

## **1. Introduction**

- 1.1. This new Moray Local Development Plan is the first to be prepared under the new process introduced by the Town and Country Planning (Scotland) etc Act 2006. The Local Development Plan will replace the Moray Structure Plan 2007 and Moray Local Plan 2008, and will provide a single forward planning document that presents a vision and spatial strategy for directing growth in Moray for the next 10- 20 years.
- 1.2 A Main Issues Report was published for consultation in November 2012. This identified some of the key policy matters that required to be addressed by the Review, and put forward options and alternatives on where new development should take place. The responses to this consultation have been used to shape the content of the Proposed Plan.
- 1.3 The Proposed Plan has now been issued for consultation and represents the settled view of Moray Council on the form and content for the new Local Development Plan. Any representations must now be made as formal objections and any unresolved objections will be referred to an Examination, where an independent Reporter will arbitrate. The findings of the Reporter are binding upon the Council and must be incorporated into the adopted Plan.
- 1.4 The Council is committed to the production of Supplementary Guidance (SG) on several topics, which will expand upon policy statements contained in this Plan, and assist in the consistent interpretation and implementation of these policies. Policies and sites to be subject to SG are indicated in the relevant sections of the Plan. All such Guidance shall be subject to consultation, following which it will become a formal part of the Local Development Plan.
- 1.5 The contents of this Proposed Plan and associated Supplementary Guidance have been subject to Strategic Environmental Assessment, and Natura Habitat Regulations Assessment.



## **2. Vision for Moray**

- 2.1 Sustainable economic development is a key objective for both the Scottish Government and Moray Council. The economic and employment benefits of business and industrial growth should be a material consideration in any development proposals.
- 2.2 The Vision for Moray that was presented in the Main Issues Report was strongly based on that of the Moray Economic Strategy, which had only recently been prepared.
- 2.3 It seeks to have:
- A growing population, which retains more of its younger people and attracts new residents to the area.
  - A broad business base with stable, well paid employment; a focus on high quality jobs in engineering; science and technology; growth of established tourism, food, drink sectors.
  - Sufficient housing land to meet the Housing Need and Demand Assessment, that will facilitate the provision of affordable housing, and to ensure high quality residential developments.
  - Attractive, sustainable environments where people will wish to live and work, which incorporate high quality design; green corridors and open spaces.
  - A policy context which supports growth and development, whilst at the same time protecting and enhancing the natural and built heritage, which are amongst Moray's prime assets.
  - Good, efficient transport links to the rest of the country; with the encouragement of active travel as an alternative to journeys by car.
  - Renewable energy technologies; reduced carbon emissions; embedded within all development
- 2.4 To assist in achieving and delivering this, the Local Development Plan will have to
- Provide an adequate supply of land designated for development
  - Be able to respond positively to economic development proposals
  - Safeguard and enhance Moray's environmental qualities
  - Promote low carbon, sustainable development, and provide alternative travel options to car use.
- 2.5 The Local Development Plan will reflect Scottish Government core principles/objectives as expressed in the National Planning Framework, of having a low carbon economy; an increased emphasis on placemaking; respecting and maximising environmental assets; a sustainable approach to growth and development; being a well connected place.

## Spatial Strategy Map



### Spatial Strategy Map Key



Primary Centre  
1st Tier



Secondary Centres  
2nd Tier



3rd Tier Settlements



Rural Communities



Tourism Gateways



Major Business  
Locations



Offshore Wind  
Service Centre



Trunk Roads



'A' Roads



Railway

### 3. Spatial Strategy

- 3.1 The proposed strategy for the distribution of development across Moray is a continuation of that taken by the 2008 Local Plan ie a Settlement Hierarchy of:

<b>Primary Centre</b>	Elgin
<b>Secondary Centres</b>	Buckie, Forres; Keith; Lossiemouth
<b>Third Tier Settlements</b>	Aberlour; Alves; Archiestown; Burghead; Craigellachie; Cullen; Cummingston; Dallas; Dufftown; Duffus; Dyke; Findhorn; Findochty; Fochabers; Garmouth; Hopeman; Kingston; Kinloss; Lhanbryde; Mosstodloch; Newmill; Portgordon; Portknockie; Rafford; Rothes; Rothiemay; Urquhart
<b>4th Tier</b>	Rural Groupings (currently 76)

- 3.2 This will see the majority of new development taking place in Elgin, in accordance with the objectives of the Moray Economic Strategy, to continue with Elgin's role as a regional centre and focus for growth.
- 3.3 The secondary centres have a more local, sub-Moray role as centres for their catchments, and will accommodate a lesser level of new development.
- 3.4 The third tier settlements will be expected to grow in proportion to their current size, and land allocations will be made at a lesser level and in accordance with existing supply. However, some settlements may be proposed for no, or limited growth, due to capacity or character issues.
- 3.5 Rural groupings are regarded as providing development opportunities in rural areas, based around existing, established groupings of buildings. These present a means of supporting local facilities (schools; halls; services) and the identification of small scale development sites can assist in reducing demand for houses in open countryside.
- 3.6 The formation of a new town as an option for accommodating growth was not supported, and concentration and expansion of existing settlements was preferred. However, taking a longer term view of future employment opportunities in the A96 Forres to Elgin corridor, there may be merit in considering the release of some land at Alves as an "expanded settlement" at some point in the future. Accordingly a LONG term allocation has been shown on the Alves proposals map as an indication of possible future direction for growth of this settlement. This may be slightly at odds with Alves's current position in the settlement hierarchy, but previous versions of the Local Plan have had strategic land reserves at the village, and the allocation of a LONG designation would represent the re-introduction of this previous approach.

## 4. Plan Format

4.1 The Moray Local Development Plan does not cover the whole of the Moray Council administrative area, the southern part of which lies within the Cairngorms National Park, which is subject to its own Local Development Plan.

4.2 This Proposed Plan comprises a number of elements:

- **Primary Policies** - which provide an over-arching policy context which reflects Scottish Government objectives.
- **Planning Policies** - which cover the following topics:
  - Economic Development
  - Residential Development
  - Natural Environment
  - Built Environment
  - Environmental Protection
  - Environmental Resources
  - Retail and Commercial Development
  - Transport and Accessibility
  - Implementation
- **Settlement Statements** – A map of land designations showing sites proposed for development, with descriptive texts outlining the purpose and design requirements for each site.
- **Action Programme**, which indicates how the various policies and proposals in the Plan will be taken forward; by whom; when.
- A series of **Supplementary Guidance** which provide additional information and detail for specific policies. These may be updated, replaced, or additional Guidance produced, during the currency of the Plan.
- **Proposals Maps** covering the whole of the Local Development Plan area, which shows the various policy areas. Settlements, are shown on more detail on individual inset maps.
- **Strategic Environmental Assessment** (SEA)
- **Habitats Regulations Assessment** (HRA)

# Primary Policies

The Primary Policies reflect the priorities set out in Scottish Planning Policy and the objectives of the Council. These policies will be applied to all development proposals and used with the more detailed policies set out within the relevant sections to determine planning proposals.

The primary policies aim to support the Scottish Government's aims in terms of sustainable economic growth, climate change and placemaking.

## **PP1** Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

### **Justification:**

The Moray Economic Strategy provides a long term strategy to influence decision makers in addressing the challenges in diversifying the economy of Moray. This includes the objectives for growth and inward investment in higher paid employment, to reduce the outmigration of young people and to reduce any dependency on public sector employment including the defence sector.

The aims of the strategy are to deliver population growth, create 5,000 jobs and raise earnings to above the Scottish average. The Strategy includes an Action Plan which identifies a programme of projects and enabling actions with a focus on improving regional infrastructure including, road, rail and air and broadband connectivity, opportunities to grow and diversify the economy in the sectors of life sciences, engineering, energy, food and drink and tourism. The Strategy and Action Plan also support the reinforcement of Elgin as a regional centre through the Elgin City for the Future Masterplan to support the towns of Buckie, Forres, Keith and Lossiemouth and the settlements of Speyside.

The aims of this policy must be balanced with the need to safeguard Moray's natural and built environment.

**PP2****Climate Change**

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure,
- Optimise accessibility to active travel options and public transport,
- Create quality open spaces, landscaped areas and green wedges that are well connected,
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings,
- Install low and zero carbon generating technologies,
- Prevent further development that would be at risk of flooding or coastal erosion,
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

**Justification**

The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by 80% by 2050. To achieve this, new development will have to reduce energy and other resource requirements: reduce the need to travel and provide opportunities for active travel and travel by public transport. Development should be avoided in areas vulnerable to the effects of climate change like areas at significant risk of flooding, landslip and coastal erosion. The energy and heat requirements in new developments should where possible be met by decentralised and local renewable or low carbon sources.



All developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- integrate natural landscape features and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

#### Justification:

The Scottish Government aims to encourage higher standards of urban design and has published Designing Streets and Creating Places. The Council has approved supplementary guidance on urban design which developers are referred to.

The planning system encourages a designed approach to planning responding to the context and characteristics of each site. The 6 key qualities of distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond should be considered and integrated into new developments.

Design statements are required for all major applications, however this approach is encouraged for all developments over 10 units to understand the proposal within the context of the site and surrounding environment.

Scottish Government policies encourage the creation of walkable neighbourhoods which are defined as neighbourhoods which have a range of facilities within 5 minutes (about 400 metres) walking distance of residential areas.

A Design and Access Statement is required for national and major planning applications and the Council encourages preparation of a Design Statement for all housing developments of 10 or more units and commercial developments in excess of 500 sq. metres.



# Economic Development and Employment Land

## Introduction

Local Development Plans contain policies on economic development and employment land for the following reasons:

- To provide locations for new business and employment related development to take place, and support job creation
- To separate uses and activities which may not be compatible
- To support the historical, traditional industries within the area
- To control development in sensitive areas
- To provide a sustainable economic infrastructure, making best use of population, location and transport links
- To accommodate and facilitate new trends, technologies and growth sectors
- By doing so the planning process can create conditions which support economic growth, sustain and create jobs, and contribute to the well being and prosperity of the area.

## Context

Scottish Planning Policy (SPP) requires Local Authorities to ensure that there is a range and choice of sites and locations allocated in Development Plans in order to support economic growth.

The National Planning Framework (Scotland's spatial growth strategy) identifies Life Sciences; renewables; tourism, food and drink as important sectors for Moray.

Moray's reliance on the defence sector was exposed by the Strategic Defence and Security Review in 2010, although the closure of RAF Kinloss was to some extent offset by the relocation of an Army regiment.

The Moray Economic Strategy (MES) was produced in response to this situation, and has put forward a series of actions intended to attract and create new jobs; diversify the economy; retain young people and increase average earnings. Emerging sectors such as Life Sciences and Renewable Energy along with traditional food, drink and tourism sectors will be pursued. Enhanced digital connectivity will improve prospects for more rural areas, allowing employment opportunities to take advantage of location and environment, and supporting lifestyle choices of where to work.

MES has now been adopted by Community Planning Partners as the framework for promoting economic growth, and has identified spatial/geographic roles across Moray which will require to be reflected in the Local Development Plan.

- |                    |  |
|--------------------|--|
| <b>Elgin</b>       | <ul style="list-style-type: none"> <li>● The Primary Centre for investment</li> <li>● City Centre redevelopment</li> <li>● Promotion of Barmuckity Business Park</li> <li>● Elgin West Business Park</li> <li>● Central Area office provision</li> <li>● 25 ha of additional employment land</li> <li>● Life science centre/Moray College Campus re-development (as part of an Inverness to Elgin “life sciences corridor”)</li> </ul> |
| <b>Lossiemouth</b> | <ul style="list-style-type: none"> <li>● Develop/expand the role of tourism</li> </ul>   |
| <b>Buckie</b>      | <ul style="list-style-type: none"> <li>● Quayside facilities to support offshore renewables</li> <li>● East Moray Science and Business campus</li> <li>● Central Area office provision</li> <li>● Additional employment land at Harbour and March Road</li> </ul>  |
| <b>Forres</b>      | <ul style="list-style-type: none"> <li>● Central Area office provision</li> <li>● Additional 10ha of employment land</li> <li>● Forres Enterprise Park (as part of an Inverness to Elgin “life sciences corridor”)</li> </ul>  |
| <b>Keith</b>       | <ul style="list-style-type: none"> <li>● Gateway role in Tourism, based on language and musical heritage</li> <li>● Improved coach drop off facilities</li> </ul>  |
| <b>Speyside</b>    | <ul style="list-style-type: none"> <li>● Tourism/visitor facilities</li> <li>● Visitor accommodation/Quality Hotel</li> <li>● Town Heritage Trails</li> </ul>  |

**Policy ED1****Development of New Employment Land**

The formation of new industrial estates, or business related development will require to satisfy the following requirements. Where appropriate, further details will be contained in site designation texts in settlement statements.

**Road Access:** Junctions with the public road and internal service roads should be built to Moray Council standards for adoption, and provision made for on site and off site parking. Layout proposals should provide for pedestrian and cycle links and provide options for linking with public transport services (eg by provision of bus stops/laybys/shelters as deemed appropriate).

**Drainage:** All foul drainage must connect to the public sewer, with surface water drainage incorporating appropriate sustainable urban drainage (SUDS).

