

NATURAL ENVIRONMENT

Introduction

Moray contains a number of sites of international, national and local importance relating to ecology, geology and geomorphology. These sites contribute significantly to the high quality environment of the Moray area.

Context

National Planning Policy Guideline 14 on Natural Heritage is the primary policy document on natural heritage and defines the key role of the planning system in the safeguarding of sites of national and international importance, and also emphasises the importance of safeguarding and enhancing natural heritage in general.

The Council is also active in the setting up and delivery of Local Biodiversity Action Plans for habitats and species of conservation concern such as farmland, red squirrel and wet and riparian woodland. The Council identified those areas that constitute 'Areas of Great Landscape Value' (AGLV), Countryside Around Towns (CAT), and the "Coastal Protection Zone" (CPZ).

Finally, the Cairngorms National Park officially opened on 1 September 2003. The National Park Authority is responsible for preparing its own local development plans (the Park Plan and the Local Plan) and therefore only cross border issues will be dealt with by the Moray Local Plan.

Nature Conservation

Moray has a significant number of sites designated for their nature conservation and landscape value. The diversity of coastline, farmland, woodland, moorland, mountains and river valleys forms a rich variety of landscapes and natural habitats throughout Moray.

Landscape

The range of landscape character in Moray forms a distinctive environment for people to live and work in and an incentive for people to visit. While all landscapes in the area have value for many people, certain areas have been designated as being of particular scenic quality. Parts of The Cairngorms National Scenic Area and Cairngorms National Park are within Moray. Further designations including Marine National Parks are being considered by the Scottish Executive. Development proposals within the Cairngorms National Park will be considered against the policies of the National Park Local Plan when it has been prepared. Planning applications may be called in for determination by the Cairngorms National Park Authority.

POLICY E1: NATURA 2000 SITES AND NATIONAL NATURE CONSERVATION SITES

Natura 2000 Designations

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where:-

- a. there are no alternative solutions; and
- b. there are imperative reasons of over-riding public interest. These can be of a social or economic nature, except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for over-riding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

National Designations

Development proposals which will adversely affect Sites of Special Scientific Interest (SSSI's) or National Nature Reserves will be refused unless the developer proves that:

- a. the objectives of designation and overall integrity of the site will not be compromised, or
- b. any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance

JUSTIFICATION:

The aim of this policy is to protect designated sites of international and national nature conservation value. The diversity of habitats and species in Moray contributes towards the overall high quality environment. The sites are a valuable part of the country's nature conservation and need to be protected from inappropriate developments. If a development proposal is likely to have a significant environmental impact then an environmental impact assessment will be required to accompany any application for planning permission.

CONFORMS TO:

The policy conforms to NPPG 14 Natural Heritage.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements,

Policy IMP2: Development Impact Assessment, Register of SSSI's, River Works on the Spey and its Tributaries Leaflet.

POLICY E2: LOCAL NATURE CONSERVATION SITES AND BIODIVERSITY

Development proposals which will adversely affect Local Nature Reserves, Sites of Interest to Natural Science, Ancient Long Established or Semi Natural Woodland, raised peat bog, wetlands, protected habitats or species or other valuable local habitats or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it is demonstrated that;

- a. local public benefits clearly outweigh the nature conservation value of the site, and
- b. there is no suitable alternative site for the development.

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above designated sites the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational, landscape and natural habitat values.

JUSTIFICATION:

The aim of this policy is to protect sites of local nature conservation value from potentially damaging developments. These sites play an important role and are often undervalued and together form extensive habitat networks.

The Forestry Commission, Scottish Wildlife Trust, Scottish Environment Protection Agency, Scottish Natural Heritage, RSPB and the Sites of Interest to Natural Science panel will be consulted where sites relevant to them are affected.

If a development proposal is likely to have a significant environmental impact then an environmental impact assessment will be required to accompany any application for planning permission.

Developers should incorporate existing habitats into their proposals and identify suitable opportunities for creating and restoring habitats and wildlife corridors.

CONFORMS TO:

This policy conforms to NPPG 14 Natural Heritage, and Scotland's Biodiversity: It's in Your Hands – A strategy for the conservation and enhancement of biodiversity in Scotland.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, North East Scotland Local Biodiversity Action Plan, The Wards Wildlife Site Management Plan

POLICY E3: TREE PRESERVATION ORDERS AND CONTROLS ON TREES

The Council will serve Tree Preservation Orders (TPOs) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant will be required to survey and identify those trees to be protected within the development site. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelterbelts.

