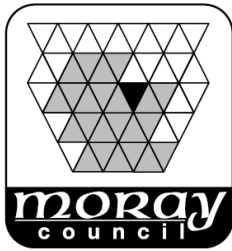
Location where terms or summary of terms can be inspected:

**DIRECTION(S) MADE BY SCOTTISH MINISTERS** (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			







**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Speyside Glenlivet]  
Application for Planning Permission**

TO Mr Mark Sievewright  
Malcolmburn  
Mulben  
Keith  
Moray  
AB55 6YB

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **13 January 2021**

**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance

Moray Council

Council Office

High Street

ELGIN

Moray IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

1. It would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape which is characterised by dispersed rural properties with wooded features/setting
2. There is not an acceptable level of enclosure, containment and backdrop for a new house.
3. It would detrimentally alter the rural character of the area by creating the beginnings of ribbon development beside an existing house on a site lacking sufficient visual containment in a prominent location adjacent to a main A class trunk road

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:- SHOULD BELOW TABLE BE SAME FONT AS REST OR IS THIS JUST TO Get ON SAME PAGE if so fine

Reference	Version	Title
SIEV/PL01		Site plan
SIEV/LOC.P		Location plan
SIEV/PL02		Ground floor plan and NW elevation
SIEV/PL03		Elevations

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