**Landscaping:** Requirements for individual sites will be specified in more detail in the relevant settlement designation. Proposals should address issues such as screening; noise barriers; treatment at boundaries/frontages; general visual appearance of the site. Details for maintenance arrangements will be required for landscaped areas.

**Design:** Where site frontages are highly visible (eg onto a main road, or town gateway site) a high standard of design for front elevations; layout of yard; storage areas; parking must be a consideration.

**Designing Out Crime:** New estates should be designed so that they provide deterrents to crime, by ensuring sufficient lighting, planting and boundary treatments. Consultation will be carried out with Police Scotland for new proposals. Examples of best practice will be provided to applicants at pre-application stage.

**Natural Environment:** Provision should be made to ensure appropriate protection and enhancement of the natural environment, and integration with natural heritage on adjacent lands.

**Waste Management:** Provision should be made for the collection, separation and management of waste materials.

**Justification**

Development of new employment land is an investment in economic infrastructure. It must be provided to a standard that will attract and accommodate industrial and business activities, and provide a degree of amenity.

Compliance with the above criteria should ensure that development of new sites is looked at in a comprehensive way that satisfies all technical and design requirements. Individual proposals will then be expected to comply with an overall plan and not prejudice subsequent proposals.

It will also ensure that visual appearance does not have a negative impact on the wider area



**Policy ED2****Business Uses on Industrial Estates**

Recognised and purpose built industrial estates will primarily be reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Use Classes Order 1997. Some uses within Class 5 may be considered inappropriate for environmental reasons (eg noise, dust, vibration, fumes) and will not be permitted.

Shops and outright retail activities will not be allowed; the only retailing permissible will be that which is considered to be ancillary to some other principal use (e.g. manufacture; wholesale). For the purposes of this policy, "ancillary" is taken as being linked directly to the existing use of the unit, and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross).

Class 2 (Financial, professional services), Class 11 (Assembly and Leisure), and activities which do not fall within a specific use class (*sui generis*) will be considered in relation to their suitability to the industrial estate concerned, and the supply of serviced employment land.

**Justification**

There is a shortage of readily available serviced land, and this policy seeks to ensure that sites are used primarily for the role that was intended i.e. to provide land for employment creating activities. It also restricts non conforming uses, including visiting members of the public, where traffic generation and pedestrian movements may cause conflict with the primary use of the site. This approach should also help retain town centres as principal retail areas.

**Policy ED3****Business Parks**

Business Park designations are made to accommodate uses which require a higher amenity/environmental setting than is available on traditional industrial estates, and may include more "commercial" activities such as offices; call centres or high technology uses. A high standard of building design and landscaping would be expected, and development that impacts upon the high amenity value of a business park will not be permitted.

Business parks have been identified at Forres Enterprise Park; Elgin West; Buckie High Street, which will be the site reserved for the East Moray Science Campus, until this concept is further developed.

Elgin Barmuckity will be a mixed site, accommodating business park uses in addition to more general industrial use.

**Justification**

This policy seeks to provide locations where a high quality environment is available, and to retain these sites as locations for new, "clean" employment sectors. This will assist in the attraction of inward investment, and provide a location for non-retail, commercial enterprises who do not require a town centre location.

Moray Economic Strategy has identified Life Sciences as a sector to pursue, and Inverness to Elgin has been identified as a "life sciences corridor" in the National Planning Framework. Part of Forres Enterprise Park has been designated as an Enterprise Area for this purpose.



**Policy ED4****Existing Business Areas**

Within existing business areas, business development, redevelopment, or expansion (excluding retail) will be acceptable subject to technical and environmental considerations, and compatibility with neighbouring uses. These areas tend to have a long established usage (identified in settlement statements as Established or Mixed Use) and the expansion or introduction of non business uses will not be permitted, except where the total redevelopment of the site is proposed.

**Justification**

The policy seeks to ensure the retention of sites that have a long established business use, where the continuation of this principal use is appropriate. The introduction of non conforming uses (eg Housing) could through time prejudice the principal activity.

This approach will establish the primacy of the business use of the site, and the policy allows the consideration of alternative uses only when the whole site is involved.

**Policy ED5****Opportunity Sites**

The town and village statements will identify “opportunity sites” which present the opportunity for appropriate alternative uses in the event of a proposal to re-develop. These are often vacant or derelict sites that are no longer required for their original or previous uses. These “brownfield” sites are an alternative to utilising undeveloped, “greenfield” land. Any new proposal should be compatible with surrounding uses.

The historical uses of “opportunity sites” could require contaminated land assessments to be carried out, with remediation prior to re-development.

Any uses that are given should be viewed as illustrative examples only, and not taken as a definitive list of acceptable activities.

**Justification**

This policy seeks to promote sustainable development and encourage the use of previously used land which is now vacant or derelict.

Proposals for communications equipment and infrastructure (masts; relay stations; cabling etc related to mobile phone or broadband) will be assessed on their impact on landscape and townscape character; compatibility with surrounding uses; affect on environmental designations. Locational requirements (on technical/operational grounds, and links with transport corridors) will be recognised during consideration of proposals.

Applicants must justify their choice of site, including the potential to share facilities, and may be asked to carry out measures to disguise or mask installations. Sharing of facilities must not result in increased adverse visual assessment.

#### Justification

Modern telecommunication systems continue to grow rapidly, and are an integral part of business operations and lifestyles. The availability of, and access to, these technologies will allow Moray to remain economically competitive, and facilitate business opportunities in rural areas.

Often the equipment has to be located on high ground or buildings, or be in proximity to roads and railways. The visual impact of proposals on the landscape, environment and scenery must be minimised wherever possible.

The health and safety level of radio frequency emissions are controlled by other regulatory bodies, and are not deemed to be a valid "planning consideration". Accordingly they will not be taken into account when considering proposals.



**Policy ED7****Rural Business Proposals**

New business developments, or extensions to existing industrial/economic activities in the countryside, will be permitted if they meet all of the following criteria:

- a) There is a locational justification for the site concerned, particularly if there is serviced industrial land available in a nearby settlement
- b) There is capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved
- c) Account is taken of environmental considerations, including the impact on natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land.
- d) There is careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, standard industrial estate/urban designs may not be appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided road access and parking arrangements are acceptable.

Where noise emissions or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

Outright retail activities will be considered against retail policies, and impacts on established shopping areas, but ancillary retailing (eg farm shop) will generally be acceptable.

**Justification**

The Council would wish to support economic development and to sustain employment in rural areas, by granting approval to new business proposals that fit into the environment and can be adequately serviced. In addition, there are already many long established, traditional business operations in rural areas, (e.g. distilleries) which may have expansion requirements and for whom re-location is not a realistic option.



**Policy ED8****Tourism Facilities and Accommodation**

The Council will generally support proposals which contribute towards Moray's role as a tourist area. All proposals will require to

- a) Be compatible with policies to protect and enhance the built and natural environment
- b) Provide adequate infrastructure arrangements (e.g. roads, parking water, drainage), and
- c) Demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravans or chalets in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be put in place to assist in integrating the site into its rural setting, in addition to providing for on-site amenity within the layout. Rigid, formal arrangements should be avoided, with stances/pitches separated to provide discrete, screened locations.

Provision within sites for touring caravans, and tents will be encouraged.

**Justification**

Tourism is an important part of the Moray economy and is identified as a target sector in the Economic Strategy. In particular the need for additional hotel accommodation is recognised and forms part of the action plan for investments. It provides jobs and in particular supports rural areas. Much of Moray's attraction is its environment, with heritage, scenery and outdoor activities being key features.

The Council would wish to build on this asset and maximise economic and employment opportunities. However, whilst wishing to encourage and support development within this sector, care must be taken to ensure that the assets which create this attraction are not damaged by inappropriate or unsympathetic development.



**Policy ED9****Roadside Tourism Signs**

Proposals for roadside tourism signs must comply with the Council's current policy.

**Justification**

Promotion of tourist attractions and directional information, are important aspects of supporting Tourism as a sector of the local economy, particularly with a large segment of car borne visitors.

There is also a need to ensure that roadsides do not become cluttered with road signs, thereby detracting from the scenery, confusing drivers and prejudicing road safety.

Thus there is a presumption against outright advertisements, in favour of a much more standardised directional/information signage promoting only those establishments which have reached a minimum quality threshold as assessed by Visit Scotland.







# Residential Development

## Introduction

Local Development Plans contain residential development policies and housing land allocations for the following reasons;

- To provide a range of housing opportunities that meets the requirement for a continuing 5-year effective land supply.
- To promote the development of housing on brownfield land to reduce the need to use greenfield land.
- To accommodate low impact housing development in the countryside.
- To promote the provision of affordable housing and house styles and developments to reflect the ageing population.
- To set standards related to the development of new housing which help to maintain the quality of the area's natural and built environment.
- To improve Placemaking and create attractive locations in which to live

This approach helps to provide housing to meet Moray's needs and demands and support the future economic growth of the area. It will also help to reduce the impact of housing development on the environment.

## Context

Scottish Planning Policy (SPP) requires Local Development Plans to identify a generous supply of land, set out the housing supply target and housing land requirement for each housing market area up to year 10 from the year of adoption of the Plan. Plans should allocate a range of sites which are effective or capable of becoming effective in the plan period and provide a minimum 5 year effective land supply at all times.

The SPP also encourages Plans to provide an indication of the possible scale and location of the housing land requirement beyond year 10 and up to year 20 and clearly set out the scale and distribution of the affordable housing requirement for the area. Policies H1 and H2 seek to achieve this and the housing land supply is monitored through an annual audit with an agreed process for releasing LONG term sites, if agreed “triggers” are met.

In the interests of sustainable development and reducing the need to travel, most new development should be guided to locations within or adjacent to settlements, but the Plan also sets out circumstances where new housing in the countryside will be acceptable.

The strategic housing land requirements have been calculated based upon the Council’s Housing Need and Demand Assessment 2011. This provides baseline figures to which elements of flexibility have been added to provide strategic housing land requirements for the five Local Housing Market Areas (LHMA’s) within the Plan area. Capacity studies have been undertaken to identify the amount of housing land to be released in each settlement. Full details of the housing land requirements, capacity study and settlement hierarchy are provided in the Housing Land Background Paper.

**Designated sites**

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place-making and Supplementary Guidance, "People and Places".

**Windfall sites within settlements**

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

**Housing Density**

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

**Justification:**

The Council has published strategic housing land requirements for the period 2013 to 2025 and aims to ensure that a five year effective housing land supply is maintained. The spatial strategy for the Plan aims to concentrate development on the five main towns of Elgin, Forres, Buckie, Keith and Lossiemouth, with smaller opportunities for growth in other towns and villages, respecting their status in the settlement hierarchy.

The level of housing proposed in each settlement has been determined through a capacity analysis, considering the settlement hierarchy, previous completion rates, environmental issues, technical constraints, existing land supply and other appropriate issues.

A Housing Land background paper provides full details of the settlement strategy, hierarchy and capacity analysis for each Local Housing Market Area.

Local Housing Market area	Settlement	5 year effective supply	Longer Term Effective supply	Constrained supply	Average Completion Rates (2005-2012)	Additional Housing Allocation
Buckie	Buckie	332	265	285	30	<b>255</b>
	Cullen	21	15	55	1.1	<b>55</b>
	Findochty	15	20	20	0.1	<b>0</b>
	Portgordon	7	34	20	1.1	<b>35</b>
	Portknockie	15	35	0	0	<b>0</b>
	<b>LHMA Total</b>					<b>345</b>
Elgin	Burghead	36	25	12	13.6	<b>20**</b>
	Cummingston	3	0	0	0	<b>0</b>
	Duffus	0	0	0	0	<b>0</b>
	Elgin	503	367	1580	151	<b>1290+LONG</b>
	Fochabers	50	0	50	0.1	<b>80+LONG</b>
	Garmouth/ Kingston	8	0	0	0	<b>10</b>
	Hopeman	0	0	0	0.1	<b>25+LONG</b>
	Lhanbryde	30	35	0	10	<b>0</b>
	Lossiemouth	143	222	0	12.2	<b>0</b>
	Mosstodloch	40	19	0	0	<b>60</b>
	Urquhart	0	0	20	0	<b>10 +LONG</b>
	<b>LHMA Total</b>					<b>1495+ LONG</b>
Forres	Alves	0	0	0	2	<b>0+ LONG</b>
	Dallas	5	0	9	0	<b>0</b>
	Dyke	12	0	0	0	<b>0*</b>
	Findhorn	40	11	0	1.6	<b>5</b>
	Forres	369	451	411	44.7	<b>360+LONG</b>
	Kinloss	23	9	18	0.8	<b>0</b>
	Rafford	10	0	0	0	<b>0</b>
	<b>LHMA Total</b>					<b>365+LONG</b>
Keith	Keith	93	124	301	12.2	<b>180+ LONG***</b>
	Newmill	4	6	0	0	<b>0</b>
	Rothiemay	13	4	0	0	<b>10</b>
	<b>LHMA Total</b>					<b>190+LONG</b>
Speyside	Aberlour	25	7	90	1.3	<b>90+LONG</b>
	Archiestown	3	4	0	0.6	<b>20</b>
	Craigellachie	17	0	5	1.3	<b>20</b>
	Dufftown	35	21	0	3	<b>75</b>
	Rothies	10	0	80	1	<b>40</b>
	<b>LHMA Total</b>					<b>245+LONG</b>

Table 1

\* new small designations of less than 5 houses are identified in the settlement plans for Dyke.

