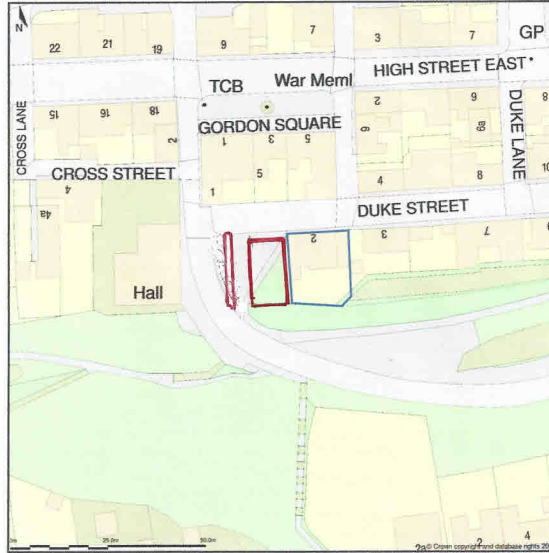


**2. Duke Street, Portgordon, Moray, AB56 5RH - Change of Use from Open Space to Private Garden**  
**Location Plan**



Location Plan shows area bounded by: 339551.33, 864126.88 339692.75, 864268.3 (at a scale of 1:1250), OSGridRef: NJ39626419. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**Town & Country Planning  
(Scotland) Act, 1997  
as amended**

***REFUSED***

**07 November 2023**

**Development Management  
Environmental Services  
The Moray Council**

# AMENDED PLANS

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

07 November 2023

Development Management  
Environmental Services  
The Moray Council



2, Duke Street, Portgordon, Moray, AB56 5RH - Change of Use from Open Space to Private Garden  
- Site Plan



Site Plan (also called a Block Plan) shows area bounded by 339604.04, 864175.59 339640.04, 884215.59 (at a scale of 1:200), OSGridRef: NJ39626419. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**Notes/Key:**

1. Boundary of land owned by applicant.
2. Boundary of land subject to change of use (from open space to private garden) and new unadopted footway.
3. Close boarded wooden fence around new boundary, 1.2m high with 1m wide pedestrian gate in NW corner (Fence on southern boundary to be erected on Council land as agreed with Estates (ref letter dated 25/02/22))  
Fence posts within root zone to be driven avoiding need for excavation as per tree report dated March 2023.
4. Existing trees (2no) to be retained as per tree report.
- 5.
6. New footway specification to be whin dust (semi tray excavation) as agreed with Council Planning and Transportation (Roads Development) teams (ref discussions 07/06/23) with construction to be as per drawing and specification no SD/WDP/02. 1.2m wide as per existing unadopted footway x approx. 19.0m long. 150mm thick type 1 granular sub-base and 25mm thick quarry whinstone surface course.

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

07 November 2023

Development Management  
Environmental Services  
The Moray Council

Drawing Title:

2 Duke Street, Portgordon, AB56 5RH  
Planning Application  
Change of Use to Private Garden

Applicant:

Mr & Mrs D. Murray  
2 Duke Street  
Portgordon  
Banffshire  
AB56 5RH

Drawn: DM Date: 20/04/23 Scale: 1:200  
Drawing No. 3 – Proposed Boundary Fence  
Elevations (North / West / South) 1:200



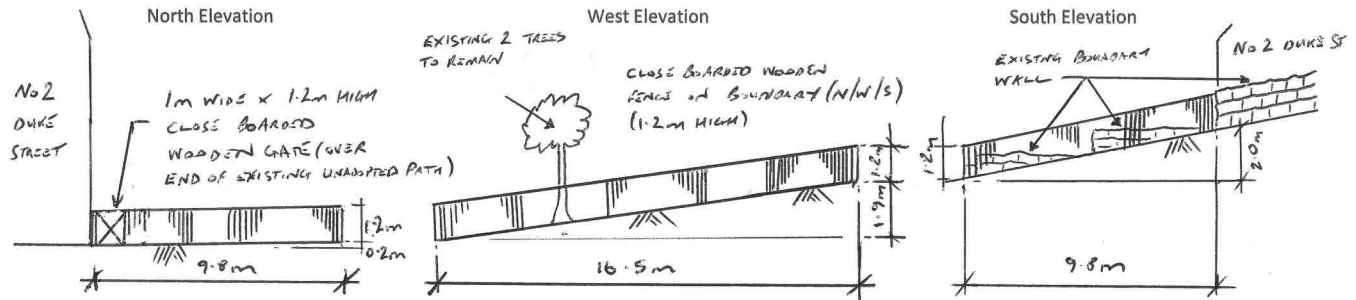
North Elevation



West Elevation



South Elevation



## Email Evidence from Arborist

**Fiona Olsen** <Fiona.Olsen@moray.gov.uk>

Sep 6, 2023,  
10:45 AM

to me

Hi Audrey,

I have spoken with a senior colleague and with Rowena MacDougall in Development Plans who is providing comments in relating to planning policy for the application.

We do require something from the Tree Specialist to confirm that the whin dust path will not affect the tree roots. An email should be sufficient, can you obtain this? I know that the path specification was suggested by Transportation however we would need written confirmation from a Tree Specialist that the roots will not be affected in order to meet policy requirements for Policy EP7 and therefore this not be an additional reason for refusal.

Can you let me know if you are able to provide this?

Thanks

Fiona

**Audrey Murray** [REDACTED]

Mon, Sep 25, 2023,  
3:28 PM

to Fiona

Hi Fiona,

I have the information from Struan Dalgleish the Arborist which is attached below.

Many thanks,

Audrey and Derek

----- Forwarded message -----

From: **Struan Dalgleish** <[REDACTED]>

Date: Fri, Sep 22, 2023 at 10:41 AM

Subject: RE: Planning Application 23/01062/APP: Garden at 2 Duke Street,Portgordon

To: Audrey Murray <[REDACTED]>

Dear Mr and Mrs Murray,

## **Email Evidence from Arborist**

With reference to the above planning application and our subsequent discussions relating to the re-location of the proposed footpath, I am pleased to provide additional information regarding protection of the trees.

Two trees were recorded and root protection areas (RPA's) identified by the March 2023 Tree Survey. The revised path layout requires it to be constructed between trees and through their RPA's.

Where significant incursion into RPA's is unavoidable the use of a geo-grid, such as Geosynthetics Golpla can be used to reduce the impact on tree roots. The Geo-grid minimizes the requirement for excavation and compaction of soils which contain tree roots, protecting the health of the trees.

It is noted that the path will be suitable for pedestrian use only.

Following the careful removal of turf using hand tools and avoiding damage to tree roots, Golpla Geo-grid can be laid directly onto the existing level without the need for soil compaction.

The link below provides details of the product, however it is noted that underlying soils with RPA's should not be compacted. <https://www.geosyn.co.uk/downloads?pld=310>

All construction within rooting areas should be undertaken by hand and heavy machinery, which may compact soils should not enter RPA's.

Kind regards,

Struan

Struan Dalgleish MICFor, CEnv  
Arboricultural Consultant  
0777 367 4623

**Struan Dalgleish MICFor, CEnv  
Arboricultural Consultant**

**0777 367 4623**

**Struan Dalgleish Arboriculture Ltd**

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Kind Regards,  
Audrey.