JUSTIFICATION:

The aim of this policy is to give protection to trees and woodlands which are considered to be of significant amenity value to the community as a whole and to trees within Conservation Areas. Trees and woodland contribute to the character of the area, provide important natural habitat areas and have a recreational value. It is important that a sufficient buffer zone is left between mature trees and new development to avoid interference with the roots during construction. The Council will prepare supplementary planning guidance in support of this policy, and this will be subject to consultation with Stakeholders prior to adoption.

CONFORMS TO:

The policy conforms to NPPG14 Natural Heritage, the Council's Environmental Charter, and Development in Woodlands Policy.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Trees and Development Supplementary Planning Guidance.

POLICY E4: GREEN SPACES

Development which would cause the loss of, or impact on, areas identified under the ENV designation in settlements and the 'Amenity Land' designation in rural communities will be refused unless:

- a. the proposal is for a public use that clearly outweighs the value of the green space; and
- b. the development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site.

Development proposals on sites with an identified sporting or recreational function will also be considered against Policy CF2: Recreational Land and Open Space.

JUSTIFICATION:

The aim of the policy is to protect 'green spaces' identified in the settlement statements and rural community statements. Green spaces in the built environment provide opportunities for social contact and recreation and provide biodiversity and landscape benefits. It is therefore important that they are safe, secure, accessible and well maintained.

Green spaces have been categorised as follows in the settlement statements:

ENV1	Public Parks and Gardens
ENV2	Private Gardens and Grounds
ENV3	Amenity Greenspace
ENV4	Playspace for Children and Teenagers
ENV5	Sports Areas
ENV6	Green Corridors/Natural/Semi Natural
ENV7	Civic Space
ENV8	Foreshore Areas
ENV9	Other Functional Greenspaces
ENV10	Regeneration Proposals

Green spaces in rural community statements have been identified as 'Amenity Land'.

Green space with an identified sporting or recreational function (e.g. ENV5: Sports Areas) will also be assessed against CF2, in order to provide a further safeguard for the sporting/recreational function of these sites. The Council section responsible for Sports Development will be consulted as to whether a proposal needs to be assessed against Policy CF2 (i.e. whether the green space impacted has an identified sporting or recreational function).

The Council will prepare an Open Space Strategy to identify opportunities for improving and linking existing greenspace and to meet future demands for greenspace provision.

CONFORMS TO:

The policy conforms to SPP11: Open Space and Physical Activity, PAN65: Planning and Open Space.

POLICY CROSS-REFERENCE/ADDITIONAL GUIDANCE:

- Policy CF2: Providing recreational land and open space;
- Policy CF4: Golf Courses and Driving Ranges;
- Policy H6: Development Within Rural Communities
- Policy IMP1: Development Requirements
- Policy IMP3: Developer Contributions;
- Policy IMP4: Action Plan.

POLICY E5: ENVIRONMENTAL IMPROVEMENTS

The Council will implement a rolling programme of environmental improvement projects in partnership with other funding bodies to improve Moray's built environment. These projects should promote community regeneration and the Council will involve the communities concerned in the design and implementation process. Hard and soft landscaping, lighting, street furniture provision, road and pavement design, recreation provision, signage, biodiversity, water features and long term maintenance will be addressed.

JUSTIFICATION:

The Council recognises the benefits of maintaining a high quality environment for residents and tourists. The Council will continue to carry out environmental improvements to upgrade the environment of Moray, particularly at important focal points such as town squares and harbours. The Council will apply for match funding from external sources such as the Lottery and Europe for these projects and work closely with local community groups.

CONFORMS TO:

N/A

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP4 Action Plan.

POLICY E6: NATIONAL PARKS AND NATIONAL SCENIC AREAS (NSA)

Development proposals which adversely affect National Parks or National Scenic Areas will be refused unless the developer demonstrates to the satisfaction of the Planning Authority that:

- a. the overall objectives of the designated area would not be compromised, and
- b. any adverse impact is significantly outweighed by the national benefits resulting from the development.