\*\* Burghead- also a requirement to identify land for 40 units as site R4 identified in MLP2008 has been deleted as a housing land designation.

\*\*\* Keith- also a requirement to identify further land for 20 units as site R12 identified in MLP2008 has been deleted as a housing land designation.

Long term (LONG) housing designations are identified in the settlement plans. The principle of their development to meet future housing needs is established although they are embargoed from development during the period of the Local Development Plan unless agreed “triggers” for their release are met through the annual review of the Housing Land Audit and Monitoring Report.

**Justification:**

LONG term sites have been identified to provide a strategic view of the future direction of some settlements and allow for infrastructure and landscaping enhancement/ mitigation measures to be progressed. These sites are embargoed from development during the period of the Local Development Plan, unless the Council is convinced that their early release is justified. This will be assessed annually against the agreed triggers set out in the Housing Land Audit.





**Policy H3****Sub division for House Plots**

Proposals for the subdivision for housing plots in those settlements and rural groupings where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, if the site provided is at least 400 square metres excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties. The built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties.

Acceptable provision must be made for on-plot parking for both the new and parent properties.

Backland development will be acceptable where it meets these conditions but proposals for tandem development will only be permitted in exceptional circumstances because of the impact upon the amenity of the parent property.

Specific embargoes on sub-division exist at Craigellachie, Dallas, Kingston and Urquhart. In Newmill sub division is encouraged as a way of promoting development and tidying up derelict land.

**Justification:**

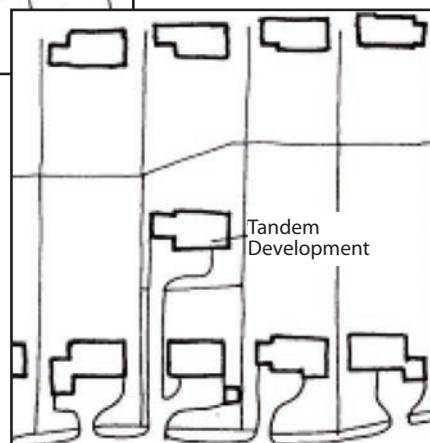
Plot subdivision needs to be controlled to ensure the impacts of over development do not adversely effect the character of an area.

Backland development is defined as development on land that lies to the rear of an existing property that often fronts a road. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion by a building, noise disturbance, reduced space and loss of landscaping.

Tandem development is a form of backland development where a new house is proposed immediately behind an existing house and served by the same access. This is generally unacceptable because of the impact on the amenity of the dwelling at the front of the site.



Backland and Tandem Development





**Policy H4****House Alterations and Extensions**

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale, proportions or materials.

Pitched roofs will be preferred to flat roofs, piended dormers to box dormers. Existing stone walls should be retained as far as possible.

**Justification:**

The policy discourages badly designed extensions and alterations. This is intended to safeguard the character and amenity of established residential areas.

**Policy H5****Development Within Rural Groupings**

This policy will apply to all groupings identified and contained in the Supplementary Guidance at Appendix 1.

New Housing within designated Rural Groupings will be acceptable in principle, provided standard technical and infrastructure requirements have been met (road access; drainage etc). The scale and design of proposals must fit the character of the area, and should not adversely impact on environmental amenity.

Potential sites have been identified in some locations, but their development has not been fully researched and proposals will still require to demonstrate they can be satisfactorily serviced. Areas of land which contribute to the environmental setting and character (eg trees; woodland; area of open space) have been identified as “amenity land”, and proposals which adversely affect the amenity value of such sites, will not be approved.

During the currency of the Local Development Plan, the Council will carry out a full Review of these designations and produce Supplementary Planning Guidance that will consider matters such as revised boundaries; sites with development potential; removal of existing designations or the addition of new groupings. This will be subject of consultation, and on completion, will be adopted as a formal part of the Plan.

**Justification**

The Plan seeks to maintain and encourage the growth of population levels within rural areas, with a preference for expanding/building alongside existing groupings as a means of reducing the pressure for housing in open countryside. The identification of sites with potential for development will also help in the provision of a generous supply of housing land, as required by Scottish Planning Policy.

The identified sites have not been subject to full technical evaluation, and will still require to confirm they can be adequately serviced.

**Policy H6****Re-use & Replacement of Existing Buildings in the Countryside**

The re-use and replacement of existing buildings in the countryside for housing will be acceptable if:

- a) There is clear physical evidence of a previous building, using the equivalent of level 2, where the full extent of the building is clearly established; and,
- b) The proposed house(s) sits on at least part of the footprint of the previous building(s). The number of houses shall not exceed the conversion potential of the original building (e.g. if the building could be split into 3 units, no more than 3 replacement dwellings will be permitted).

Where new build is proposed along with a re-use or rehabilitation scheme, it must:

- i) Comprise only a limited number of new build units not exceeding the number of converted or replacement dwellings unless evidence is submitted to the authority's satisfaction that further development is required for enabling purposes;
- ii) No more than 50% of new build units can be built before the conversion is complete;
- iii) Be contained within the curtilage of the existing building site and must not extend into previously undeveloped land;
- iv) Create a cohesive grouping through built form, layout and landscape features that reflects the character of the existing buildings and surrounding area;
- v) Comply with the design requirements of policy H7 (New Housing in the Open Countryside); and,
- vi) Incorporate stonework and salvaged material, wherever practicable.

Exceptions to design requirements will only be justified on the basis of innovative designs that respond to the character and setting of the house group.

Proposals for further new build under policy H7 that will be in addition to that permitted as part of the original re-use or rehabilitation scheme (consented under this policy) will not be allowed during the lifetime of the Local Development Plan to ensure a stable level of organic growth.

**Justification**

The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population in this predominantly rural area.

Potential impact of new housing on the wider countryside will be reduced by the re-use of sites where development has previously taken place. The retention of local vernacular buildings and buildings with architectural merit will assist in maintaining the character and appearance of the area. New development in the countryside must reflect the character of the surrounding area to minimise impact. All new dwellings will have to comply the design requirements of policy H7, in order to avoid suburban layouts and architecture which are alien to the rural environment and to minimise any impact on the surrounding countryside.

**Diagram 1****Level 1**

**RUBBLE PILE**  
Building form not known

**Level 2**

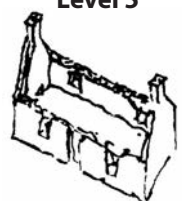
**PLAN FORM COMPLETE**  
Extent of building clearly known

**Level 3**

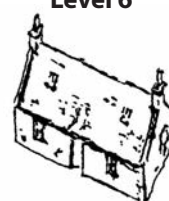
**GABLE ONLY**  
Extent of use of building not known

**Level 4**

**WINDOW SILL HEIGHT**  
Full extent and use of building not known

**Level 5**

**COMPLETE SHELL**  
Former use evident

**Level 6**

**RUINOUS STATE**  
Former use and extent shown

Where complete replacement of substantially intact stone and slate buildings, such as churches, mills, farmhouses, granaries and schools, etc is being proposed, the Council will require the submission of evidence to their satisfaction as to why conversion or renovation is not being pursued.

The replacement of temporary structures such as wooden or corrugated-iron sheds or stores, stables and cattlesheds will not be considered eligible under this category.

Supplementary Guidance (SG) has been produced in order to provide further advice on the interpretation of this policy, and will be used in the process of determining planning applications.

Other considerations such as noise contours, developer contributions and energy efficiency will be taken into account in the determination of a planning application, and advice on these matters can be viewed in the aforementioned SG.

## Policy H7

## New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

### Siting

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

### Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

If the above criteria for the setting of the new house are met, the following design requirements then apply:

### Design

- i) A roof pitch between 40-55 degrees;
- ii) A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- iii) Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- iv) A vertical emphasis and uniformity to all windows and doors;
- v) Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- vi) Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5 metres in height.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

A new dwelling that adds to a re-use or rehabilitation scheme permitted under policy H6 will not be allowed during the lifetime of the Local Development Plan to ensure a stable level of organic growth.

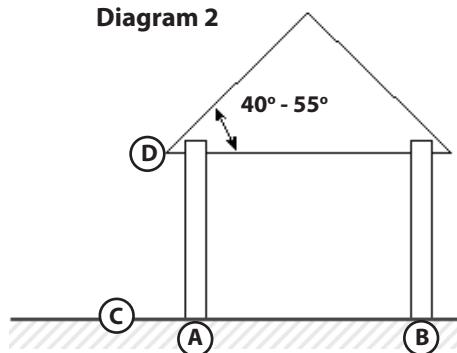
Proposals which involve the loss of woodland will be assessed against policy ER3 and must take account of the Council's Supplementary Guidance on Trees and Development.

Supplementary Guidance has been produced in order to provide further advice on the interpretation of this policy, and will be used in the process of determining planning applications.

Proposals for holiday homes in the open countryside will be assessed against this policy.

Other considerations such as noise contours, developer contributions and energy efficiency will be taken into account in the determination of a planning application, and advice on these matters can be viewed in the aforementioned Supplementary Guidance.

**Diagram 2**



### Ground Level:

A fixed point measured 100mm below the finished floor level of a house with a solid ground floor;

or 300mm below finished floor level of a suspended ground floor

### Eaves:

The point where the front face of the external wall intersects with the uppermost point of the roof line

The width of the gable as measured from A to B should not be greater than 2.5 times the height of the ground to eaves measurement C to D.

Pitch on roof to be 40° - 55°

**Policy H8****Affordable Housing**

Proposals for new housing developments of 4 or more units (including conversions) must provide a minimum of 25% of the total units as affordable housing. The specific contribution will be determined by the Head of Housing and Property and will be informed by the Local Housing Strategy.

Where the developer can demonstrate that there are exceptional site development costs or there are other reasons making on site provision unfeasible, then other options such as offsite provision or commuted payments may be considered.

**Justification:**

The Council's Housing Need and Demand Assessment identifies a substantial requirement for affordable housing. Developers should contact the Council's Housing service early in the design process to discuss the affordable housing contribution.

**Policy H9****Housing Mix/ Accessible Housing****Housing Mix/ Accessible Housing**

Proposals for multiple houses must meet the needs of smaller households, older people and other needs (e.g. extra care housing) identified in the Council's Housing Need and Demand Assessment.

All new residential developments must provide a range of housing of different types and sizes which should reflect the requirements of the Local Housing Strategy. Different house types should be well integrated, ensuring that the siting and design is appropriate to the location and does not conflict with the character of the local area.

Housing proposals of 10 or more units will be required to provide 15% of the private sector housing market units to wheelchair accessible standard.

Off site provision may be acceptable where sites do not have good access to local services and facilities and are not considered appropriate for housing for older people.

**Justification**

The changing demographics in household size and population age mean that there will be a significantly higher demand for smaller houses and for houses for an ageing population. Changing health care arrangements will result in people living longer in their homes and an increase in downsizing to smaller properties, with living accommodation on the ground floor.

Revisions to the Scottish Building Regulations in 2007 introduced significant changes to the functional standards and supporting guidance on accessibility of buildings, which includes advice on spaces and facilities to make homes more accessible.

This requirement is additional to the requirements for affordable housing set out in Policy H8. For example a housing development for 100 houses will be required to provide 25 affordable units under the terms of Policy H8 (25% of total units) and 15% of the remaining 75 private sector market houses to be provided to wheelchair accessible standard.

## Policy H10 Residential Caravans and Sites

The Council will not permit caravans to become permanent residences, except

- a) In emergency situations requiring urgent re-housing for a temporary period, or
- b) Where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss and Ashgrove, Elgin to provide new housing sites will be acceptable in principle (see also settlement statements), although a reduced density may be appropriate. At Mundole, any proposals to redevelop the residential caravan site should be subject of a Masterplan, and retain holiday/tourist accommodation as the primary use of the site.

An exception to this policy will be made for proposals for Gypsy/Traveller caravans/sites where the historical, traditional use of caravans as residences will be recognised.

### Justification

Despite improvements in construction and design, caravans (and park homes/chalets which are still classed as "caravans") are not regarded as providing suitable full time living accommodation.

There continues to be a large number of caravans in Moray in residential use, and it is an objective to reduce the dependency on this for low cost housing. The policy therefore places an embargo on the creation of any new sites, and also encourages the redevelopment of existing residential sites for housing developments.

Holiday use of caravans is an important element in the Tourism offer in Moray, and thus in the case of Mundole, the Council would wish to see the established use/consent for holiday caravans continued. The site does have opportunities offered by the landscape setting and recreation potential from the woodlands and River Findhorn nearby. There is scope for some infill/replacement development within the defined boundary of the Mundole rural grouping. All new proposals should form part of an overall Masterplan which takes account of and addresses local constraints such as contamination and flooding.

Proposals for Gypsy/Traveller sites, whether halting or permanent, from both public and private sectors will be favourably considered where

- a) There is an identified need and an accepted shortfall in provision
- b) The site does not detract from the character and appearance of the area, and is capable of being satisfactorily integrated into the landscape
- c) If located in the Countryside, the proposal is located a minimum of 1 kilometre from a settlement boundary
- d) There is no detrimental impact on the amenity of existing residents in the area through noise; road traffic movements; other disturbances
- e) The technical requirements for the development can be satisfactorily met (road access; drainage; water supply; waste collection; free from flood risk or contaminated land etc).
- f) Where a countryside location is proposed, on site tree planting and appropriate boundary treatment is provided, as would be the case for conventional houses.
- g) Any natural and cultural heritage interests are safeguarded.

Gypsy/Traveller site proposals in countryside areas will be regarded as a form of “housing in the countryside”, and will also be subject to the relevant aspects of policy H7.

Locations within Countryside Around Towns; Coastal Protection Zones; Areas of Great Landscape Value; immediately outside settlement boundaries; are likely to give greatest conflict with existing policies and established planning principles.

#### **Justification**

Gypsy/Travellers are a recognised ethnic group, which gives them rights under Human Rights legislation, that require to be taken into account by the Planning system. There are two different categories of site that are likely to be required

- Halting sites, where travellers in transit might stop for a number of days/weeks
- Permanent sites, which are smaller in scale and used (often by family/extended family groups) as a base for permanent dwellings/buildings whilst travellers are on the road.

This could result in proposals which would be in conflict with some planning policies, although these have been drafted with the “settled community” and bricks and mortar houses in mind. It will be necessary, to take into account the legislative rights of Gypsy/Travellers under the Human Rights Act and for this to be used as a material consideration to justify a departure from the conventional application of these policies.

For the purposes of this policy, the “appropriate distance” from settlement boundaries in policy E9, shall be 1 kilometre.





# Natural Environment

## Introduction

Local Development Plans contain policies on the natural heritage for the following reasons

- To protect international, national and locally important habitats and species and generally conserve and enhance biodiversity.
- To safeguard Areas of Great Landscape Value, the quality of the coastline and the sensitive transition between urban and rural areas of the five Countryside Around Town designations
- To protect existing green spaces and provide standards for the provision of new greenspaces.
- To protect trees covered by Tree Preservation Orders and safeguard trees during the development process.

## Context

Moray has a significant number of sites designated for their biodiversity and landscape importance. The Council recognises and values the role our natural environment plays in providing a range of opportunities for enjoyment, recreation and sustainable economic activity.

Moray's towns and villages benefit from a high quantity and good access to green spaces to provide recreational opportunities. The policies of the Plan aim to protect existing green spaces and provide a framework to ensure that new provision is well located and to a high standard.

The area of countryside around Moray's five main towns, the designated Areas of Great Landscape Value and Coastal Protection Zone require special consideration to safeguard their special qualities and role within Moray's landscape.



**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 which is not directly connected with or necessary to its conservation management must be subject to an appropriate assessment of the implications for its conservation objectives. Plans will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, plans may be approved where;

- a) there are no alternative solutions; and
- b) there are imperative reasons of over-riding public interest including those of a social or economic nature, and
- c) if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

**National designations**

Development proposals which will adversely affect a National Park, Site of Special Scientific Interest (SSSI) or National Nature Reserves will only be permitted where:

- a) it will not adversely affect the integrity of the area or the qualities for which it has been designated;
- b) Any adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental 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 appropriate assessment or environmental impact assessment will be required to accompany any application for planning permission.

Natura 2000 sites include Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Scottish Ministers must be notified prior to approval of planning consent on Natura sites. The same level of protection is accorded to proposed Special Areas of Conservation and Special Protection Areas (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as it does to sites which have been designated.

Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

**Policy E2****Local Nature Conservation Sites and Biodiversity**

Development proposals which will adversely affect Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species or other valuable local habitat or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site, and
- b) there is a specific locational requirement 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 habitats or species 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 and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

**Justification**

This policy aims to protect sites and species of local nature conservation value from potentially damaging 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.

If there is evidence of the presence or potential presence of a legally protected species on site which may be affected by a proposed development, any likely impact must be fully considered prior to the determination of the application.

The settlement statements identify a number of sites where ecological evaluation studies will be required. Developers should incorporate existing habitats into their proposals and identify suitable opportunities for creating and restoring habitats and wildlife corridors.

## Policy E3

## Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature, and there are beneficial consequences of primary importance for the environment.

Proposals which would have an unacceptable adverse effect on a nationally protected species will not be approved unless the development is necessary to preserve public health or public safety.

Where development will affect a protected species of bird, developers must demonstrate that there is no other satisfactory solution.

Where a protected species may be affected a species survey and species protection plan should be prepared to demonstrate how any offence under the relevant legislation will be avoided.

### Justification

Applicants will be required to submit supporting information where they consider they meet the tests set out in the policy, demonstrating both the need for the development and that a full range of possible alternative courses of action have been fully considered.

Nationally protected species are defined in the Wildlife and Countryside Act 1981.





**Policy E4****Trees and Development**

The Council will serve Tree Preservation Orders (TPO's) 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.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER3.

**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 woodlands 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.

Proposals for works to trees in Conservation areas and covered by a TPO should be made in writing and supported by a tree surgeon's report.

Legislation is pending on High Hedges and the Council will prepare supplementary guidance on this once formally in place.

The Council has prepared supplementary guidance on Trees and Development which sets out detailed requirements in support of this policy.



**Policy E5****Open Spaces****Safeguarding Open Spaces**

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

**Provision of new Open Spaces****Quantity**

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

**Justification**

The aim of this policy is to protect open spaces identified in the settlement statements and rural grouping statements as well as to provide standards for the quantity and quality of provision in new development. Open spaces provide opportunities for social contact and recreation and provide biodiversity and landscape benefits. Open spaces should be safe, secure, accessible, well maintained and linked together to create green and blue corridors.

Green corridors link woodlands and open spaces, while blue corridors link watercourses which can have high biodiversity value and offer additional recreational opportunities. Blue corridors is a collective term for a number of interconnecting features, which could include rivers, flood storage areas, floodplains, ponds, wetlands and drains.

Decisions on excess and new provision of sports areas will be made in consultation with Sport Scotland.

Requirements for new playspaces, sports fields and play equipment will be considered on a case by case basis until the Open Space strategy is operational and should be incorporated within the sliding scale of requirements identified in the policy. The percentage requirements identified in the policy represent the percentage of the application site to be used for providing green space. The Council will, however, take into consideration site topography, existing and surrounding features and other matters when considering green space provision in new developments. PTO

## Quality

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

## Allotments

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

Greenspaces have been categorised as follows in the settlement statements:

- ENV1 Public Parks and Gardens
- ENV2 Private Gardens and Grounds
- ENV3 Amenity Greenspaces
- 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
- ENV11 Cemeteries and proposed extensions

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

The Council will prepare an Open Space Strategy which will provide further guidance on these requirements and identify green space networks and corridors.





**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 Council that;

- a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

**Justification:**

The aim of this policy is to safeguard areas of nationally important landscapes from inappropriate development. The Cairngorm Mountain National Scenic Area and Cairngorms National Park lie outwith the scope of this Local Development Plan and are covered by the policies of the Cairngorms National Park Authority (CNPA). However, development proposals outwith the Park boundary may have an impact upon these designations.

Where appropriate, consultation with the CNPA will be carried out.

**Policy E7****Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape.**

Development proposals which would have an adverse effect upon 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.

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new hill tracks should ensure that their alignment avoids sensitive natural heritage features, avoid adverse impacts upon the local hydrology and take account of the likely type and recreational use of the track and wider network.

**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 (ref the Housing in the Countryside guidance) to retain the traditional character of these areas. There are 8 AGLV's in Moray shown on the Proposals Map (Environment).

Moray enjoys a high quality landscape and proposals which are likely to result in a significant adverse impact on the landscape will not be supported. The creation of new hill tracks can have a significant impact primarily from the visual appearance of the new track, but also from the drainage and erosion effects on the local area.

**Policy E8****Coastal Protection Zone**

Development proposals within the Coastal Protection Zone (CPZ), as identified on the proposals map, must not prejudice the objectives of the CPZ or the Water Framework Directive and 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 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 of 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. The undeveloped coastline is protected through identification of a Coastal Protection Zone (see Proposals Map) within which only certain types of development will be acceptable.

**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 Development 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.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)

**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.

The five main towns also have a Countryside Around Town (CAT) designation which further restricts development in the vicinity of the settlement boundary.



## Policy E10

## Countryside Around Towns

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

- a) involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b) are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use or specifically allowed under the terms of other Local Development Plan policies or settlement statements within these areas (excluding houses in all these cases), or
- c) are 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 development are appropriate within CAT's to protect their special character. New housing development (other than under criteria a) is specifically excluded from the types of acceptable development, to maintain and preserve the distinction with the built up area .





# Built Environment

## Introduction

The aims of the policies on the built environment are as follows;

- To protect listed buildings from inappropriate development proposals and safeguard them for future generations
- To preserve and enhance Moray's Conservation Areas
- To encourage the preservation of sites of archaeological and historic interest
- To protect Gardens, Designed Landscapes and Battlefields from development that would damage their special character

## Context

Moray benefits from a number of important sites for cultural heritage and the townscapes and buildings have distinctive characters and provide variety across the area. Collectively this heritage contributes greatly to the character of Moray and provides a sense of place and identity. The Scottish Government's policy on the historic environment and guidance is set out in the Scottish Historic Environmental Policy (SHEP) and the Managing Change in the Historic Environment guidance note series. This guidance advocates the protection, conservation and enhancement of all elements of the historic environment.

**Policy BE1****Scheduled Monuments and National Designations****National Designations**

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

**Local Designations**

Development proposals which will adversely affect sites of local archaeological importance, or their settings, will be refused unless it can be demonstrated that;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments and archaeological sites.

**Justification**

The aim of this policy is to protect archaeological sites and Scheduled Monuments from development that would have an adverse impact on their integrity and setting.

The unique quality of the historic environment provides a sense of identity and place. The Council recognises Moray's archaeological heritage for its tourism, leisure and educational value and wishes to conserve and enhance all archaeological sites of interest and there setting.

More information on these heritage assets can be found at the Historic Scotland website [www.historic-scotland.gov.uk/index/heritage.htm](http://www.historic-scotland.gov.uk/index/heritage.htm)





**Policy BE2****Listed Buildings**

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the listed building. Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale, materials and design.

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). The resulting development should be of a high design quality protecting the listed building(s) and their setting and be the minimum necessary to enable its conservation and re-use.

No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where demolition of a listed building is proposed it must be shown that;

- a) The building is not of special interest; or
- b) The building is incapable of repair; or
- c) The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable price.
- e) New development should be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building(s).

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidance set out in the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series.

**Justification**

The aim of this policy is to protect listed buildings from inappropriate development proposals. Listed buildings are an important part of Moray's heritage and should be safeguarded for future generations.

Proposals to extend or convert listed buildings should retain their character as should proposals within the curtilage of listed buildings. The Council wish to ensure that every effort is made to safeguard listed buildings and demolition will only be considered as a last resort. Applications for the demolition of listed buildings should be supported by sufficient information to evidence that every effort has been made to safeguard it.

Enabling development to assist the retention of listed buildings is supported in principle. It should be noted however that the new development is to address the conservation deficit as opposed to funding the restoration and the preservation of the setting of the listed building will remain a key consideration.

Development proposals within Conservation Areas will be refused if they adversely affect the character and appearance of the Conservation Area in terms of scale, height, colour, detailed design, use and siting.

All development within the Conservation Area should preserve or enhance the established traditional character and appearance of the area. Given the importance of assessing design matters, applications for planning permission in principle must be accompanied by sufficient information to allow an appraisal of the potential impact on the Conservation Area.

Development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of little townscape value, if its structural condition rules out retention at a reasonable cost, or its form or location make its re-use extremely difficult. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the new building.

Minor works in Conservation Areas including boundary walls, fences, external fixtures and advertisements can adversely affect its character. Proposals of this nature will be assessed in line with Managing Change in the Historic Environment Guidance Notes.

### **Windows**

Replacement windows shall match the original windows in proportions and appearance and shall open in a traditional sash manner (or by means of an approved sliding and tilting mechanism) or be in the form of casements whichever is appropriate. UPVC or metal framed windows will not normally be considered acceptable.

### **Signage**

Signage obscuring architectural details will not be permitted. Signage should be timber or etched glass; synthetic materials are not considered appropriate. Signage should also harmonise with the colour of the shop front and lettering should be individual and hand painted. Projecting signage shall be traditional timber design. Illumination of signage shall be by discreet trough lighting, internal illumination is not considered to be acceptable.

### **Justification**

Conservation Areas are areas of special architectural or historic interest where it is desirable to preserve or enhance the character or appearance of the area. The aim of this policy is to preserve and enhance Moray's Conservation Areas. There are Conservation Areas in Archiestown, Berryhillock, Burghead, Buckie, Cullen, Elgin, Findochty, Fochabers, Forres, Garmouth, Keith, Kingston, Portknockie and Whitemire.

The demolition of a single building and construction of new building in its place could result in the character and appearance of a Conservation Area being affected. If a building in a Conservation Area has fallen into a state of disrepair then a positive attempt should be made to retain, restore or convert the building before proposals to demolish are seriously investigated.