JUSTIFICATION:

The aim of this policy is to safeguard areas of nationally important landscapes from inappropriate development. The Cairngorm Mountain National Scenic Area is one of about 40 in Scotland which are nationally important areas of outstanding natural beauty and the Cairngorms represents one of Scotland's best examples of mountains and lochs landscapes. The Cairngorms National Park became operational in September 2003 and is Scotland's second National Park and the largest in Britain. This policy is concerned with development proposals outwith the National Park but which may still be considered to have an impact upon the designation. The Cairngorms National Park Authority and the Council should be jointly consulted at the earliest stage to assess the impacts of any proposal.

CONFORMS TO:

This policy conforms to NPPG14 Natural Heritage, and the Cairngorms National Park Designation Order National Park Act (Scotland) 2000

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements,
Policy IMP2: Development Impact Assessments.

POLICY E7: AREAS OF GREAT LANDSCAPE VALUE (AGLV)

Development proposals which would have an adverse effect on an Area of Great Landscape Value will be refused unless:

- a. they incorporate the highest standards of siting and design for rural areas,
- b. they will not have a significant adverse effect on the landscape character of the area,
- c. they are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

The Council will require full detailed planning applications covering site layout, landscaping, boundary treatment, building design and material finishes for all proposals within AGLVs.

JUSTIFICATION:

The aim of this policy is to protect areas of strategically important landscapes from inappropriate development. The policy also aims to promote the highest standards of design (set out in the Housing in the Countryside guidance) to retain the traditional character of these areas. There are 8 AGLVs in Moray shown on the Proposals Map. These will be reviewed.

The Policy supports the Scottish Natural Heritage "Guidance on Local Landscape Designations". The terms of Policy E7 do not apply in defined Settlements, including Rural Communities.

CONFORMS TO:

The policy conforms to NPPG14 Natural Heritage.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements; Landscape Character Assessment of Moray and Nairn.
Policy IMP4: Action Plan.

POLICY E8: COASTAL PROTECTION ZONE

Development proposals within the Coastal Protection Zone (CPZ) as identified on the proposals map will be refused except:

- a. where there is an existing use,
- b. it is an appropriate extension or change of use to existing buildings, or replacement of existing buildings,
- c. for low intensity recreational or tourist use e.g. golf courses, driving ranges, sports fields,
- d. for uses directly related to agriculture, forestry and fishing.

Proposals that are appropriate within the policy must not prejudice the objectives of the CPZ or adversely affect the ecological, geomorphological or landscape importance of the area.

Development will not be permitted on any parts of the coast that are identified as being at risk from flooding or erosion.

JUSTIFICATION:

The objective of the policy is to protect and enhance the Moray coast for its landscape, nature conservation, recreation and tourism benefits. NPPG13 Coastal Planning requires general protection policies for isolated, developed and undeveloped areas of the coastline. The undeveloped coastline is safeguarded through identification of a Coastal Protection Zone (see Proposals Map) within which only certain types of development will be acceptable. The Coastal Protection Zone has been extended West to include Culbin Forest.

CONFORMS TO:

This policy conforms NPPG13 Coastal Planning, PAN53 Classifying the Coast for Planning.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, Moray Firth Partnership Management Plan.

Policy E1: Natura 2000 sites and National Nature Conservation Sites

Policy EP6: Waterbodies

POLICY E9: SETTLEMENT BOUNDARIES

Settlement Boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of policy H2.

JUSTIFICATION:

Settlement boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

CONFORMS TO:

N/A

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy H2: Indicative Long Term Housing Allocations.

POLICY E10: COUNTRYSIDE AROUND TOWNS

Development proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless it:

- a. involves the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b. is necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other Local Plan policies within these areas, or
- c. is a designated "LONG" term housing allocation, released for development under the terms of policy H2.

JUSTIFICATION:

The five main towns of Elgin, Forres, Buckie, Keith and Lossiemouth are subject to the highest development pressures and CAT's have been designated to prevent development sprawl into the countryside. Only certain types of developments are appropriate within CAT's to protect their special character and preserve the distinction with the built up area.

CONFORMS TO:

N/A

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

Policy ER6 on Agriculture and Policy ER4 on Forestry Consultations.

Policy H2: Indicative Long Term Housing Allocations.