**Policy BE4****Micro-renewables and Listed Buildings and Conservation Areas**

Alterations and proposals involving the sensitive introduction of energy efficiency measures and /or micro renewable installations to Listed Buildings and buildings within Conservation Areas will be supported, where the proposals ensure that the character of the listed building, Conservation Area and their settings are preserved or enhanced.

**Justification**

The aims of this policy is to support the installation of microgenerating technologies on listed buildings and buildings in Conservation Areas providing there is no adverse impact on their character, integrity and setting.

The use of energy efficient, microgenerating and decentralised renewable energy systems are components in the move towards reducing emissions. The Climate Change (Scotland ) Act 2009 has set ambitious targets to reduce greenhouse gas emissions by 80% by 2050. The energy efficiency of the fabric should be optimised before considering the installation of micro-renewable technologies.

Many historic buildings or places lend themselves well to some form of micro-renewable energy generation. The micro-renewable installation must be planned carefully to maintain the historic character of each site and to make best use of the available renewable energy sources.



## Policy BE 5 Battlefields, Gardens and Designed Landscapes

Development proposals which adversely affect Battlefields or Gardens and Designed Landscapes or their setting will be refused unless;

- a) The overall character and reasons for the designation will be not compromised, or
- b) Any significant adverse affects can be satisfactorily mitigated and are clearly outweighed by social, economic and strategic benefits.

The Council will consult Historic Scotland on any proposal which may affect Inventory sites.

### Justification

Gardens and Designed Landscapes are integral parts of the Moray culture and heritage and are identified as meriting protection. The aim of this policy is to protect Gardens and Designed Landscapes and Battlefields from development would damage their special character.

An Inventory of Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. Sites recorded as being of national importance are Cullen House, Brodie Castle, Darnaway Castle, Gordon Castle, Gordonstoun, Innes House, Pluscarden Abbey, Grant Park/Cluny Hills and Relugas.

Historic battlefields make a distinctive contribution to our sense of place and history, both locally and nationally. The Battle of Glenlivet is a nationally important site and as such is now protected to ensure its' interest survives, and can be appreciated, in the future.

These sites are shown on the Proposals map: Environment.

## Policy BE6 Pluscarden Area of Special Control

No additional new housing development (including replacement) will be permitted within the Pluscarden Area of Special Control which has been identified around the Benedictine Abbey (With the exception of proposals within the rural community boundary). This area has been designated in order to safeguard and protect the very special character and setting of the Abbey and its exceptional environment.

The area covered is shown on the Proposals Map: Environment, and alongside the Pluscarden Rural Community map.

### Justification

Pluscarden Abbey, the monastic buildings and precinct walls are Category A listed buildings. The Abbey is in active use and enjoys a peaceful and tranquil setting, appropriate to its use and purpose as a place of worship and sanctuary. Strict control over new development is required to safeguard the visual setting of the Abbey and to retain the character and environment of the surrounding area.



# Environmental Protection

## Introduction

It is important for the Local Development Plan to recognise and provide a responsive policy framework related to those areas of activity that could have an adverse impact on the environment. This includes dealing with waste, water supplies and drainage, river engineering and flooding, pollution, air quality and contamination.

## Context

Scottish Planning Policy (SPP) requires new development to take into account the implications of development for water, air and soil quality as well as supporting water resource management, sustainable waste management and encouraging the use of sustainable and recycled materials in construction.

**Flooding** – The Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a sustainable and risk based approach to managing flooding. To provide a basis for planning decision making relating to flood risk, the flood risk framework divides flood risk into three categories, little or no risk, low to medium risk, medium to high risk and outlines the appropriate response. Within the plan sites at risk of flooding have been identified and requirements for flood risk assessments and drainage assessments have been set out in the designation text.

**Waste** – The Government's Zero Waste Plan has set the following targets for municipal waste:

- Increasing the proportion recycled or composted to 40% by 2010, 50% by 2020 and 70% by 2025,
- A 5% limit on landfill of municipal waste by 2025,
- To stop the growth of municipal waste by 2010.

Achieving these targets will require a reduction in the amount of waste produced and a significant increase in waste management infrastructure. The proximity principle requires waste to be dealt with as close as possible to where it is produced. Annexe B of the Zero Waste Plan provides further information on the role of land use planning.

**Water and Drainage** – The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water from new development to be treated by a sustainable drainage system (SUDS). New development should ensure the enhancement of the water environment in accordance with the Water Framework Directive (WFD) and the North East River Basin Plan.

Proposals for development of new facilities for the management or disposal of waste will be supported if the following criteria are met:

- 1) Any location must have acceptable, safe access arrangements and be close to an existing primary road, railhead or suitable harbour facilities and be capable of satisfactorily accommodating the potential transport impacts within the surrounding roads network; and
- 2) Proposals should be strategically located within the existing waste collection network and be close to the principal sources of waste arising to accord with self-sufficiency and proximity principles.
- 3) The proposal helps to deliver the objectives of the Zero Waste Plan (ZWP).
- 4) The proposal should be located where it will not have a significant adverse impact on international, national, regional or locally significant designated areas;
- 5) Any proposal should be suitably located, preferably within an existing or proposed industrial area; a brownfield site, derelict or degraded land (unless adverse ground conditions pose an unacceptable risk) or existing waste management site;
- 6) Greenfield sites should only be considered for development if it can be demonstrated by the applicant that there are no other suitable locations. Any greenfield site also needs to take into account the impact on the surrounding landscape;
- 7) Proposals should not generate adverse impacts on ground water resources and surface waters and should not be located within an area subject to flooding (1:200 year event);
- 8) Energy from waste recovery facilities should be located adjacent to National Grid infrastructure and close to users of heat and power;
- 9) Where proposals can offer additional benefits for the locality or community then these factors should be taken into account in the finalisation of the location.
- 10) The development has no adverse impact on residential and environmental amenity and where appropriate satisfactory details of restoration are provided.

**Justification**

The Scottish Government has adopted Zero Waste as a goal. Moving to zero waste means more facilities will be required to collect, sort, reuse, recycle and process waste. The policy aims to support the delivery of a variety of waste installations that will be required and ensure that these are directed to appropriate locations. This approach will also support the Council to contribute to waste reduction targets.



## Policy EP2 Recycling Facilities

Proposals for new development must ensure the provision of adequate space within layouts for well designed waste storage, recycling and collection systems to maximise waste reduction and the separation of materials at source. The scheme should be designed in consultation with the Council's Waste Manager.

For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.

### Justification

The Scottish Government has adopted Zero Waste as a goal. Recycling is a key element in the waste hierarchy as it promotes the sustainable use of materials and reduces the amount of waste that has to be dealt with by landfill. The policy aims to ensure that all residential, commercial and industrial properties provide facilities for waste separation and collection.

## Policy EP3 Identifying and Safeguarding Key Waste Sites

Key waste sites are identified at Dallachy, Gollachy, Moycroft and Waterford. Development on adjoining land will not be approved if it is considered there will be an unacceptable conflict that could prejudice their continued operation.

### Justification

The aim of this policy is to safeguard waste sites are ensure these are protected from any conflicting development. These are shown on Proposals Map: Waste and Minerals.

## Policy EP4 Private Water Supplies

All proposals to use a private water supply must demonstrate that a wholesome and adequate supply can be provided. Applicants will be required to provide a National Grid Reference for each supply source and mark the supply (and all works associated) e.g. the source, holding tank and supply pipe, accurately on the application plan. The applicant will also be required to provide information on the source type (e.g. well, borehole, spring). This information is necessary to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks.

### Justification

The aim of the policy is to ensure safe water supplies where a private source is to be used.



**Policy EP5****Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

Surface water from development should be dealt with in a sustainable manner that has a neutral or better effect on the risk of flooding, avoids pollution and promotes habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS) and to contribute and enhance existing “blue” and “green” networks while contributing to place making, amenity, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council, Scottish Environment Protection Agency and Scottish Water.

A Drainage Impact Assessment (DIA) will be required for developments of 10 houses or more, industrial uses, and non residential proposals of 500 sq metres and above.

The Council’s Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

**Justification**

Under the Water Environment Controlled Activity (Scotland) Regulations 2011, SUDS are a statutory requirement for almost all development and therefore this needs to be considered during the site design to ensure adequate space will be available. Well designed and maintained, SUDS can reduce diffuse pollution from surface water run-off, free up capacity in water management infrastructure, contribute to green/blue networking thereby supporting River Basin planning. Blue networks are identified to ensure that new development is set back from and planned around watercourses to create networks and corridors to facilitate natural hydrological process, enhance biodiversity and help create a “unique sense of place” on-site. Systems should be designed to comply with the Controlled Activity Regulations (CAR) general binding rules (GBR’s). SUDS also have a role in reducing flood risk and mitigating against the effects of climate change.



**Policy EP6****Waterbodies**

Proposals must be designed to avoid adverse impacts upon water environment and further enhance it. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation, fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

An appropriate sized buffer strip will require to be retained around all water features. These should be designed to link with blue and green networks and can contribute to open space requirements. Developers may be required to make improvements to the water environment as part of the development.

**Justification**

The aim of this policy is to support the protection and enhancement of the water environment in accordance with the Water Framework Directive (WFD) and the North East River Basin Plan. The water environment includes wetlands, rivers, lochs, transitional waters (estuaries), coastal waters (out to 3 nautical miles) and groundwater.

There are a number of works to watercourses and land drainage which fall outwith the General Permitted Development Order including fisheries management, erosion control or flood prevention which can have a significant impact on the management or ecology of watercourses.

These works are controlled under the WFD through the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) and require a holistic approach to be taken in protecting and improving the water environment.



**Policy EP7****Control Of Development in Flood Risk Areas**

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. The following limitations on development will also be applied to take account of the degree of flooding;

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. However, these areas will generally not be suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure has been located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.
- c) In areas of medium to high risk (0.5% or above)
  - In built up areas most development may be acceptable on brownfield sites if flood prevention measures exist, are under construction, or are planned as part of a long term development strategy.
  - Essential civil infrastructure will generally not be permitted.
  - Undeveloped and sparsely developed areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons.

**Justification**

The aim of the policy is to primarily direct development away from areas at risk from flooding in the first instance, and ensure that potential risk from flooding is adequately considered in terms of planning applications. Where impacts are identified they should be satisfactorily mitigated without passing on the problem elsewhere. The Flood Risk Framework in Scottish Planning Policy requires sustainable flood management approaches to be taken forward which will improve bed banks and shores. Such an approach will also contribute to the “protect” and “enhance” objectives of the Water Framework Directive.

This policy specifies limitations on the type of development within potential flood risk areas and seeks to ensure that essential civic infrastructure is not placed at undue risk on the grounds of public safety. The source of information used to determine flood risk areas are the Scottish Environment Protection Agency indicative flood maps which are accessible on the SEPA website.



## Policy EP 8 Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

### Justification

The aim of this policy is to ensure that new developments do not create pollution, which could adversely affect the environment or local amenity. Pollution can take various forms including run off into watercourses, noise pollution, air pollution and light pollution. Furthermore, the policy seeks to regulate the effects of development in terms of pollution and allows the Council to monitor and control development proposals.

The decision as to whether a proposed development is likely to create "significant" pollution and require a detailed assessment report will be made in consultation with the Council's Environmental Health Section, the Scottish Environmental Protection Agency (SEPA) and Scottish Natural Heritage (SNH) and any other relevant regulatory body.

## Policy EP 9 Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

### Justification

This policy aims to encourage proposals for appropriate development on previously used land, while also ensuring that public health and environmental quality are not compromised. Where significant contamination is found to be present, the Council will seek to ensure that appropriate mitigation or remediation measures are implemented prior to, or as part of, the development but the level of remediation can be limited to that required for the purpose of the specific intended use.

## Policy EP10 Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

### Justification

This policy aims to achieve the satisfactory disposal of sewage. The policy encourages new development to connect to the mains system whenever possible but recognises that in some cases this will not prove possible. The policy seeks to ensure that drainage systems can be designed to a standard that can be adopted by Scottish Water and which could be connected to a public system in the future.



## Policy EP11 Hazardous Sites

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

### Justification

Development proposals in proximity to hazardous installations (i.e. pipelines, gas storage compounds and distilleries) may be subject to an element of risk, and consultation with the Health and Safety Executive will confirm this.

## Policy EP 12 Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved

### Justification

The aim of this policy is to protect air quality and seek to direct sensitive development away from areas of poor air quality and thereby protect human health and the natural environment.

## Policy EP13: Ministry Of Defence Safeguarding Areas

Certain categories of development within particular distances from MoD airfields at Lossiemouth and Kinloss require to be subject of consultation with Defence Infrastructure Organisation. This applies to a wide range of development proposals which could have implications for the operation of the airfields and includes aspects such as height of buildings; use of reflective surfaces; refuse tips; nature reserves (and other proposals which might attract birds);

Full details of the consultation zones and development types are held by Moray Council. The outer boundaries of the zones are shown on the Proposals Map.

### Justification

The MoD would wish to ensure that developments in the vicinity of their airfields do not impact upon the safe operation of these facilities, and would wish to comment on all proposals which might fall into this category. In some locations ALL developments will require to be subject to this process.



# Environmental Resources

## Introduction

The Local Development Plan provides policies to ensure the sustainable use of the natural resources of the area including prime agricultural land, woodlands, mineral reserves and to consider opportunities for renewable energy generation. The policies also aim to support the aims of Primary Policy 2 Climate Change through the reduction of carbon emissions in new development.

## Context

In terms of environmental resources, Scottish Planning Policy (SPP) encourages Local Development Plan policies to;

- Protect and enhance areas of woodland which are of high nature conservation and/or landscape character value.
- Reflect the Scottish Government's control of woodland removal policy which includes a presumption in favour of protecting woodland resources.
- Support the development of a diverse range of renewable energy technologies and support all scales of development associated with the generation of energy and heat
- Have regard to the availability, quality, accessibility and requirement for mineral resources.
- Consider the impact of settlement strategy options on prime agriculture land and minimise its loss.
- Require the siting, design and layout of all new development to limit likely greenhouse gas emissions, particularly by limiting resource and energy requirements.

**Policy ER1****Renewable Energy Proposals****Onshore wind turbines**

Proposals for onshore wind turbines will be considered favourably where they are located within an Area of Search and meet the requirements of the Moray Landscape Capacity Study and the Moray Wind Energy Policy Guidance. Spatial frameworks identifying Areas of Search for Large (80m and over), Medium (50-80m) and Small- Medium (35-50m) turbines are included within the Proposals Map.

Proposals outwith an Area of Search will be assessed against the relevant Local Development Plan policies, Landscape Capacity Study, Wind Energy Policy Guidance and other material considerations.

**Biomass**

Proposals for the development of commercial biomass facilities will be supported if the following criteria are met.

- Proposals should confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.
- Proposals can demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering woody biomass proposals the scale and location of new development is appropriate to the volume of local woodfuel available.
- The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network.
- A design statement should be submitted, which should include photomontages from viewpoints agreed by the Council.
- There should be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks should be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant.
- Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat should be provided.
- Where necessary appropriate structural landscaping must be provided to assist the development to integrate sensitively.
- The criteria set out in relation to other renewables should also be met.

The Council will consult with the Forestry Commission Scotland (FCS) to help predict potential woodfuel supply projections in the area.

**Justification**

Renewable energy proposals can be in a variety of forms, including wind, hydro, solar, geothermics and biomass and bring a new technology approach to provision. Moray offers the potential for renewable energy proposals and this policy provides a range of criteria to consider applications against. Proposals for heat and power generation need to be carefully considered to avoid adverse impacts upon the environment.

In terms of wind energy proposals, this policy should be read in conjunction with The Moray Onshore Wind Energy Policy Guidance 2013 and Moray Wind Energy Landscape Capacity Study 2012.

### All Renewable Energy Proposals

Other forms of renewable energy proposals will be considered favourably where they meet the following criteria:

- a) They are compatible with policies to safeguard and enhance the built and natural environment
- b) They do not lead to the permanent loss or permanent damage to, prime agricultural land,
- c) They are compatible with tourism/recreational interest and facilities
- d) They do not result in an unacceptable impact in terms of visual appearance, landscape character, noise, electro magnetic disturbance, watercourse engineering, peat land hydrological impacts, pollution, traffic generation or damage to the local ecology.

## Policy ER2

### Carbon Emission Reductions

All new buildings must include low and zero carbon generating technologies (LZCGT) to offset a proportion of emissions arising from the use of the building. Initially proposals are required to meet a minimum 2% carbon dioxide emission abatement rising to 3% in 2016 and 5% in 2020. Applications will only be exempt from the above targets where developers are able to demonstrate that technical constraints exist.

A statement detailing the technologies proposed and how they achieve the necessary carbon dioxide emission reduction should be submitted with the proposal.

Further guidance on this policy is contained within a Technical Note provided at the end of this policy chapter.

#### Justification

The aim of the policy is to seek the installation and use of low and zero carbon generating technologies in new development. The Government's ambitious targets in terms of carbon dioxide emission reductions and renewable energy generation require a transformation in how energy is produced and used. On site small scale renewable technologies will play an important role in achieving this.

The Climate Change Supplementary Guidance will provide further information in relation to the targets and implementation of this policy.

## Policy ER3 Development in Woodlands

### All woodlands

Development proposals which involve the loss of woodlands will be refused where the development would result in an unacceptable adverse effect on the amenity, landscape, biodiversity or recreational value of the woodland or prejudice the management of the forest.

### Protected Woodlands

There is a presumption against woodland removal within native woodlands, ancient semi natural woodlands and woodlands within sites protected under the terms of policies E1 and E2.

### Tree surveys and new planting

Development proposals must take account of the Council's Trees and Development supplementary planning guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

### Justification:

Woodland removal for the terms of this policy is defined as the permanent removal of woodland for the purposes of conversion to another land use. Woodlands provide a valuable resource in terms of climate change as well as landscape and recreational benefits. Semi natural woodland is an irreplaceable resource and should be protected from development. This policy aims to avoid clear felling of woodlands for development unless the terms of the policy are met.

The Council encourages new woodland planting within development proposals and the connection of woodlands to form a wider green network.

The Forestry Commission Scotland will be consulted on issues arising from proposals in relation to the management of the woodland. Scottish Natural Heritage will be consulted on the biodiversity value of the woodland. The Moray Access Manager and Forestry Commission Scotland will be consulted on the recreational value of the woodland. Scottish Environment Protection Agency will be consulted on issues in relation to potential impacts on water quality under the Water Framework Directive.

## Policy ER4 Safeguarding Mineral Reserves

The Council will safeguard all existing workable mineral reserves/operations from incompatible development which is likely to prejudice it unless;

- There are no alternative sites for development, and
- The extraction of mineral resources will be completed before development commences.

### Justification

This policy aims to ensure that minerals reserves are safeguarded from development that may sterilise them. The availability of construction materials provides jobs and supports the local economy.

The demand for and scarcity of consented reserves for building stone means that reserves should be safeguarded as they are important for the repair of existing buildings and as a new building material.



The Council will support, in principle, mineral extraction in the following circumstances;

- Extension to existing operations/sites,
- Reopening of a dormant quarry,
- A reserve underlying a proposed development where it would be beneficial to extract prior to development.

New minerals sites will only be permitted where it has been demonstrated that existing reserves have been exhausted or are no longer viable and for construction aggregates it has been evidenced that there is less than the minimum 10 year supply available.

Borrow pits will be supported to allow the extraction of minerals near to or on the site of associated development (e.g. wind farm and roads construction, forestry and agriculture) provided it can be demonstrated that the operational, community and environmental benefits of the proposal can be evidenced. These consents will be time limited, tied to the proposal and must be accompanied by full restoration proposals and aftercare.

Taking into account PAN 50 Controlling the Environmental Effects of Surface Minerals Workings sufficient information should be provided to enable a full assessment of the likely effects of the mineral development together with proposals for appropriate control, mitigation and monitoring.

Minerals developments should avoid or satisfactorily mitigate impacts, in determining proposals the Council will give consideration to the following issues;

- Impact on natural heritage and historic environment including landscape and visual impact,
- Disturbance and disruption from noise, blasting vibration, and potential pollution of land, air and water,
- Effect on communities,
- Cumulative impact,
- Transport impacts,
- Restoration and aftercare proposals.

Once a mineral working has ceased the land should be reinstated at the earliest opportunity. Restoration should be designed and implemented to the highest standard and after uses should result in environmental improvement and add to the cultural, recreational or environmental assets of the area. If operators cannot demonstrate that their programme of restoration (including the necessary financing, phasing and aftercare of the sites) is sufficient a financial guarantee may be sought;

Proposals should be accompanied by an Extractive Waste Management plan.

#### Justification

The local availability of construction materials will provide jobs and support the local economy. This policy aims to assist the provision of a supply of raw materials and ensure that there is a minimum 10 year landbank of permitted reserves for construction aggregates. The Council prepared a minerals audit in 2013 in conjunction with the industry and is satisfied that there is in excess of a 10 year supply available.

This policy also seeks to ensure that there are no significant negative impacts on the amenity of local communities, natural heritage and built heritage assets. Extraction will only be permitted where impacts can be adequately controlled or mitigated.

Proper restoration and aftercare provision is essential to ensure land is restored to acceptable levels and protected against any adverse effects of extraction.



## **Policy ER6**   **Agriculture**

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

### **Justification:**

This policy aims to support the agricultural industry by protecting prime agricultural land and supporting suitable diversification proposals. Prime agricultural land is a scarce resource and should be protected for future food production.

Proposals which support the long term viability of farms will be supported where they meet the terms of the relevant economic and environmental policies.

The visual, landscape and amenity impact of farm buildings and associated activities can be significant and need to be considered in the same manner as other development proposals in the countryside.

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Developers should assess the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any planning application.

Major developments, minerals and large scale renewable energy proposals on undisturbed areas of deep peat (defined as 1.5m or more) will only be permitted for these uses where:

- a) the economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment; and
- b) it has been clearly demonstrated that there is no viable alternative.

Where development on undisturbed peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, degradation or erosion of peat is avoided.

Large scale commercial peat extraction will not be permitted.

#### Justification

The disturbance of some soils, particularly peat, may lead to the release of stored carbon, contributing to greenhouse gas emissions. The aim of this policy is to ensure that where peat and other carbon rich soils are present the likely effects associated with the development are assessed and appropriately managed.



## Policy ER2 – Technical Note

The purpose of this technical note is to clarify how Policy ER2 – Carbon Emission Reductions will be implemented and the proposals it will apply to.

### 1. Introduction

The Climate Change (Scotland) Act 2009 introduced clause 3F into the Town and Country Planning (Scotland) Act 1997. This placed an obligation on local authorities to set out policies within their development plans to avoid a specified and rising proportion of greenhouse gases through the use of low and zero carbon generating technologies (LZCGT)

In order to comply with the above legislation the Moray Local Development Plan includes Policy ER2 – Carbon Emission Reductions.

### Policy ER2 – Carbon Emission Reductions

New buildings should include low and zero carbon generating technologies (LZCGT) to offset a proportion of emissions arising from the use of the building. Initially proposals are required to meet a minimum 2% carbon dioxide emission reduction rising to 3% in 2016 and 5% in 2020. Applications will only be exempt from the above targets where developers are able to demonstrate that technical constraints exist.

A statement detailing the technologies proposed and how they achieve the necessary carbon dioxide emission reduction should be submitted with the proposal.

### 2. What are Low and Zero Carbon Generating Technologies?

Low and zero carbon equipment comprise a broad range of technologies.

Table 1 – LZCGT – Common Examples

<b>Biomass</b> - utilises chipped or pelleted wood to provide heat.	<b>Geothermal</b> - heat from the earth.
<b>Fuel cells</b> – converts chemical energy from fuel into electricity. Hydrogen is the most common fuel.	<b>Ground source heat pumps</b>
<b>Photovoltaics</b> - panels convert solar radiation into electricity.	<b>Water source heat pumps</b>
<b>Micro-hydro</b> - production of electricity through the use of gravitational force of falling or flowing water.	<b>Air source heat pumps</b>
<b>Micro-wind</b> - converts wind energy through turbines to create electricity.	Utilise heat from earth, water and air that is transferred via pipes to buildings.
<b>Solar Power</b> – harvesting solar energy through collection plates and evacuated tubes to heat water.	<b>Combined heat and power (CHP)</b> - technology that combines heat and electricity simultaneously.
	<b>Heat exchange recovery systems</b> - reuses waste heat.

### 3. Energy Statement

Proposals should be accompanied by an energy statement demonstrating how the equipment will be used in the proposed development satisfies the requirements of Policy ER2 – Carbon Emission Reductions.

The installation of LZCGT will impact on the design of a development and should therefore be considered at an early stage. The equipment may be attached to the building or within the site boundary as shown on the planning application. This allows for the equipment to benefit more than one building and be sited to maximise energy gain. For developments of 10 or more houses, and non residential developments in excess of 500 sq m, the installation of renewable technologies should be considered in the wider context of compliance with Policy PP2 –Climate Change and the accompanying Climate Change SG.

Software programs have been developed which predict the energy performance of buildings and assess compliance with the Building Regulations. These programs can be used by building designers to prepare material that demonstrate carbon dioxide emission reductions to support planning applications (see section on compliance and self certification).

The statement should include the following;

- Details of proposed LZCGT to be incorporated into the development including their location.
- Calculations demonstrating compliance with policy ER2 using the Standard Assessment Procedure Energy Rating (SAP) for dwellings and the Simplified Building Energy Model (SBEM) for all other developments.

### 4. Relationship between Building Regulations and Policy ER2

Policy ER2 is being implemented to tie into the existing Building Regulations and anticipated changes to the Regulations. The table below sets out a specified and rising target that is related to the sustainability labelling contained within the Building Regulations. The required % reduction through the use of LZCGT is highlighted in bold. This is an additional requirement above the Building Regulations which does not explicitly state a percentage reduction through the use of LZCGT.



Table 2 – Emission Reduction Targets

Year	Domestic Buildings	Non Domestic Buildings
2014	Achievement of Bronze Active. <b>New buildings should include a minimum 2% carbon dioxide emissions reduction through the use of LZCGT</b>	Bronze Active This is the baseline for sustainability achieved meeting the Building Standards. <b>A minimum 2% carbon dioxide emissions abatement through the use of LZCGT</b>
2016	Achievement of Silver Active. <b>New buildings should include a minimum 3% carbon dioxide emissions reduction through the use of LZCGT</b>	Silver Active Carbon dioxide emissions equivalent to a 50% improvement on the 2007 standards. <b>A minimum 3% of this emissions improvement should come from the use of LZCGT</b>
2020	Achievement of Gold <b>New buildings should include a minimum 5% carbon dioxide emissions reduction through the use of LZCGT</b>	Gold Carbon dioxide emissions equivalent to a 75% improvement on the 2007 standards. <b>A minimum 5% of this emissions improvement should come from the use of LZCGT</b>
2022	Platinum Carbon dioxide emissions equivalent to a 100% improvement on 2007 standards, including a <b>minimum 6% carbon dioxide abatement</b> through the use of LZCGT	

## 5. Compliance and Self Certification

In all cases it is the responsibility of the applicant to ensure that the requirements of both the Building Standards and Policy ER2 are satisfied. As stated above software programs are available to calculate emission reduction. These calculations should be provided at the time of submitting any planning application and should be undertaken by an experienced and suitably qualified person certifying that the specified emission reduction has been achieved.

**Proposals that do not demonstrate compliance with Policy ER2 – Carbon Emission Reductions may be REFUSED planning permission.**

## 6. Exemptions

In line with the Building Regulations there are certain types of development this policy does not apply to:

- alterations and extensions to buildings
- conversions of buildings
- buildings that are ancillary to a dwelling that are stand-alone having an area less than 50 square metres
- buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection
- buildings intended to have a life not exceeding 5 Years
- conservatories.

## 7. Technical Constraints

It will be exceptional to find situations where all types of low and zero-carbon generating equipment are technically constrained on a site. Financial considerations do not constitute a technical constraint.

The following section provides examples of potential constraints to the installation of various technologies. It will not be acceptable to merely state constraints. Developers are expected to provide full justification to evidence that it was not possible to install any of the technologies identified in table 1.

- Areas where the supply of natural energy sources may be obstructed by another building or structure (e.g. over-shadowing or wind-screening).
- Areas where space is limited for: storage (e.g. for wood pellets); transport/delivery of fuel; or space for pipes.
- Locations which restrict particular emissions (e.g. air quality management areas).
- Locations with an unsuitable type of ground or building for the location of the equipment.
- Buildings with limited roof/wall areas or angles suitable for the equipment.

## 8. Carbon Offsetting

Provision of equivalent carbon savings elsewhere may be sought as a developer obligation where the Council agrees that there are technical constraints on site.

## 9. Planning Permission in Principle

Conditions will be attached to Planning Permission in Principle (PPP) approvals that will require further details of the measures to be used to achieve the emission targets to be submitted.



# Transportation & Accessibility

## Introduction

Local Plans contain transport policies for the following reasons:

- To support the reduction of emissions from transport sources.
- To promote sustainable transport by providing infrastructure for public transport, cycling and walking and through appropriate traffic management.
- To ensure new developments are best located so that they are accessible by walking, cycling, and public transport.
- To maintain the safe and efficient movement of traffic
- To enhance wider accessibility by improving road links, promoting rail freight and diversifying the role of Moray's harbours.
- To provide adequate car parking for residents, customers and visitors.
- To safeguard the cycle network, long distance walking routes, active travel routes, core paths and other access routes from adverse impacts and where possible enhance these through the development management process.

The approach to transport therefore seeks to provide the context for economic and sound development whilst at the same time providing opportunities for sustainable travel.

## Context

Scottish Planning Policy (SPP) seeks to support a pattern of development which reduces the need to travel, facilitates travel by public transport, facilitates freight movement by rail or water, and provides safe and convenient opportunities for walking and cycling. SPP provides guidance on maintaining safe and efficient movement of strategic long distance traffic on the strategic road network. It also supports the provision of roadside facilities and provides guidance on the provision of freight facilities, ports and airports.

Designing Streets is the Scottish Government policy statement on street design and marks a change of emphasis towards place-making and away from a system focused on the dominance of cars. Designing Streets does not support a standards-based approach to street design but requires a design led approach which takes account of site specific requirements. The street design guidance set out in Designing Streets can be a material consideration in determining planning applications. Street Design should meet the six qualities of successful places

- Street design should respond to local context to deliver **distinctive** places.
- Streets should be designed to be **safe and pleasant** places.
- Streets should be **easy to move around** for all users and connect well to existing movement networks.
- Street layout and detail should encourage positive interaction and be **welcoming** for all members of the community.
- Street design should be **adaptable** to accommodate future change.
- Street design should be **resource efficient** and consider orientation, integration of sustainable drainage and use attractive durable materials that can be easily maintained.

The Council has also developed its second Local Transport Strategy that aims to improve connections and accessibility and provide a safe, integrated, reliable and affordable transport system which is inclusive and supports economic development and the needs of local communities whilst safeguarding the environment.

The Transport Strategy stresses the difficulties faced by Moray on account of its peripheral and rural situation. This means that there will be a continuing emphasis on road transport and providing necessary infrastructure whilst also promoting opportunities for public transport, cycling and walking.

The Plan therefore requires to provide the landuse context for the promotion of the transport strategy. This should also address the need to provide more development opportunities that make best use of current transport provision.

The Moray Core Paths Plan, adopted in 2011, provides a framework of “key” paths providing reasonable access throughout Moray for visitors and locals. Through the Local Development Plan core paths and other important routes and access rights are protected. The Moray Core Paths Plan will be subject to review during the currency of the Local Development Plan.

**Policy T1****Transport Infrastructure Improvements**

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a. dualling the A96 Aberdeen to Inverness route with early delivery of bypasses for settlements prioritised.
- b. improving the A95 (Keith to Grantown) route.
- c. Improving A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes.
- d. improving the Aberdeen to Inverness railway for passengers and freight by providing route and service enhancement.
- e. improving harbour facilities for freight and leisure including the diversification of the commercial harbour at Buckie for offshore renewables.
- f. improving access to air facilities, at Aberdeen and Inverness, in particular through public transport, and the establishment of a railway station at Dalcross.
- g. improving the transport network within Elgin where there is evidence of positive economic benefits including release of sites designated in the local development plan.

Proposals that compromise the implementation of these priorities will not be acceptable.

**Justification**

Moray's peripheral and rural location within the UK and Europe puts great emphasis on the need to improve transport infrastructure for improved accessibility to services and markets.

The emphasis is on the improvement of the key road links that serve the vast majority of Moray's current requirements for transport. The Scottish Government has announced dualling of the A9 and A96 by 2030. Moray Council welcomes this announcement and will collaborate with Transport Scotland and others to ensure early delivery of key sections of the A96 trunk road within Moray. It will also be important to ensure that in tandem with dualling of the A9 improvements to the A95 are brought forward to improve links to this important artery south. In addition, efforts should be made to improve the rail links within Moray. Transport Scotland and Network Rail have identified improvements as part of the Strategic Transport Projects Review and Scotland Route Utilisation Strategy. Moray Council welcomes proposed rail improvements and will safeguard and support improvements by these agencies. Support is also given to improving and diversifying the area's harbours, and improving access to the airports in Aberdeen and Inverness.

Improvements to the strategic transport infrastructure in Moray are anticipated through various studies, strategies and projects being developed by Hitrans; Transport Scotland; Network Rail and others.



## POLICY T2 PROVISION OF ACCESS

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to ensure the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

### Justification

Policy supports the creation of sustainable communities accessible by a range of transport modes including viable alternatives to private vehicles. Pedestrian movement and cycling and public transport routes will be a priority. At the early design stages consideration should be given to the likely desire routes (public transport, schools, and facilities) which shall inform the layout and design of the development. Inclusion of aspirational core paths and active travel audit proposals will provide new links that have a focus on facilitating active travel and sustainable transport helping to maximise new development's accessibility and connections to existing networks and facilities.

The street design guidance within Designing Streets can be used as a material consideration in determining applications. Proposals must incorporate the principles of "Designing Streets" and the Councils supplementary guidance "People and Places – A design Guide for Moray". Consideration should also be given to any active travel audits in place. For smaller developments in the countryside the Councils guidance "Transportation Requirements in Small Developments in Rural Parts of Moray" should be considered. The Planning Authority will be realistic about the likely availability of public transport services in rural areas. Innovative solutions such as demand responsive public transport and small scale park and ride facilities at nodes on bus corridors are encouraged to reduce travel demands by private vehicles.

It is important to ensure that new development is served by appropriate infrastructure. The access arrangements should be suitable to the proposed development and ensure that there are adequate safety provisions and provision for public transport, cycling and pedestrians. Road access design should be carefully designed to fit in with the surrounding landscape and environment. Where the access to a site is unmade or a private track it may require to be surfaced to a suitable standard and require the

Significant travel generating proposals will be only supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

provision of passing places or be widened accordingly.

Sufficient information must be provided with planning applications to enable a reasoned decision to be made in assessing transport impact of new development.

### **POLICY T3**

### **ROADSIDE FACILITIES**

The Council will approve applications for roadside facilities if there is a specific locational need; no adverse impact on the built and natural environment that cannot be satisfactorily mitigated; and where appropriate access, parking and safety standards can be met.

#### **Justification**

Roadside service facilities ranging from comprehensive service areas to lay-bys, provide an important safety feature particularly for long distance travellers. They can also provide an input into the local economy. Therefore where environmental access, parking and safety issues can be satisfactorily resolved there should be a positive approach to their provision.

**POLICY T4****SAFEGUARDING BUS, RAIL AND HARBOUR FACILITIES**

The Council will promote the improvement of bus, rail and harbour services and facilities within Moray. Development proposals that may compromise the viability of these facilities will not be acceptable.

Diversification of commercial harbours for freight and as operations and maintenance base for offshore renewable will be encouraged. Harbours are identified within settlement statements along with the uses that will be supported.

**Justification**

The vision for Moray includes to have good efficient transport links to the rest of the country and to reduce the number of journeys made by car. Therefore, it is appropriate to safeguard existing railway and bus stations, rail freight facilities and harbours from development that may compromise their viability.

Notwithstanding the above there are likely to be opportunities, particularly related to the area's commercial and leisure harbours, where more diversified development would be acceptable.

**POLICY T5****PARKING STANDARDS**

Proposals for development must conform with the Council's current policy on parking standards.

**Justification**

The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.



**POLICY T6****TRAFFIC MANAGEMENT**

There is a presumption against new accesses onto a trunk road, and Transport Scotland will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

There will also be a presumption against new direct access onto other main/key routes (the A941 and A98). Moray Council will consider the case for such junctions where significant regional economic growth benefits can be demonstrated. Consideration will be given to the traffic impact, appropriate road design and traffic management requirements.

**Justification**

Scottish Planning Policy details that new junctions onto the trunk road network will normally not be acceptable, but the case for such junctions will be considered where nationally significant economic growth or where regeneration benefits can be demonstrated. There is a national road classification system that aids the efficient management of the road network. Within Moray the A95 and A96 are classed as trunk roads and the A941 and A98 are classed as strategic routes. The road classification and vehicle speeds will be used to assist the assessment of planning applications, in particular to ensure the safety and free flow of traffic on the public road and for the consideration of the appropriate road design and traffic management requirements. The roads classification will be used when considering appropriate traffic management options/scheme to optimise the performance of specific roads.



## POLICY T7

### SAFEGUARDING AND PROMOTION OF WALKING, CYCLING, AND EQUESTRIAN NETWORKS

The Council will promote the improvement of the walking, cycling, and equestrian networks within Moray. Priority will be given to the paths network including Core Paths and the wider Moray Paths Network and to long distance routes including the Aberdeen to Inverness National Cycle Route and the Speyside Way,

Development proposals that would have an unacceptable impact on access rights, core paths, rights of way, long distance routes and other access routes that cannot be adequately mitigated will not be permitted. Where a proposal will affect any of these, proposals must:

- incorporate the route within the site layout and the routes amenity value must be maintained or enhanced; or
- provide alternative access that is no less attractive and is safe and convenient for the public to use.

#### Justification

The encouragement of cycling and walking both for work and leisure is a national and local priority. There are clear benefits in terms of overall sustainability through a reduction in the use of fuel and in the improvement of the health of the area's population.

Where appropriate the Council will promote and seek improvement to the linkages to the paths network and to the accessibility of the paths network.

Support will be given to proposals which seek to improve the accessibility of the paths network and proposal that improve the network by creating new or improved linkages.

The aim of this policy is to ensure that existing public access is protected and future development does not restrict future opportunities for the extension of the public access network.

Under the Land Reform (Scotland) Act 2003 statutory access rights apply to most land and inland water in Scotland. People only have these rights if they exercise them responsibly by respecting people's privacy, safety and livelihoods, and Scotland's environment. The Council has a legal duty to assert and protect any route, waterway or other means by which access rights may be reasonably exercised. A duty also placed on Local Authorities under the Land Reform (Scotland) Act 2003 is to prepare a Core Paths Plan. The Moray Core Paths Plan was adopted in 2011 and provides a framework of "key" paths for both visitors and locals providing reasonable access throughout Moray.

Planning authorities should consider access issues and should protect core and other important routes and access rights when making decisions on applications.





# Retail and Commercial Development

## Introduction

Local Development Plans contain policies on retail and commercial development for the following reasons

- To ensure town centres continue to be the focus for retail, commercial and residential development, and as centres for social, community and tourism activity.
- To protect the vitality and viability of town centres
- To ensure a diverse range and quality of shopping
- To support the most appropriate scale of development in the most appropriate locations
- To support investment to maintain and improve town centres

The approach to retail and commercial development will therefore help provide opportunities for retail development in the most appropriate locations whilst maintaining the vitality and viability of town centres.

## Context

Retail and commercial development contributes significantly to the Moray economy and also plays an important role in sustaining the vitality and viability of town centres and the communities they serve. Town centres also act as centres of employment and services and as a focus for civic and community activity as well as for retail and leisure. Approximately 71% of the total available expenditure in Moray is spent in shops in the area.

The national policy context is set by Scottish Planning Policy (SPP). This recognises the importance of town centres and promotes town centres as the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities as well as homes and businesses. SPP supports the identification of a network of centres for retail, and the use of policies to encourage the most appropriate scale of development within the centres identified in the network. Development plans must ensure a sequential approach to site selection is taken for retail, and commercial leisure proposals, whereby town centre locations are considered first. Scottish Planning Policy only supports out of centre locations where there will be no significantly adverse impact on the vitality and viability of existing centres.

The National Review of Town Centres reported back to the Scottish Government in June 2013. The External Advisory Group Report set out key actions and recommendations. The key principle running through this is the need to implement a “Town Centre First Policy” and a key action is identified as extending the town centre first presumption for retail development to all footfall generating uses including leisure, office, public facilities and homes.

The Town Centre First approach was also brought out in the Elgin City for the Future project which recognises Elgin High Street as the most important economic space in the region and positioned the health of Elgin town centre at the core of the Elgin City for the Future strategy. The strategy sets out various actions under the platform “Elgin High Street First” and the actions focus on improving transport infrastructure and connectivity and developing the critical mass and attractiveness of Elgin town centre. These actions have now been merged in a unified Action Plan within the Moray Economic Strategy. The settlement statement for Elgin includes a strategy for Elgin town centre and retailing.

## POLICY R1 TOWN CENTRE DEVELOPMENT

With the exception of those uses covered by Policy R3 all retail developments and other uses generating significant footfall such as leisure or public buildings should be located within Town Centres, as indicated on the respective settlement statements.

Within the Core Retail Areas, identified on settlement plans, approval will not be given to proposals for non-retail uses at frontage on ground level unless it is for a financial, professional or other services (as defined by use Class 2) or a restaurant or cafe (as defined by use Class 3) that can demonstrate a requirement to provide a frontage principally for visiting members of the public.

Outwith the Core Retail Area proposals that contribute to creating a mix of uses in the town centre, including retail, commercial, leisure, entertainment, recreation, tourism, residential, cultural facilities and community facilities, will be supported subject to the criteria below.

Within town centres all proposals must satisfy the following provisions:

- a) Proposals must be appropriate to the role, scale and function of the centre (as described in Table 1 "Retail Centres and Roles").
- b) Sensitive design solutions must be applied to proposals to respect the character, scale and amenity of the town centre. Particular care should be taken with proposals within or adjacent to designated conservation areas, or on high visibility landmark sites on main routes.
- c) Adequate servicing and infrastructure must be available including road capacity, public transport, pedestrian links and car and cycling provision, where appropriate identified through a Transport Assessment; sewage links; provision for water run-off and sustainable urban drainage systems (SUDS); and, provision to deal with any flood implications.
- d) Rear service access to existing shops and commercial activities is preserved or an adequate alternative is to be provided.
- e) Lanes or closes off the main shopping streets will be preserved or an adequate alternative is to be provided
- f) Parking should be provided in accordance with the prevailing Moray Council Standards.

### JUSTIFICATION:

The primary policy intention is to promote the continued use of town centres for a diverse mix of uses including retail, commercial and residential development, and as centres for social, community and tourism activity. Retail and commercial development is generally supported if it is shown that design is sensitive to location and that adequate servicing and infrastructure is available.

It is important to maintain and encourage the use of town centres for retail and commercial use. This function will be assisted by retaining core areas primarily for retail and commercial services and by ensuring that rear service access is maintained.

Lanes and closes perform important functions related to accessibility to town centres and also in retaining an essential character that adds to the retail and commercial function.

The parking standards approved by the Economic Development and Infrastructure Committee in May 2011 include "zero parking" provision for specific types and scale of development in defined town centres. The prevailing Parking Standards should be referred to for further details.

Pedestrianisation has been successfully implemented in Elgin, and opportunities for general improvements both in Elgin and elsewhere will add to the overall vitality and viability of the town centres. Public open spaces in town centres are important to allow features such as farmers' markets to operate, making significant contribution to the vitality of the centre.

Creating activity within town centres is important in terms of vitality and viability, and this will be enhanced by encouraging the use of upper floors for residential use.

The conversion of upper floors to residential use will be encouraged where there are no adverse impacts from surrounding uses, in terms of amenity or noise.

Improvement to the shopping and leisure environment, including pedestrianisation, will normally be permitted if there is no unacceptable impact on the overall commercial viability of the area.

Proposals for new retail development within defined town centres will not have to be accompanied by a retail impact statement unless the proposal extends outwith the Town Centre boundary.





**POLICY R2****OUT OF CENTRE DEVELOPMENT OF RETAIL, COMMERCIAL AND LEISURE PROPOSALS**

Outwith town centres retail development proposals (including extensions) and other uses generating significant footfall such as leisure or public buildings, must:

- a) comply with the sequential approach which requires that locations for new development be considered in the following order of preference
  - Principal and Other Town Centre Sites;
  - Edge of Town Centre Sites;
  - Other Commercial Centres identified within the Table 1 “Retail Centres and Roles”;
  - Derelict or vacant land in out of centre locations that are or can be made easily accessible by pedestrians and a choice of modes of transport;
  - Out of centre sites in locations which are, or can be made, easily accessible by pedestrians and a choice of modes of transport,
- b) demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, this being demonstrated where appropriate, by a Retail Impact Assessment,
- c) meet any requirements for linking development to existing infrastructure including roads access, parking, as demonstrated by a Transport Assessment, sewerage, water run-off and Sustainable Urban Drainage Systems (SUDS),
- d) provide specific opportunities for access by public transport, pedestrians, cyclists and the disabled, and
- e) contribute positively to the built environment of the area by having a high standard of design.

Proposals outwith settlement boundaries will not be acceptable, with the exception of specialist retailing associated with tourism which should be considered against Policy R3 and roadside facilities which should be considered against Policy T3. Small shops intended to meet the convenience needs of a local neighbourhood should be considered against Policy R3.

**JUSTIFICATION**

The focus for retail and commercial development and leisure, community and tourism facilities is town centres. Other opportunities will only be considered if a sequential assessment demonstrates that no suitable and viable sites (existing or available within a reasonable period of time - 5 years) are available within the town centre. This assessment requires to be submitted by developers along with the planning application and must demonstrate that all potential town centre options have been thoroughly assessed before less central sites have been considered. Applicants must demonstrate rigour in their search of alternative sites for retail proposals, by an early and systematic assessment of sites. The Council will aim to work with relevant stakeholders to identify sequentially suitable and viable sites with regard to the guidance set out in SPP. It is recognised that the application of the sequential approach requires flexibility and realism by all parties.

Developers must also demonstrate that their proposals have no more than a minor adverse impact on the vitality and viability of the existing centres through consideration of wide range of indicators, including expenditure flows.

For the purposes of the sequential approach, those sites identified as Commercial Centre in Table 1 and as ‘CC’ on the settlement maps are considered to be appropriate sequentially preferable locations for developments which cannot be accommodated within town centres or on the edge of town centre.

Retail and commercial developments are often large and conspicuous elements of the townscape. In all cases the highest design standards are to be expected.

Development proposals outwith settlement boundaries are considered to have a detrimental impact on town centres and are not supported.

Retail uses are not principally employment uses, and allocation of land for employment/business does not imply it will be acceptable as a retail development site.



**Table 1 “Retail Centres and Roles”**

This table provides guidance on the retail centres in towns across Moray and on the nature of development that is supported within these centres.

<b>Centre Type /Role</b>	<b>Policy Approach New Development</b>	<b>Principle for sequential approach</b>	<b>Centre</b>
Principal Town Centre	Diverse mix of uses and largest retail offer. Focus also for leisure, entertainment, recreation and cultural and community activities.	Presumption in favour of all retail developments. Preferred location for retail development, leisure, entertainment, cultural and community activities particularly with a regional market/catchment.	Elgin
Other Town Centres	Local retail provision. Wide range of uses, including specialist independent convenience and comparison retailer and other local services.	Preferred location for retail development where the market/ catchment is the town or area but not regional	Buckie, Forres, Keith
Local Centres	Local retail provision serving local resident population and some passing trade	Preferred location for convenience shops where the market is the town or hinterland	Aberlour, Dufftown, Fochabers, Lossiemouth, Rothes.
Commercial Centres (CC on settlement map)	Bulky goods, comparison, and convenience.	Preferred location for bulky goods and comparison outlets if town centre and edge of centre sites are not available.	Edgar Road, Elgin

**POLICY R3****NEIGHBOURHOOD AND LOCAL SHOPS,  
ANCILLARY RETAILING, AND RECREATION OR  
TOURIST RELATED RETAILING**

Proposals for Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing will generally be acceptable in the following circumstances:

- a) small shops which are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary
- b) ancillary retail operations to an industrial or commercial business. In this case ancillary is defined as up to 10% of total gross floorspace of the business, and up to 1000 square metres gross total of retail floorspace, where the retail operation is directly linked to the industrial or commercial production and where the goods are produced on the same premises.
- c) farms or farm buildings for the retailing of farm produce, or,
- d) specialist retailing associated with an existing or proposed recreation or tourist development and where the scale and function of the proposal is appropriate to the character of the area.

These types of retailing are exempt from the sequential assessment requirement but may, when requested by the Planning Authority, be required to demonstrate that they will not have an adverse effect on the vitality and viability of the identified network of centres.

In all cases, satisfactory provision must be made to ensure that the environment is not compromised and that there is appropriate access and parking, and other service provision.

**JUSTIFICATION:**

Provision for a local or neighbourhood shop contributes to the overall sustainability of an area and reduces the need to travel to shopping centres for day to day requirements.

The plan seeks to encourage local business and this may be achieved by enabling direct sales to the public through ancillary retail operations. Similarly, farm shops can help broaden the rural economy and provide opportunities for diversification.

Specialist retailing must be linked to a tourist or recreational facility. Specialist retailing that is not linked to a tourist or recreational facility will be assessed against Policy R1 or R2.



# Implementation

## Introduction

The purpose of these implementation policies is to

- Summarise the key aspects of development proposals which will require to be observed through the planning application process.
- Advise on circumstances where potential impacts such as transport; flooding; drainage; environment; habitat; retail; may require additional information to be provided.
- Provide an explanation of when financial contributions will be expected from developers, in order to mitigate any impact on public facilities or infrastructure.

The consistent implementation of Planning Policy should achieve high quality, well designed and appropriately serviced development in urban and rural areas.

## Context

National policy guidance promotes a low carbon economy, with a strong emphasis on placemaking; connectivity and environmental enhancement. These objectives should be delivered through the implementation of Planning Policy and the delivery of developments which support this vision. The main policy requirements are stated elsewhere, and what follows is a collective summary of their intent

## Policy IMP1 Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood protection measures.
- j) Do not involve any aspects which would involve pollution, including groundwater contamination.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- m) Make acceptable arrangements for waste management.

### Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

## Policy IMP2 Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental effects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal

### Justification

Where a development may have potentially significant environmental, transport or retail impacts on surrounding areas, it will be appropriate to ask the applicant to undertake formal assessments, so that the impacts can be quantified and appropriate mitigations identified.



### Policy IMP3 Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will produce Supplementary Guidance to explain how this approach will be implemented, and what facilities and infrastructure for which mitigation is likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

#### Justification

It is reasonable to expect developers to contribute towards the mitigation of any impacts on infrastructure or facilities that emanate from their development. Sometimes it is acceptable for both the developer and the Council, if the appropriate contribution is made by way of a commuted payment.

Guidance on the use of planning agreements to secure developer contributions is contained in Circular 3/2012 on Planning Obligations. A number of tests should be made

- Be necessary to make the proposed development acceptable in Planning terms
- Serve a planning purpose, and relate to development plans
- Be related in scale and kind to the development
- Be reasonable

### Policy IMP4 Development Plan Monitoring

The Council will work in partnership with agencies and organisations to implement the provisions of the Development Plan. An Action Programme has been produced detailing the Plan's policies and proposals; who is to carry them out; the timescale for doing so. The Action Programme will be monitored at least every 2 years.

Annually the Council will carry out a Housing Land Audit, and an Employment Land Audit, to monitor the take up and remaining availability of land for development. Every 2 years a Town Centre Health Check will be done.

#### Justification

The Plan can only be successfully implemented if it receives support from the development industry and a wide range of organisations and agencies.

Regular Monitoring of Development Plan matters will allow assessment to be made on the performance and progress of the Plan, and to advise on matters that require to be addressed at the next Review.